

Department for Business, Energy & Industrial Strategy

Policy paper

Professional Qualifications Bill factsheet: To whom the Bill applies

Updated 3 November 2021

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This is one of a series of factsheets exploring themes in the Professional Qualifications (PQ) Bill.

The PQ Bill was introduced to Parliament in May 2021. It will revoke an interim system for the recognition of professional qualifications from overseas, derived from EU law, which often means preference is given to EEA and Swiss professionals. The PQ Bill enshrines the autonomy of regulators in determining whether individuals are fit to practise. Amongst other matters, it provides the ability to empower regulators to conclude recognition agreements with their overseas counterparts.

Summary

This factsheet details how the Professional Qualifications (PQ) Bill defines professions and regulators. It considers instances where there are multiple regulators for a profession, and how professions which have different regulatory provisions in different UK nations are affected by the Bill. This factsheet does not constitute guidance on how to comply with measures in the PQ Bill once enacted.

What is a regulated profession and a regulator?

Professions regulated by law provide important services in all parts of the UK, such as in the healthcare and education sectors. Regulators play a vital role in making sure individuals are qualified to practise professions and that standards are maintained.

The PQ Bill applies to professions regulated by law and their regulators. It recognises and accommodates the different regulatory approaches for different professions and parts of the UK.

The definitions of the PQ Bill are in Clause 16. The Bill defines a ‘profession’ as including an occupation or trade or any subdivision of, or distinct specialism within, a profession. Examples include a schoolteacher, solicitor, or driving instructor. The Bill defines a regulated profession as where, under legislation, there is a legal requirement to have certain qualifications or experience (or meet an alternative condition or requirement) in order to undertake certain professional activities or use a protected title, such as ‘architect’. See the [list of which regulators and professions meet the definitions in the PQ Bill](#). This list will be maintained to reflect changes in the regulatory landscape.

A ‘qualification’ is a record of having attained a particular standard following a course of study or training. It must be issued by a body whose ordinary activities include issuing such qualifications and demonstrate that a particular standard has been attained. A qualification might, for example, be demonstrated by completion of an exam, or an assessment of competence by an assessor. ‘Experience’ refers to practical experience working in a particular professional field.

A ‘regulator’ is a person, usually an organisation, with functions under legislation relating to the regulation of a regulated profession. Regulators have a range of responsibilities in relation to the professions they regulate, including making sure individuals have the necessary qualifications and/or experience to practise the profession and taking any necessary enforcement action.

Why does the PQ Bill only apply to regulated professions and regulators?

The UK has an interim system for recognising professional qualifications gained overseas derived from EU law. This was never meant to run indefinitely, and the PQ Bill is the first step to establishing an approach that suits the needs of all of the UK. The interim system covers a wide range of professions, including professions that are otherwise only subject to voluntary regulation in the UK, such as most chartered professions.

The PQ Bill will revoke the interim system derived from EU law, giving regulators more autonomy. The PQ Bill will only cover those professions that are regulated by law in the UK, or part of the UK. This means that professions will only be subject to the PQ Bill where they

are already required to observe legal requirements under existing legislation. Professions subject to only voluntary regulation will not be covered by the PQ Bill.

The PQ Bill will strengthen the UK's ability to negotiate and deliver ambitious arrangements on the recognition of professional qualifications. Free Trade Agreements, such as that recently agreed with Iceland, Liechtenstein and Norway, often contain provisions on the recognition of professional qualifications. Clauses 3 and 4 in the PQ Bill will provide the powers to deliver such provisions. The Bill will ensure that regulators in scope of these agreements and who are regulated in law can deliver on the expectations placed on them and make use of the provisions in trade agreements.

There are also measures in the PQ Bill to empower regulators to agree arrangements with their counterparts overseas to recognise each other's professional qualifications. If a regulator already has the powers to make such agreements, the PQ Bill does not change that.

