

GOsC Position Paper – proposal amending Directive 2005/36/EC on the recognition of professional qualifications

About the General Osteopathic Council

1. The General Osteopathic Council (GOsC) is the Competent Authority for osteopathy in the UK. We have a statutory duty under the Osteopaths Act 1993¹ to regulate the practice of osteopathy in the UK. Osteopaths must be registered with the GOsC in order to practise in the UK.
2. We work with the public and the profession to promote patient safety by:
 - Registering qualified professionals;
 - Setting, maintaining and developing standards of osteopathic practice and conduct;
 - Assuring the quality of osteopathic education;
 - Ensuring continuing professional development;
 - Helping patients with concerns or complaints about an osteopath.
3. The challenge the GOsC has always faced with implementing the Professional Qualifications Directive is the fact osteopathy is classified as a 'risk profession' in terms of the Directive because of the implications for public health and safety, it is not widely regulated across Europe² and care is predominately provided to patients in unsupervised, private practice.
4. We support the principle of free movement, and call for a revised directive which guarantees patient safety as well as respecting the rights of osteopaths moving within Europe. In the light of the complex issues involved the European Commission should involve the competent authorities in the decision-making process and implementation of a revised directive.

Language skills

5. We welcome the fact the proposals clarify that checking language knowledge should take place only after the host Member State (MS) has recognised the applicant's qualification. However, we would still seek greater clarification for competent authorities as to what language controls are available, particularly for professions like osteopathy, working in a self-employed capacity without any supervision.

¹ <http://www.legislation.gov.uk/ukpga/1993/21/contents>

² Within the European Economic Area, osteopathy is regulated in only six countries: Finland, France, Iceland, Malta, Switzerland and the UK.

Alert system

6. While we welcome the Commission's proposal to introduce a system for national competent authorities to alert each other in case a health professional benefiting from automatic recognition under the directive is prohibited, this must be extended to all health professions – regardless of whether they are a sectoral or general systems profession. Osteopathy, for example, does not benefit from automatic recognition. Issues concerning the fitness to practise of any health professional should be treated with the same level of urgency.
7. We would also argue that the alert system should be extended to include restrictions on practice.

European professional card (EPC)

8. We welcome the fact the Commission's thinking on a professional card has moved to an electronic certificate, linked to the Internal Market Information (IMI) system, but further safeguards are still required.
9. Osteopathy, along with a number of other professions, has not yet been included on the IMI system. This means that many competent authorities will not be able to use this mechanism to exchange vital information about individuals' fitness to practise and ensure that the e-certificate is not fraudulent. For this reason we urge the Commission to extend the IMI system to all professions before the introduction of the e-certificate.
10. While we welcome greater involvement from the home competent authority in the recognition procedure, in the interests of patient safety the host competent authority should still be able to make the necessary checks to satisfy itself that the applicant is safe and competent to practise.
11. With the introduction of an e-certificate we are concerned that the Commission's proposals to implement shorter timelines for processing recognition applications could in practice be unworkable without prior testing. We also do not support the use of the e-certificate as verification of an individual's registration status. It should be used only as part of the recognition process. A more effective way to confirm the status of an individual is to follow the example of the UK healthcare regulators, like the GOsC (<http://www.osteopathy.org.uk/information/finding-an-osteopath/>), in providing a free online register of those entitled to practise, including relevant fitness to practise information.

Common training frameworks

12. We do not object to the Commission's proposal to replace common platforms with common training frameworks, in order to provide an agreed common set of knowledge, skills and competencies or a common test assessing the ability of professionals to pursue a profession. Although it is not yet clear whether this is feasible to achieve in osteopathy because of the current lack of Member States regulating the profession in Europe, it could be argued that the CEN project (referred to below) is working to achieve the same aim, albeit through 'soft law'.

Partial access

13. We fully support the derogation for health professionals from the concept of partial access to a profession. To clarify it would be helpful to get confirmation from the European Commission as to what professions would be exempt on public health and safety grounds.

Access to information

14. We agree that information should be easily accessible on the status of a profession in different Member States, what is the relevant competent authority, what are the registration requirements and relevant documents for application. However, we do not agree that national contact points should become responsible for handling applications for recognition – this should be the responsibility of the competent authority. National contact points should instead act as a signpost to direct the migrant to the relevant authority. This would of course require clear communication channels between the competent authorities and the national contact points.
15. In terms of processing applications online, we do feel that competent authorities must still be able to request additional information which may not be possible other than in hard copy form.

Mutual evaluation by Member States

16. In response to the Commission's proposal to simplify national legal frameworks for regulated professions, we would argue that it is essential that osteopathy remains a regulated profession in order to protect standards of osteopathic care for patients across Europe. For this reason the GOsC, along with our European colleagues, is actively promoting the regulation of osteopathy through the Forum for Osteopathic Regulation in Europe (www.forewards.eu) and through the development of a European Standard on Osteopathic Healthcare Provision with the European Committee for Standardisation (www.cen.eu).