



Department of Health  
Room 2N35A  
Quarry House  
Quarry Hill  
Leeds  
LS2 7UE

17 October 2006

Dear Sir or Madam,

**Response to the consultation on the regulation of the non-medical healthcare professions (Foster Review)**

The Prince's Foundation for Integrated Health welcomes the opportunity to submit comments to the Foster Review regarding the regulation of the non-medical healthcare professions.

Background

As laid out in our letter to Sir Andrew Foster on the 18<sup>th</sup> August 2005 The Prince's Foundation for Integrated Health is working with complementary healthcare professions on the development of improved systems of voluntary self-regulation. On-going work includes providing support to twelve complementary healthcare councils / forums to facilitate the development of robust forms of voluntary self-regulation. This programme of work is being supported with a grant of £900,000 from the Department of Health.

As part of this on-going work we recently consulted on establishing a federal approach to voluntary self regulation. Responses to this consultation have given the Foundation a clear mandate to proceed with this initiative and we are currently setting up a working group to consider in detail two different approaches to a federal structure for voluntary self-regulation. Both approaches involve a council that maintains a register of practitioners admitted to practice. The first option broadly follows the approach used by the Health Professions Council and the second option is based on the Regulated Health Professions Act of 1991 in Canada. Copies of the consultation document, the results and feasibility study are attached for information. The working group will decide the time period for implementation but the Foundation suggests a regulator could be in place by early 2008.

The Foundation has also supported acupuncture and herbal medicine as they move towards statutory regulation and now sends a representative to the

Department of Health working group meetings on this initiative in the capacity of an observer.

### Our response to the review

While the Foundation welcomes the publication of the Foster Review we would like to draw your attention to several aspects which we believe require further consideration:

- a. There appears to be an inconsistency in approach with regard to the number of proposed regulatory bodies. While the Foundation agrees with the principle that having fewer regulators would benefit public protection (and this belief underpins our own work on a federal approach to voluntary self regulation) we do not agree with the recommendation made not to consider merging the General Osteopathic Council (GOsC) and the General Chiropractic Council (GCC) in the next five years, particularly so since the difference in these two therapies is not widely understood by the public or healthcare professionals. This seems to be fundamentally at odds with the principle outlined above.
- b. The Foundation is also concerned with the recommendation that other aspirant professions coming to statutory regulation should be regulated by an existing body, most likely the Health Professions Council (HPC). This may pose potentially significant challenges for the acupuncture and herbal medicine professions, in particular:
  - i. The criteria for eligibility for those professions aspiring to be regulated by the HPC are unclear, especially in relation to the need to demonstrate 'practise based on evidence of efficacy' and to have 'at least one established professional body which accounts for a significant proportion of that occupational group'.
  - ii. The HPC has a number of aspirant professions seeking to be regulated by it. If acupuncture and herbal medicine were recommended to be regulated by the HPC as a priority, then progress for these other groups would be delayed.
  - iii. The HPC is already experiencing some challenges with regard to its existing business, including the accreditation of new educational programmes. Regulating acupuncture and herbal medicine may place additional significant burdens on already stretched resources.
  - iv. The HPC has historically worked with professions that were familiar with some degree of statutory regulation. It may be expected that acupuncture and herbal medicine, with their diverse range of traditions within the professions, would require more intensive support during the early stages of statutory

regulation than might be expected with other healthcare professions.

While we acknowledge that the argument made by some aspirant groups to establish new bodies to regulate their professions has been rejected we would like to propose the following. We recommend that a new regulatory body, for example the Complementary Health Council, be established to regulate osteopathy, chiropractic, acupuncture and herbal medicine. The benefits of this are:

- a. This federal regulator would reduce the number of single profession regulators, so aiding public protection and hopefully decreasing the financial burden on those practitioners regulated by the body.
- b. The osteopaths and chiropractors have been involved in statutory regulation for over a decade and so would be able to bring their considerable skill and expertise to support other aspiring complementary therapy profession, so taking the burden off regulating these groups within the HPC.
- c. If the Government was minded to extend statutory regulation to other therapies, which may be part of the soon to be established federal voluntary self regulation body, then the transition from voluntary self regulation to statutory regulation should present fewer challenges to that profession.

The Prince's Foundation for Integrated Health considers this review to be of great significance to the future of non-medical healthcare regulation in the UK. We hope that you will find our comments to be constructive and would welcome a meeting with you and your team to discuss this further, if that would be of help. If you would like to arrange a meeting please contact my P.A., Nichole Morrison, on 020 3119 3102.

Yours faithfully,

**Kim Lavelly**  
Chief Executive

Enclosures:

- Exploring a Federal Approach to Voluntary Self Regulation of Complementary Healthcare
- Summary of consultation results
- Summary of feasibility study