The legal requirements that mean individuals must meet certain standards to practise professions in the UK, or part of the UK, are not affected by the PQ Bill. Those requirements are in existing sectoral legislation, and the PQ Bill only concerns the recognition of individuals with professional qualifications gained overseas, alongside targeted steps to improve information sharing and transparency.

What are the different approaches to the regulation of profession in the UK?

Across the UK, there are different approaches to the regulation of professions, to reflect the needs of professions and parts of the UK. For example, the regulation of legal and education professions reflects the needs of the justice and education systems in different parts of the UK.

The PQ Bill accommodates these differences, recognising that requirements for professional qualifications and experience can vary across the 4 nations. For example, a teaching regulator could only be required to assess individuals with professional qualifications and experience gained outside of the UK in line with the requirements for their own jurisdiction within the UK.

In some cases, there is a **single regulator** for a profession across the entirety of the UK. An example is the General Medical Council, which carries out the full range of regulatory responsibilities related to medical practitioners.

In some cases, there are **multiple regulators for a profession across the entirety of the UK**. An example is statutory audit, where several regulators have the same regulatory responsibilities, and which can provide choice for professionals.

For certain professions with multiple regulators, regulators hold different regulatory responsibilities. For example, for F-Gas handler professions there are: appropriate authorities, such as the Secretary of State for the Environment, Food and Rural Affairs, that are responsible for setting training and certification requirements and appointing certification bodies; a range of certification bodies that are responsible for assessing and certifying individuals to practise; and enforcing authorities, such as the Environment Agency, that are responsible for enforcing the regulations and applying penalties, where appropriate.

The PQ Bill will not apply to professions that are regulated on a voluntary basis and associated regulators. Examples of professions subject to voluntary regulation are many chartered professions, such as 'Chartered Accountant'.

What does it mean in practice?

Where a regulator or profession meets the definitions set out in the Bill, they may be subject to certain requirements after the Bill is enacted. The extent of these requirements will depend on whether the profession or regulator is specified in any regulations made using delegated powers in the Bill to recognise professional qualifications from overseas:

- a. Where there is **unmet demand** for the services of a profession and regulations under Clause 1 are necessary to enable it to be addressed, the UK government or devolved administration ministers may introduce regulations which require regulators to have processes in place to assess the knowledge and skills of applicants with overseas qualifications or experience. Further detail is provided in the factsheet on [Unmet demand](#).
- b. The PQ Bill can implement **international agreements** that the UK secures that relate to the recognition of professional qualifications. Further detail is provided in the factsheet on [Regulator recognition agreements](#).
- c. The PQ Bill also means that regulators can be **empowered to make recognition agreements** with their overseas counterparts, making it easier for UK-qualified professionals to practise outside the UK. Where a regulator who meets the definition in the Bill wants to establish a recognition agreement with an international counterpart but is currently unable to do so, powers in the PQ Bill can be used to give them the necessary powers. Further detail is provided in the factsheet on [Regulator recognition agreements](#).

The Bill does not change existing powers of information disclosure that regulators already have. Regulators who meet the definitions in the Bill will also need to provide certain information when it is requested. For example, a regulator:

- a. must provide information that they hold about the profession that they regulate to the **Assistance Centre**. This is set out in Clause 7 of the PQ Bill. Further detail is provided in the factsheet on [Information publication requirements](#).

b. must **publish information** about the profession they regulate. If there are multiple regulators of a profession, they do not all have to publish the information, unless they wish to do so. They might agree for one regulator to publish the information, while the other regulators signpost that publication online. This is set out in Clause 8 of the PQ Bill. Further detail is provided in the factsheet on [Information publication requirements](#).

c. must **share information with a counterpart regulator** that they hold about individuals practising the profession, if requested. This information includes counterpart regulators in another part of the UK where a profession is devolved. It also includes overseas counterparts, if consented to by the individual and it does not contravene data protection. Clauses 9 and 10 of the PQ Bill set out the information sharing requirements. Further information is provided in the factsheet on [Information sharing](#).

