

MEMORANDUM OF UNDERSTANDING

between the

Health and Care Professions Council of the United Kingdom

and the

Department of Health of the Isle of Man

1. Background

- 1.1 The Health and Care Professions Council (**HCPC**) is established by the Health and Social Work Professions Order 2001¹ (the **UK Order**) and is the statutory regulator in the United Kingdom of the professions identified in the first column of the Annex to this Memorandum of Understanding (**MOU**).²
- 1.2 By virtue of Article 3(4) of the UK Order, the main objective of the HCPC, in exercising its functions, is to safeguard the health and well-being of persons using or needing the services of its registrants. In accordance with Part V of that Order, part of that work concerns the investigation and adjudication of allegations relating to registrants' fitness to practise.
- 1.3 The Department of Health (**DH**) is the department of the Manx Government with responsibility for the promotion and provision of health services in the Isle of Man, a self-governing Crown Dependent Territory which is not part of the United Kingdom.
- 1.4 By virtue of the Health Professions Order 2002³ (the **Manx Order**), a person may only practise in the Isle of Man using a title associated with one of the professions identified in the second column of the Annex if that person is registered in the relevant Part of the register maintained under the UK Order by the HCPC (a **Registered Practitioner**).

2. Aim of Memorandum

This MOU seeks to build upon the good working relationship which has been established between the HCPC and the DH (collectively, the **Parties**). The Parties recognise the importance of ongoing liaison, co-operation and, where appropriate, the co-ordination of their respective activities to ensure that service users are protected by the effective and proportionate regulation of persons exercising the professions identified in the Annex.

¹ SI 2002/254 as amended

² the HCPC is also the regulator (in England) of social workers. That profession will be the subject of a separate MOU between the HCPC and the Isle of Man Department of Social Care

³ SD 160/02 as amended by the Health Professions Order 2004 (SD 770/04)

3. Liaison Arrangements

3.1 The Parties will each nominate a liaison officer to be the initial contact point for the HCPC and the DH respectively in relation to this MOU.

3.2 The role of the liaison officers will be:

- to ensure the effective exchange of information between the HCPC and the DH;
- to implement any joint or co-ordinated activities agreed between the HCPC and the DH;
- to co-ordinate the supply of evidence and information between the HCPC and the DH when one or other of them is taking any action against any person who is or purports to be a member of one of the professions identified in the Annex.

4. Sharing of information

4.1 The HCPC and the DH will share information relating to:

- any allegation concerning the fitness to practise of;
- any conviction for a criminal offence of; or
- any determination by either of them or any other regulatory body against; a Registered Practitioner who resides or practises in the Isle of Man.

4.2 If the HCPC takes or proposes to take any action against a Registered Practitioner who resides or practises in the Isle of Man, it will inform the DH.

4.3 If the DH takes or proposes to take any action against a Registered Practitioner who resides or practises in the Isle of Man, it will inform the HCPC.

4.4 If both the HCPC and the DH take or propose to take action against a Registered Practitioner who resides or practises in the Isle of Man, the Parties will share documents for the purpose of assisting in the preparation of their respective cases, conserving resources and avoiding duplicated effort.

4.5 The HCPC and the DH will share information relating to any person who resides or purports to practise in the Isle of Man and who has been convicted of (or cautioned for), or in the opinion of either Party may have committed, an offence under Articles 39 (offences) or 39A (offence: hearing aid dispensers) of the UK Order or Article 3 of the Manx Order (offences relating to the register).

4.6 The Parties shall exchange information only to the extent permitted by law and any information supplied by one Party shall only be used by the other Party for the purpose for which it was obtained and, except as required by law, shall not be used for any other purpose or passed to a third party without the consent of the Party that supplied the information.

4.7 The exchange of information between the Parties shall, so far as practicable, be conducted in a timely and accurate fashion and confirmed in writing (or electronic form).

5. HCPC Proceedings

5.1 By virtue of Article 22(7)(c) of the UK Order, hearings and related proceedings in relation to allegations against Registered Practitioners who do not reside in the United Kingdom must be heard in England.

5.2 If the HCPC commences or proposes to commence any proceedings against a Registered Practitioner who practises or resides in the Isle of Man, it will inform the DH of those proceedings and the DH will provide the HCPC with such reasonable assistance in bringing those proceedings as the resources of the DH permit.

6. Resources

The HCPC and the DH acknowledge that this MOU is not intended to impose any undue financial obligations on the Parties or to require either of them to undertake any task beyond the extent that their respective resources permit.

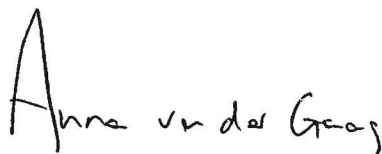
7. Review and amendment

This MOU will be reviewed by the HCPC and the DH annually and, where necessary (and, in particular, following any amendment to the powers or procedures of either Party) any amendment to this MOU shall be agreed in writing between the HCPC and the DH.

8. Resolution of Disputes

Given their good working relationship, disputes are unlikely to arise between the Parties but, in the event that a dispute does arise, the HCPC and the DH will seek to resolve the dispute by agreement and, in the unlikely event that a satisfactory resolution cannot be achieved, the Parties will appoint an appropriate expert to determine the matter.

SIGNED on behalf of the Parties on 23rd April 2013 by:



Anna van der Gaag
Chair
Health and Care Professions Council



Hon David Anderson MHK
Minister for Health
Isle of Man Government

ANNEX

Professions regulated under the UK Order	Professions regulated under the Manx Order
Arts Therapists ⁴	Arts Therapists
Biomedical Scientists	Biomedical Scientists
Chiropodists and Podiatrists	Chiropodists and Podiatrists
Clinical Scientists	Clinical Scientists
Dietitians ⁵	Dieticians
Hearing Aid Dispensers	
Occupational Therapists	Occupational Therapists
Operating Department Practitioners	Operating Department Practitioners
Orthoptists	Orthoptists
Paramedics	Paramedics
Physiotherapists ⁶	Physiotherapists
Practitioner Psychologists ⁷	
Prosthetists and Orthotists	Prosthetists and Orthotists
Radiographers ⁸	Radiographers
Speech and Language Therapists ⁹	Speech and Language Therapists

⁴ by virtue of the Health Professions (Parts of and Entries in the Register) Order of Council 2003, as amended (SI 2003/1571) the protected titles for this profession are "art therapist", "art psychotherapist", "dramatherapist" and "music therapist"

⁵ under SI 2003/1571 the alternative spelling of "dietician" is also protected

⁶ under SI 2003/1571 the alternative title of "physical therapist" is also protected

⁷ under SI 2003/1571 the protected titles for this profession are "clinical psychologist", "counselling psychologist", "educational psychologist", "forensic psychologist", "health psychologist", "occupational psychologist", "practitioner psychologist", "registered psychologist" and "sport and exercise psychologist"

⁸ under SI 2003/1571 the titles "diagnostic radiographer" and "therapeutic radiographer" are also protected

⁹ under SI 2003/1571 the alternative title of "speech therapist" is also protected