

To Regulate or Not to Regulate?

Should BASES seek Health Professions Council regulation of the profession of sport and exercise scientist?



This leaflet is the first step in providing BASES members with some of the key information about regulation of the profession of sport and exercise scientist through the Health Professions Council (HPC). It is not intended to provide a definitive statement. Members will undoubtedly raise other important points in favour of, or against, HPC regulation. Outlined in this leaflet are details as to how members can have their say and contribute to the debate of 'To Regulate or Not to Regulate'. The debate will be summarised and provided as a background paper to a proposal presented to the BASES AGM in September 2010.

Why is BASES considering regulation of the profession of sport and exercise scientist through the Health Professions Council?

In the earliest days of the Association, members were predominantly university academics working in a research and teaching environment. But with an increased membership and members working in a wide range of commercial and public sector jobs, it is timely for BASES to consider the nature of our "profession".

Is it in the best interests of our members to limit ourselves to being a professional membership association? Or might our members benefit from a more formal identification, and legal recognition, of our profession and sphere of working? In the past, BASES has considered progression towards an academic learned society. But our limited size, the applied nature of many members' work, and some members' allegiance to parent academic disciplines (e.g. the Physiological Society) has precluded this direction. An alternative route to formal identification and legal recognition is registration with the HPC.

There are threats to our current situation. Significantly, the British Psychological Society (BPS), following similar considerations to ours, came to the conclusion that practitioner psychologists should seek to become a regulated profession. Other organisations associated with coaching, fitness, and health professionals might also seek to promote their own qualifications. In effect, the core profession of sport and exercise scientist might be chipped away by organisations that overlap with us but whose primary purpose and way of working lies elsewhere. It may be that members are content for BASES to remain a professional membership association relying on the collective weight and quality of our work and our accreditation schemes to give members the standing they merit. Or they may think BASES should seek HPC regulation of the profession of sport and exercise scientist. This is the debate we face.

Many of our existing structures are congruent with HPC registration. BASES accreditation requires a higher degree and applied practice. We have a strong Continuing Professional Development (CPD) programme as well as codes of practice, equal opportunities, complaint procedures, etc. In many respects we already fulfil the expectations of a well-organised profession.

There is an argument, therefore, that there is no need to regulate. But self-management provides only limited legal protection, and if our existing standards are readily congruent with the requirements of the HPC then perhaps it is an easy step to add legal protection to our current professional standards.

These are the types of issues that the BASES Board has been considering. At the Annual General Meeting (AGM) in September 2008 BASES agreed to explore registration with the HPC. The BASES Board has been investigating the matter and has met twice with senior members of the HPC. A representative of the HPC presented at the 2009 BASES Annual Conference. The initial collation of information and discussions with the HPC demonstrated the potential value of registration. In line with the views of members agreed at the AGM in September 2009 and identified in the Association's strategic plan we therefore continue to the next, and definitive, step: Formal consultation with the membership of the Association regarding should BASES seek HPC regulation of the profession of sport and exercise scientist? The outcome of this consultation will be either support for or rejection of an application to the HPC.

The Health Professions Council - www.hpc-uk.org

The Health Professions Council (HPC) is an independent UK regulator, and was set up to protect the public. Its purpose is 'to safeguard the health and wellbeing of persons using or needing the services of registrants'. To do this, it keeps a register of health professionals who meet its standards for their training, professional skills, behaviour and health.

The HPC currently regulates 14 health professions: Arts therapists, Biomedical scientists, Chiropodists/podiatrists, Clinical scientists, Dietitians, Occupational therapists, Operating department practitioners, Orthoptists, Paramedics, Physiotherapists, Practitioner psychologists, Prosthetists/orthotists, Radiographers, Speech and language therapists. All of these professions have at least one professional protected title that is protected by law, including those shown above.

What are the main pros and cons of HPC regulation of the profession of sport and exercise scientist?