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Professional Qualifications Bill factsheet: Information sharing

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The PQ Bill was introduced to Parliament in May 2021. It will revoke an interim system for the recognition of professional qualifications from overseas, derived from EU law, which often means preference is given to EEA and Swiss professionals. The PQ Bill enshrines the autonomy of regulators in determining whether individuals are fit to practise. Amongst other matters, it provides the ability to empower regulators to conclude recognition agreements with their overseas counterparts.

Summary

This factsheet outlines what information regulators may need to share with other regulators across the UK and with their overseas counterparts, when that applies. It does not constitute guidance on how to comply with measures in the PQ Bill once enacted.

Why does information related to the recognition of professional qualifications need to be shared?

Sharing between regulators of information related to an individual's professional qualification and experience can support professionals gain recognition to practise in other jurisdictions. It also helps regulators receiving the information determine an individual's entitlement to practise, such as any information relating to disciplinary action or sanctions.

In many cases, information sharing between regulators already happens, but it is often done voluntarily. The PQ Bill will provide a consistent legal basis for information sharing between regulators to support decisions on entitlement to practise. This will apply when individuals with professional qualifications from one part of the UK are seeking to practise in another part of the UK, or where individuals with professional qualifications from the UK are seeking to practise overseas.

The measures in the PQ Bill support regulators in having the necessary information to regulate their professions effectively which can benefit consumers, public health and the environment. Individuals seeking to have their professional qualifications recognised may also benefit from collaboration between regulators through quicker decisions to allow them to provide their professional services in another jurisdiction.

What information needs to be shared?

The PQ Bill provides flexibility on the exact information to be shared, which is best determined by regulators as the experts in information related to their profession. For example, fitness to practise may for some professions consist of medical and eyesight tests, while for other professions it can be a broader assessment of professional conduct.

UK regulators will have to share information relating to an individual's entitlement to practise, if requested, with their equivalent domestic or overseas regulator. This includes but is not limited to: information on entitlement to practise such as notice of registration documents or fitness to practise documentation; any evidence of professional misconduct against an individual; and whether an individual has ever been subject to disciplinary action, sanctions, or has ever committed a criminal offence inside or outside of practice.

The PQ Bill sets out certain conditions which must be satisfied before the sharing of information. These relate to how the request must be made, whether the regulator holds the information, and that sharing the information does not contravene data protection legislation. This balances the need for regulators to receive the information that they need while respecting regulator autonomy and avoiding placing them under undue burdens.

What does it mean in practice?

a. For applicants or regulators requesting information

Requests to share information can be made by the individual to which the information relates or by the corresponding UK or overseas regulator. If the request is made by the overseas regulator, the information can only be shared with the consent of the individual.

Where multiple regulators oversee a profession, an individual or regulator requesting the information should contact the appropriate regulator who holds the information. Where multiple regulators oversee a profession, the individual should visit those regulators' websites which will indicate the regulator that holds the appropriate information. The information that regulators have to publish is set out in the [information publication factsheet](#).

Where the request is by an overseas regulator there should be proof that the individual has consented to their information being shared.

b. For regulators who receive requests for information

Upon receiving a request for information from a domestic or overseas regulator of a corresponding profession or from an individual who is entitled to practise in the UK or a part of the UK, a regulator must check that:

- it holds the information requested
- the information requested clearly relates to a named individual
- the information is necessary to determine that individual's entitlement to practise.

If the regulator is satisfied that all these conditions have been met, the regulator must release the information to the regulator in the other part of the UK or overseas. There is no set format that the information must be provided in, but it should be usable and complete wherever possible. Any sharing of information must also be done in accordance with data protection legislation.

There is no set time for a regulator to provide the information requested.

If any of the above 3 conditions are not met, the regulator does not need to share information. The regulator should inform the person who has requested the information that they are unable to meet the request, ideally explaining why the request cannot be met.

Scenario 1: A regulator in Scotland sharing information with an equivalent regulator in Wales under the domestic information sharing requirement

A professional qualified in and currently practising in Scotland is considering moving to practise their profession in Wales.

