**Addendum to Disciplinary Procedure and to the Professional/Statutory Registration Policy and Procedures for Monitoring Registered Staff**

The Trust’s Professional/Statutory Registration Policy and the Procedures for the monitoring of registered staff set out the requirements and processes for all staff who are legally required to maintain their professional registration.

The professional registration bodies exist to safeguard the health and wellbeing of the public, and to provide assurance to patients and employers that all professionally registered staff are properly qualified and competent to work in the United Kingdom.

This registration must be maintained and renewed when instructed by the relevant professional body.

**Practitioner Responsibility**

It is the professional responsibility of the member of staff to ensure that they have current and valid registration with their professional body that allows them to practice as a registered practitioner, and any registrant that allows their registration to lapse will be required to make an application for readmission to regain access to the register. Failure to maintain required registration will result in a suspension of pay and suspension from duty, pending reinstatement of registration. Failure to take the appropriate steps within a reasonable timeframe to re-register may result in a disciplinary sanction.

**Registration Lapse and/or Failure to Revalidate**

Whilst failure to maintain registration and/or revalidate is a conduct issue and may lead to formal disciplinary action, in the first instance, the Trust would wish to support the member of staff to re-register as quickly as possible and to minimise the time that the member of staff is out of the workplace.

Where it can be demonstrated that the failure to register was due to system or administrative failure by the professional body, the Trust will not take formal action however, the employee will be suspended from duty without pay until their registration has been reinstated.

All other lapses in registration will be addressed via this addendum with a possible pre-determined disciplinary sanction which will be issued by letter without the requirement to investigate in the first instance. If members of staff repeatedly fail to comply with the legal requirement to maintain statutory registration and/or revalidate, there may be a requirement for an investigation to take place in line with the disciplinary process.

The table below sets out the actions which need to be taken once a registration has lapsed and any subsequent potential disciplinary sanctions which may apply.

|  |  |  |  |
| --- | --- | --- | --- |
| Lapse in Registration or Failure to Revalidate Identified | Actions Required by member of staff | Actions Required by Manager | Failure to comply with the agreed actions to re-register |
| First breach, failure to register and/or revalidate | Member of staff will be required to contact the professional body immediately to commence the process for readmission to the register.Member of staff will inform the line manager as soon as they have been reinstated onto the register and will provide evidence of this.Should they undertake a reflective piece at this point ? | Line Manager will meet with the member of staff to discuss the lapse or failure to revalidate and establish the reasons for the lapse.Member of staff will be suspended from duty without pay and a letter detailing the discussion and agreed actions to re-register/ revalidate will be sent.This letter will be retained on the personal file and may be referred to if there are further issues.Line Manager will arrange follow up meeting to check compliance against agreed actions and status of professional registration.Line Manager will complete an HR2 or ESR 2 form to inform payroll to suspend pay. When confirmation is received that the member of staff has been reinstated onto the register the line manager will confirm return to work arrangements and for pay to be reinstated at the point the registration was renewed | In the first instance, the member of staff will be given a reasonable timeframe in which they must take proactive steps to reinstate their registration.If the member of staff fails to re-register/ revalidate within the agreed timeframes, without a justified reason, the ADN or equivalent level manager will subject to the member of staff’s explanation and following advice from HR, choose to issue a First Written Warning as described in the Disciplinary Procedure.The letter will set out the requirement for the member of staff to renew their professional registration within a set time period. The letter will be retained on the personal file for 12 months. |
| Second breach or failure to maintain registration and / or to renew registration through revalidation within 12 months of the First Written Warning and / or failure to comply with the agreed actions  | The member of staff will be required to complete a formal statement explaining reasons for their failure to register and/or revalidate and/ or follow the agreed actions within the timeframes given.The member of staff will be required to set out the steps they will take to ensure their registration and or/ revalidation is renewed at the earliest.The statement must be completed as soon as possible and reviewed by the Associate Director of Nursing (ADN) or equivalent level manager, and HR Manager. Member of staff will inform the Line Manager as soon as they have been reinstated onto the register and will provide evidence of this. | The Line Manager must ensure that the member of staff remains on suspension without pay until evidence of registration being reinstated has been obtained.Line Manager will ask the member of staff to complete a reflective statement and maintain regular contact with them, reviewing professional registration status and compliance against the agreed requirements to reinstate registration. | Following discussion with the member of staff and having taken account of their statement and advice from HR, the ADN, or equivalent level manager, may choose to issue a Final Written Warning. as described in the Disciplinary Procedure The letter will set out the requirement for the employee to renew their professional registration within a set time period. The letter will be retained on the personal file for 18 months. |
| Repeated failure to maintain registration and / or to renew registration through revalidation within 18 months of the Final Written Warning and / or failure to comply with the agreed actions | The member of staff will be required to set out the steps they will take to ensure their registration and or/ revalidation is renewed at the earliest opportunity.Member of staff will inform the Line Manager as soon as they have been reinstated onto the register and will provide evidence of this.The member of staff will be required to comply with the formal Disciplinary investigation process. | The Line Manager must ensure that the member of staff remains on suspension without pay until evidence of registration being reinstated has been obtained.Line Manager will ask the member of staff to complete a reflective statement and maintain regular contact with them, reviewing professional registration status and compliance against the agreed requirements to reinstate registration. | The case will be referred for formal investigation under the Trust’s Disciplinary Procedure for repeated failure to comply with the Professional /Statutory Registration Policy. |

The member of staff will have the right to appeal against the following sanctions:

* **Appeal against first written warning**

This will be a desktop review by a Senior Manager supported by a HR representative. Evidence considered as part of the issuing of the sanction will be considered, along with any written submission by the member of staff. If during the review the Senior Manager and HR representative determine that further clarification or documentation is required from the member of staff, they have the discretion to seek this either in writing or through a meeting; should a meeting be required, the member of staff will have the right to be accompanied by a work colleague or trade union representative.

* **Appeal against final written warning and dismissal**

This will be conducted in accordance with the appeals process set out in the Trust’s Disciplinary Procedure.

An appeal against any level of sanction must be made in writing within 14 calendar days of the date of the sanction having been issued. Appeals received after the 14-day time period will not be heard unless there is good reason for the appeal being submitted out of time. At the time of lodging an appeal, the member of staff must clearly state the grounds for their appeal.

Any appeals must be submitted in writing and emailed to: hrappeals@uhb.nhs.uk.

**Professional Registration Lapse**

**Process**

Employee to provide written statement to the ADN outlining reasons why they have failed to comply with the requirements within the given timeframe and/ or failed to reinstate their registration.

Subject to explanation and following advice from HR, ADN or equivalent level manager may choose to issue a Final Written Warning and set out new requirements to reinstate registration

Yes

No

No

Yes

No

Yes

Employee to provide written statement to the ADN or equivalent level manager outlining reasons why they have failed to comply with the requirements within the given timeframe and/ or failed to reinstate their registration.

Subject to explanation and following advice from HR, ADN or equivalent level manager may choose to issue First Written Warning and set out new requirements to reinstate registration.

Registration reinstated?

Employee will be advised that a formal investigation in line with the Trust’s Disciplinary procedure will now take place.

Registration reinstated?

Employee to provide evidence to confirm registration reinstated.

Line Manager to ensure pay reinstated and confirm return to work arrangements with the employee.

Registration reinstated?

Line Manager to meet with employee and suspend without pay/ establish reasons for lapse and agree requirements to reinstate registration within a reasonable timeframe.

Line Manager to ensure discussion is followed up in writing and a follow up meeting is scheduled

Professional Registration Lapses