**Statement from the EHTPA regarding the Professional Standards Authority**

7/5/17

In its response to*Professor Walker’s report on Regulation of Herbal Medicines and Practitioners:* (made 28 February 2017 by: Nicola Blackwood (Parliamentary Under-Secretary of State for Health)– see([http://tinyurl.com/zn5as8j)](http://tinyurl.com/zn5as8j%29) the Government stated :

*“The Government is open to further consideration of the case for statutory regulation once there is further evidence to understand the risk and confirm what level of assurance is appropriate and proportionate. This evidence would be obtained from experience of voluntary registration accredited by the Professional Standards Authority and further research undertaken by the sector.”*

The EHTPA has worked with Government for over two decades to achieve statutory regulation. This was promised by the Minister of Health in a written statement in 2011. The current Government has reneged on this undertaking. During the course of the Walker Committee that met regularly throughout 2014, the Working Group heard evidence from the Professional Standards Authority. **It was clear from this evidence and subsequent exploration of what was on offer, that the PSA is a voluntary register with many fundamental flaws. This has lead the EHTPA to the conclusion that joining the PSA is not in the interests of the herbal practitioners it represents.**

The reasons for this decision are as follows:

The PSA is yet another ***voluntary register***; as currently constituted it will not regulate or accredit the herbal practitioner sector.

Voluntary registration of herbal practitioners already exists in UK via a number of well run professional associations operating in the UK with decades of experience of delivering training and monitoring fitness to practise of their members.

However, the essential weakness of voluntary registers is that any practitioner disbarred by one of the voluntary registers can leave the register and legally continue to practise outside its jurisdiction. Training institutions that do not wish to submit themselves to independent accreditation can likewise refuse to participate and operate outside the voluntary accreditation scheme.

The PSA suffers exactly the same shortcomings that undermine other existing voluntary registerssince the PSA has no more ability than existing voluntary registers operating in the herbal sector to require herbal practitioners to belong to it or to require that all herbal training institutions adhere to agreed standards of training. The considerable cost of the profession supporting another layer of voluntary registration by the PSA will bring no real benefit to the public. It will make herbal treatment more costly without conferring any advantage to those wishing to access it.

Of considerable concern is the fact that the PSA registration option is deceptive, offering the public false security as it appears to have all the powers of a statutory regulating council but in reality in its role as a voluntary register it has none. Because the PSA has another quite separate role to oversee UK statutory regulators of health professionals, the public will undoubtedly confuse its quite separate statutory and voluntary functions and mistakenly perceive that as a voluntary register the PSA can provide the public with effective regulation of herbal practice. In reality this is only possible via statutory regulation.

**Further weaknesses of voluntary accreditation scheme run by the PSA**

**Protection of title**

* The PSA cannot protect any title that signifies professional qualification competence to practise. Any member of the public can call him/herself a herbalist if so he/she so wishes.
* Ex members of the PSA can still use the occupational title.
* For this reason the public will continue to be confused about who is a properly trained and regulated herbalist.

**Concerning fitness to practise tribunals run by PSA…**

**Unlike a statutory regulator, the PSA has no legal power to require that…**

* Relevant evidence/information be submitted to its tribunals
* Essential witnesses attend its tribunals.
* Practitioners under investigation attend its tribunals
* Practitioners under investigation do not resign and then continue to practise outside PSA accreditation.

**Education standards**

* The PSA has no power to enforce training institutions to meet agreed standards or be independently approved as would be the case if there were statutory regulation under the auspices of a statutory regulator such as the Health and Care Professions Council (HCPC) previously designated by Government as the regulator of this sector. This inevitably undermines quality training in herbal medicine. In such circumstances, training standards are diminished as substandard training establishments offer unapproved cut price training thereby undercutting institutions delivering high quality training that costs significantly more to deliver.

**Quality assurance of herbal supply**

* Without statutory regulation, the same disruptive process undermines quality herbal supply to herbalists by reliable suppliers. They too are commercially at a disadvantage having to compete with companies who lack adequate quality assurance systems and consequently offer cheaper supplies of inferior and suspect quality. Practitioners on a statutory register would be required to purchase their herbs from suppliers demonstrating quality assurance of their herbal medicines. Under statutory regulation potent herbal medicines could be restricted to use by those on the statutory register. This option is not available under PSA voluntary accreditation.

**Communication**

* It is noteworthy that all UK statutory regulators of healthcare professionals have been granted the power to accredit voluntary registers but none have done so evidently because of concerns about this weak form of certification.[[1]](#footnote-1)

**In summary**

The voluntary registration scheme operated by the PSA is undoubtedly worse than the current status quo since the PSA registration will cause public confusion as an impression is created that associations accredited by the PSA have the same kind of sanctions and rules as those which are subject to statutory regulation, which is simply not the case.

The only way that the public can be assured of receiving safe treatment from well trained, ethically practising herbal practitioners is via statutory regulation. Against this the usual arguments for voluntary accreditation (cheaper, flexible and easier to implement) appear ill-conceived. The notion (mentioned in the Government response quoted above) that the PSA will provide Government with the means to justify statutory regulation of the herbal sector makes no sense since the PSA, as a voluntary register, has no means of doing this. Genuine regulation of herbal practice in the UK cannot be achieved this way. The fact that the Government report says *“Allowing people with no qualifications to put together medicines and carry this out on unregulated premises conflicts with everything else the MHRA does and could cause confusion to the public…”* highlights the inherent contradiction in imposing another bureaucratic layer of voluntary registration on a sector which has had this in place for decades.

**Conclusion**

Herbal medicine is internal medicine and like other types of internal medicine practised in the UK, requires statutory regulation for those who practise it. Professional herbalists provide an important public service and the profession should be integrated into the UK healthcare scheme via statutory regulation at the earliest opportunity. The EHTPA will continue to work independently with the MHRA and DH for high standards of practise throughout the sector and to put the case for statutory regulation of herbal practitioners of all traditions working in the UK.

1. <http://www.publications.parliament.uk/pa/cm201415/cmselect/cmhealth/339/33906.htm>

Accessed 7/5/17. Note the HCPC statement to the Health Committee *“We consider there is the potential for public confusion around the status of voluntary and statutory registers being held by the same organisation.”* [↑](#footnote-ref-1)