The individual's profession is regulated by an oversight body with responsibility for the entire UK, but this body has delegated its functions to a separate regulator in each of the 4 nations of the UK, which each have jurisdiction in their respective nation. The individual, therefore, applies for recognition of their professional qualification in Wales.

Before granting recognition, the Welsh regulator wants to check whether there is any evidence of professional misconduct against the individual.

The Welsh regulator considers whether to ask the oversight regulator which has oversight responsibility for the Scottish regulator and which could request the information from the Scottish regulator or whether to ask the Scottish regulator itself.

Although the oversight regulator is a regulator under the definitions of the PQ Bill, the oversight regulator would not have the information at the point of request.

The Welsh regulator therefore approaches the Scottish regulator directly to provide the information. The Scottish regulator agrees to sharing as all the information requested is held by the regulator, is reasonable to help make the determination and does not breach data protection legislation.

The information provided by the Scottish regulator allows the Welsh regulator to determine that the individual is entitled to practise the profession in Wales as the individual has satisfied all the application requirements as well as the fit and proper person test.

Scenario 2: A regulator in the UK sharing information with an equivalent regulator in Canada under the overseas information sharing requirement

A UK qualified professional is applying to practise their regulated profession in Canada. They contact the Canadian regulator of the profession they practise to open an application.

The Canadian regulator needs to assess the individual's aptitude to practise and their conduct at work, and so requires the individual to provide information on their fitness to practise. They identify that they need records pertaining to any professional sanctions the applicant has received in delivering their profession, in order to determine the entitlement of the individual to practise the profession.

The individual grants permission to the Canadian regulator to request this information directly from the UK regulator.

The Canadian regulator provides evidence of the individual's consent and requests that the UK regulator provide information about the individual.

The UK regulator identifies that all the information requested is held, is reasonable to help make the determination, and does not breach data protection legislation.

They collate the requested information on the individual.

The Canadian regulator receives the fitness to practise document and sanction records over email, which enables the Canadian regulator to determine that the individual meets the standards required, enabling them to practise.

While these worked examples use particular countries, this is hypothetical: it is not necessarily indicative of any particular profession. The overarching steps to take would be consistent for all information sharing, but the ways in which those steps are taken, for example how requests are made or fulfilled, will be determined by the relevant regulator in keeping with what is most appropriate for the profession they are considering.

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Professional Qualifications Bill factsheet: Information publication requirements

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This is one of a series of factsheets exploring themes in the Professional Qualifications (PQ) Bill.

The PQ Bill was introduced to Parliament in May 2021. It will revoke an interim system for the recognition of professional qualifications from overseas, derived from EU law, which often means preference is given to EEA and Swiss professionals. The PQ Bill enshrines the autonomy of regulators in determining whether individuals are fit to practise. Amongst other matters, it provides the ability to empower regulators to conclude recognition agreements with their overseas counterparts.

Summary

This factsheet explains what information UK regulators will need to publish and why. It also explains how the Assistance Centre will support the availability of information for professionals wishing to practise a profession, both in and outside the UK. This factsheet does not constitute guidance on how to comply with measures in the PQ Bill once enacted.

Why is there a need to publish information about regulated professions?

Where a profession is regulated by law, an individual must fulfil certain legal requirements to carry out certain professional activities or use a protected title, such as 'architect'.

Information about these legal requirements is essential for anyone wishing to understand the entry and practice requirements for regulated professions.

A lack of information or incomplete information can therefore be a barrier to those seeking to practise a profession. Such barriers may prevent individuals from accessing jobs and establishing careers in regulated professions.

Why is the government introducing information publication requirements?

Respondents to the October 2020 Recognition of Professional Qualifications and Regulation of Professions: Call for Evidence suggested there was scope to improve the information available to individuals on how to enter professions: see [the summary of the responses and the Call for Evidence](#). The government recognises the benefits of making sure the right information is available to individuals, and that many regulators already publish helpful information. The PQ Bill therefore includes targeted measures to increase transparency across all regulators and help individuals have the information they need to access professions.