Pros

- Sport and exercise science would have at least one protected title that is protected by law – such as “sport and exercise scientist”. Our domain will be defined and protected. Others should not be able to encroach.
- It should result in increased public awareness of the profession and, potentially, improved employment opportunities particularly in the public sector.
- The profession and users of our services will have greater protection.
- If a sport and exercise science professional does not meet HPC standards then HPC can take legal action, which might include stopping him/her from practising.

Cons

- What proportion of BASES members will seek HPC registration if they do not want to advertise their services as a sport and exercise scientist?
- Is it either legitimate or accurate to designate the activities of sport and exercise scientists as ‘health’ activities, and for those activities to be regulated by the HPC?
- Some members will be regulated through other “routes” (e.g. psychology), so for them there may be no value to sport and exercise scientist regulation.
- The HPC is a large organisation and this may result in inflexibility and/or bureaucracy.
- In order to remain registered with the HPC, registrants must continue to meet the standards that the HPC sets for each profession. These standards might result in other areas of work being neglected.

Are there any other issues?

• **Protected titles.** Which titles are to be protected by law would need to be determined, e.g. ‘sport and exercise scientist’. It is a criminal offence for someone to claim that they are registered with the HPC when they are not, or to use a protected title that they are not entitled to use. The HPC will prosecute people who commit these crimes. However, there may be loopholes in the professional titles that are protected by law. It is only the adjectival and general titles listed that are protected and people should be able to use any other titles than these.

All protected titles are listed at www.hpc-uk.org/aboutregistration/protectedtitles

• **The threshold level** of qualification for entry to the Register will need to be decided. For some (e.g. physiotherapists) the level is a BSc. For others (e.g. practitioner psychologists) it is a degree, higher degree and extensive further study and applied practice. If BASES is to work with, rather than against, its accreditation and supervised experience schemes, the threshold would be pitched as degree and masters plus one year experience. This would apply whether a member’s work is in applied work, teaching or research.

• **The financial costs** are a one-off non-refundable application payment of £53. Applicants must also pay a registration fee at the point of applying for registration. The registration fee for the two-year registration cycle is £152 (£76 per year). The registration fee is reduced by 50% if you graduated from a UK approved course within the last two years.

• **How does BASES accreditation relate to HPC regulation?** The basic parameters of the BASES accreditation scheme broadly match the requirements of HPC registration. How the two schemes would interrelate is an area that needs to be debated over the next few months.

What is the application process?

A summary of the application process is as follows: BASES submits full documentation. This is considered by the HPC Council, at which BASES makes a presentation.

If the Council approve then they write to the Secretary of State and Health Ministers to recommend that a new profession is allowed to enter the register. After that point, the decision about whether the profession should be regulated is one for Government. If Government decides to regulate that profession they will draft an order that will need to be passed by the parliaments in Westminster and in Scotland. If passed, the profession becomes regulated by law and the Register opens. The process (including the consultation and drafting an application) can take from 18 months to 2 years. However, as outlined, the decision about regulation is one for Government so it would not be wise to state any specific timescale.

How do you have your say?

BASES will consult with its members as to whether the majority view is for BASES to apply for regulation by the HPC.

Have Your Say from April to August. Join our online ‘To Regulate or Not to Regulate’ forum.

Find Out More. Come to our Q&A Sessions:

- 31 March, 2pm, Aberystwyth University
- 4 May, 6pm, Universities UK - Woburn House, 20 Tavistock Square, London, WC1H 9HQ
- 10 May, 6pm, University of Glasgow
- 24 May, 6pm, Leeds Metropolitan University.

Have Your Say in June. Join our on-line survey on key issues concerning should BASES seek HPC regulation of the profession of sport and exercise scientist?

Final Vote at the BASES AGM, 7 September, 12pm, University of Glasgow. Vote Yes or No. If accepted, BASES will prepare and submit an application to the HPC. If rejected, BASES will cease the process.