The PQ Bill will provide a legal basis for the continuation of an Assistance Centre, currently operating as the UK Centre for Professional Qualifications. The Assistance Centre will continue to signpost individuals to the relevant regulator in the UK. Measures in the PQ Bill will mean it provides a single point of information on the entry requirements of regulated professions in the UK, complementing the information published by regulators, and will support individuals to have their overseas professional qualifications recognised in the UK. It will also provide information on the entry requirements for overseas professions to individuals with UK professional qualifications, helping those individuals provide their services in overseas markets.

What information needs to be published?

UK regulators will have to publish information related to the professions they regulate, including:

- the requirements for entering the profession such as qualification, training and examination
- any ongoing obligations for remaining in the profession, for example, regular assessments for accreditation
- any cost imposed by the regulator for entering and remaining in the profession

- general information on recognition decisions the regulator has made, including the number of decisions and details of qualifications and experience gained overseas or in another part of the UK

The information requirements, which many regulators already meet, are described in full in Clause 8 of the PQ Bill.

The Assistance Centre will publish information relating to the entry requirements for regulated professions in the UK and for overseas professions. As part of this, the Assistance Centre may request that regulators provide information they hold about the professions they regulate, such as entry and practice requirements. This is outlined in Clause 7 of the PQ Bill.

What does it mean in practice?

Regulators will normally own the information outlined in Clause 8 of the PQ Bill, such as the entry and practice requirements of the profession and the number of recognition decisions they have made. Once the PQ Bill is enacted, regulators will need to publish information on their website. For many regulators, this will be a continuation of their current practices.

The information on a regulator's website must be publicly accessible and kept up to date. A regulator should create and maintain a website in cases where they do not already have one.

If the regulator currently does not publish some of the required information, they have **6 months** from the Bill coming into force to collate the information, design their website content and publish the information. There are some exceptions to this approach, which reflects the different regulatory arrangements of professions and the information regulators are expected to hold:

- if any of the specified requirements are not relevant to the regulator, the regulator only needs to publish a statement explaining that they do not hold the information
- if there are multiple regulators operating for one profession, they do not all have to publish the same information. Regulators can agree how the information publication requirement is best divided between the relevant regulators and signpost between websites.

The PQ Bill allows the UK government and devolved administrations to adjust the information publication requirements at a later date if, for example, further information held by regulators would support individuals entering professions. This would be through the UK government or devolved administration introducing regulations, which would state when regulators would have to make any additional information publicly available.

UK regulators should also provide updated information to the Assistance Centre if, for example, there are changes to their profession's entry requirements.

Case studies to outline how the information publication requirements would work in practice

Scenario 1: A profession with multiple regulators where not all have to publish the same information

1. Where a profession has multiple regulators, the regulators can, if they so wish, come together and agree that one of them publishes all the information specified in the PQ Bill, while the others publish a statement which directs users to that single regulator's web content. Or they can publish the information relevant only to their own regulatory function.
2. It is not a legal requirement for regulators to come to an agreement. The ways in which the regulators reach this agreement and whether one, some, or all the regulators publish the information is for regulators to manage amongst themselves.

Scenario 2: Professions with one regulator, and there is a change to entry and practice requirements

1. If the regulator, hypothetically, changes the fee they charge a professional to be registered, then they should update this information on their website content as soon as possible.

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Professional Qualifications Bill factsheet: Regulator recognition agreements

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Summary

This factsheet provides information on the legal powers the Professional Qualifications Bill (PQ Bill) provides relating to regulator recognition agreements. The factsheet explains what regulator recognition agreements are and how they sometimes interact with government frameworks on the recognition of professional qualifications, or professional regulation. This factsheet does not constitute guidance on how to comply with measures in the PQ Bill once enacted.

What is a regulator recognition agreement?

Regulator recognition agreements (RRAs) are a broad term for any type of agreement between regulators which facilitates the recognition of professional qualifications or experience. As RRAs are usually country- and regulator-specific, their form can vary, but they are typically agreed on a profession-by-profession basis by the relevant regulators or

professional bodies across two or more jurisdictions. They enable professionals who qualified in one regulator's jurisdiction to gain recognition of their professional qualification in another regulator's jurisdiction. RRAs are designed to ease administrative burdens and streamline processes, and do not reduce or bypass standards for entry.

RRAs can either be agreed directly between regulators, or be supported by provisions in Free Trade Agreements (FTAs). FTAs can contain provisions to encourage collaboration and dialogue between regulators, or facilitate negotiations via processes set out in 'Mutual Recognition Agreement (MRA) frameworks'. [\[footnote 1\]](#) Alternatively, governments can establish measures for the recognition of professional qualification in separate freestanding international agreements.

Different types of FTAs may require different levels of implementation in UK law. Some agreements, such as the UK-Canada agreement, introduce a process where RRAs concluded under its terms could be annexed to the agreement. In this case, the UK government may need to introduce legislation to help regulators implement RRAs.

RRAs typically include provisions on application requirements, the basis for recognition, and/or data sharing. The decision to enter into an RRA, and its terms, are for the regulators and professional bodies to decide.

Why is the government introducing powers for recognition agreements?

Where an overseas regulator does not provide a route for the recognition of UK professional qualifications, RRAs can help UK-qualified professionals to practise overseas. The changes in the recognition of professional qualifications between the UK and EU, and new FTAs negotiated by the UK, will mean there are more considerations for regulators in determining countries where RRAs may be beneficial.

For the near term, regulators could consider where the absence of a route to recognition for their profession in the EU could cause disruption to their sector, for example by limiting trade in services or adversely affecting access to skills for business. Additionally, RRAs offer opportunities to increase mutual recognition with and outside the EU.

In 2020, UK exports of services were worth £267.1 billion, representing 46.2% of total UK exports. RRAs should be considered as a key facilitator for the trade in services, helping UK professionals to export services in sectors such as accountancy, architecture, and law. Arrangements which help UK professional qualifications to gain recognition overseas more easily may help to enhance the reputation of UK standards and qualifications. They can help ensure UK qualifications are attractive to international students, by allowing them to practise in a wider range of overseas markets.

The lack of recognition of professional qualifications is a key behind the border barrier to trade in services. Without RRAs, professionals may need to requalify to practise their

profession in certain markets, or resort to lengthy administrative processes rather than more streamlined arrangements enabled through recognition agreements. Measures on the recognition of professional qualifications can increase the markets available to UK professionals to practise; open access to talent pools for UK business; and, by improving competition, provide greater choice and benefits for UK consumers.


What does it mean in practice?

The PQ Bill introduces powers to enable regulators to conclude regulator recognition agreements independently and to make use of recognition agreement provisions in FTAs. Where regulators already have legal powers to enter into recognition agreements, nothing changes. The UK government expects demand for this additional ability to be governed by regulators' needs and therefore this power would be provided following engagement with regulators.

Clause 3 of the PQ Bill can be used to support the implementation of RRAs annexed to international government-to-government agreements. These RRAs would have been concluded by regulators under MRA frameworks that form part of the international agreement.

Clause 4 of the PQ Bill will allow the UK government and the devolved administrations to ensure that regulators can enter into regulator recognition agreements with their counterparts. The UK government only plans to use this power where regulators currently do not have sufficient powers to enter into RRAs. This power would only be used where regulators have expressed an interest or need to have RRAs in place. It allows regulators to pursue agreements which facilitate the recognition of professional qualifications, both using the provisions in international agreements and independent of them. These agreements must be in line with the regulator's existing powers to recognise overseas qualifications unilaterally and the access that overseas qualified professionals can be granted.

To assist regulators that are considering recognition agreements with their overseas counterparts, BEIS has set up a Recognition Arrangements Team, email recognitionarrangements@beis.gov.uk. This team has published [guidance for regulators on RRAs](#). BEIS also established a pilot [Recognition Arrangements Grant scheme](#) for Professional and Business Services regulators and professional bodies pursuing negotiating recognition agreements.

1. Mutual Recognition Agreements are a type of Regulator Recognition Agreements. An MRA framework sets out a way for regulators to agree MRAs or other types of RRAs. Examples of MRA frameworks include those in the UK-EU Trade and Co-operation Agreement (TCA) or CPTPP/the UK-Canada Trade Continuity Agreement. 

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Summary

This factsheet explains what unmet demand for the services of a regulated profession is, the related measures in the PQ Bill, and the reasons for these measures. It does not constitute guidance on how to comply with measures in the PQ Bill once enacted.

What is the unmet demand condition?

The PQ Bill will support the UK government and devolved administrations to address unmet demand for the services of professions. Clause 1 of the PQ Bill includes a power to make regulations which facilitate individuals, who have experience from, or who have qualified, overseas being able to work in the UK.

Clause 2 of the PQ Bill is a restriction on the use of that power. It requires that the regulations must be necessary in order to enable demand to be met where there is

insufficient provision of the services of a regulated profession and consumers have to wait longer or pay more for those services.

Why do we need the power to recognise individuals with qualifications gained overseas?

The UK currently has an interim system to recognise professional qualifications, which is derived from EU law. It gives treatment that is often preferential to holders of professional qualifications gained in the EEA and Switzerland. The preferential treatment is not reciprocated and was never meant to run indefinitely. The PQ Bill means these laws derived from the EU can be revoked, which will give UK regulators greater autonomy to determine the approach to recognise individuals with professional qualifications gained overseas, tailored to suit the needs of their profession.

The power in Clause 1 means the PQ Bill will help ensure demand is met for the services of regulated professions. Not all regulators in the UK currently have processes to assess individuals with professional qualifications gained overseas, or the legal ability to establish processes. The power in Clause 1 could be used if those regulators are responsible for professions with unmet demand.

The unmet demand condition ensures the power in Clause 1 can only be used where it helps the UK government and devolved administrations manage risks related to the demand for the services of regulated professions because of, for example, workforce shortages. Individuals with professional qualifications gained overseas can help in meeting demand for the services of a regulated profession in the UK, or part of the UK. Where there is unmet demand, the UK government or devolved administration will be able to make regulations to require specified regulators to establish processes to assess individuals with professional qualifications or experience gained overseas. This will benefit consumers of the services of the regulated profession in the UK.

Regulators will retain autonomy to determine whether individuals with professional qualifications or experience gained overseas meet UK standards and if they are fit to practise in the UK, or part of the UK.

The power to require regulators to assess individuals with overseas qualifications or experience, which can only be used if the unmet demand condition has been met, will complement wider measures to make sure the UK has the professionals it needs, including plans to develop domestic skills.

It provides the UK government and devolved administrations with an option to address issues related to the demand for the services of regulated professions through individuals with appropriate professional experience or qualifications from overseas, provided the unmet demand condition is met in relation to that profession. Individuals who (following a determination that they should be treated as if they hold the specified UK qualifications or

experience under Clause 1) go on to be recognised as being able to practise in the UK will still be subject to relevant immigration rules as required.

What does it mean in practice?

The relevant UK government or devolved administration minister will be responsible for determining whether there is unmet demand. They will consider a range of information relevant to the profession, and will always consider, in line with Clause 2, whether establishing processes to assess individuals with professional qualifications or experience gained overseas can help address unmet demand which causes unreasonable delays and/or unreasonable charges.

Unmet demand will normally include consideration of the shortage occupation list, but that should not be the only indicator. The UK government or devolved administration minister might, for example, consider consumer demand, workforce statistics and modelling, and vacancy rates. Information that might be considered about unreasonable delays could include changes in service level needs and waiting times for the service of a regulated profession. Information that might be considered about unreasonable charges could include average costs and value for money of the services of a regulated profession.

It is anticipated that the UK government or devolved administration minister will normally consult with regulators in considering whether there is unmet demand for professions. They may also work with other organisations that might be able to provide evidence, for example businesses and service users, and seek public views where that could inform decision making. The relevant parliament in the UK will be able to scrutinise the proposed regulation before it is enacted in line with the relevant resolution procedure.

There will be no need for regulations where regulators already have adequate global routes to recognition. Those regulators will not have to change or introduce new practices. However, if, for example, a regulator's routes are limited and there is unmet demand for services of a regulated profession, it may be necessary to make regulations under Clause 1 to require them to provide processes for assessing individuals with qualifications and experience obtained overseas.

Where regulations are made to address unmet demand, specified regulators will need to establish processes to determine whether individuals with professional qualifications or experience gained overseas have knowledge and skills to substantially the same standard as demonstrated by the relevant specified UK qualification or experience.

If the regulator determines that the applicant demonstrates substantially the same knowledge and skills to substantially the same standard as the UK qualification or experience, the applicant will be treated as if they had the specified UK qualification or experience for the purposes of determining whether they are entitled to practise a

regulated profession in the UK. The regulator can conduct any checks or tests necessary to assess the applicant's knowledge and skills.

If the regulator determines that the applicant has not demonstrated substantially the same knowledge and skills to substantially the same standard as the UK qualification or experience, then the individual will not be treated as if they held the specified UK qualification or experience. However, if this is the case, it may be possible to 'make up' the shortfall in knowledge or skills, with the individual being able to 'top up' their overseas qualifications, skills or experience with qualifications and experience recognised by the regulator, or with reference to other factors the regulator considers appropriate. Whether this is applicable will be for the regulator to determine, and to explain to the individual what they need to do to demonstrate having 'made up' the shortfall in order to be assessed as meeting the standard.

Separately to the process under Clause 1 regulations, the regulator has the right to assess an individual's competence and whether they meet the relevant requirements to practise in the UK. The regulator will still be able to specify particular criteria which need to be met in order for the individual to practise in the UK, such as a clear criminal records check and indemnity or insurance expectations. The individual would also have to meet any other conditions for working in the UK, such as immigration or visa requirements; this is separate to an individual being treated as if they had the specified UK qualification or experience.

Example

Illustrative Scenario

A Secretary of State is concerned that there are insufficient members of a profession to meet the needs of those using that profession's services in England. The Secretary of State therefore considers whether it would be necessary to use the power in Clause 1 to meet this unmet demand by ensuring the relevant regulator has processes in place to assess whether individuals with overseas qualifications or experience can practise in England.

- They consider the level of demand, delays and charges for the services of the profession. To do so they review the available evidence and engage with the regulator, relevant professional bodies and other stakeholders to ensure an accurate picture of potential demand is obtained.
- This engagement confirms that the number of existing professionals in England is limited, there are difficulties filling vacancies and there is no process for assessing individuals with professional qualifications or experience gained overseas. This satisfies the unmet demand condition in Clause 2, allowing the use of the power in Clause 1.
- The Secretary of State decides to use the power in Clause 1 of the PQ Bill to make regulations which ensure the relevant regulator has processes to assess individuals with qualifications or experience obtained overseas. The Secretary of State discusses the requirements with the regulator.
- These regulations will, where necessary, amend any primary or secondary legislation for the sector, and make clear what the regulator needs to do and when.

- The Secretary of State follows the appropriate resolution procedure in order to make the regulations. If they are amending primary legislation, the regulations are subject to the affirmative procedure. If they are not amending primary legislation, they follow the negative procedure.
- The regulations become law. They include a suitable commencement period, to allow the regulator to get ready.
- The regulator develops assessment processes, ready to operate them from when the regulations come into effect. From that point on, they are able to assess overseas applicants, and treat those who meet their criteria as if they had the specified UK qualifications or experience.

The overarching steps to take would be consistent for ministers of all UK nations, but the ways in which those steps are taken, for example how they engage with regulators, whether they run a full public consultation, and what time period they allow for bringing in the regulations, will be determined by the relevant minister in keeping with what is most appropriate for the profession they are considering.