

Frequently asked questions about our abolition

Updated 16.10.09

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Why is the Hearing Aid Council being abolished?

The Government announced the change in the [2005 Budget Report](#) as part of plans to improve the way regulation works in the UK. Closing the Hearing Aid Council and transferring its powers to the Health Professions Council will improve public protection and lower the cost of regulation.

Public protection will improve because the Health Professions Council has more power than the Hearing Aid Council. For example, the Health Professions Council will be able to suspend dispensers who pose a serious risk to the public whereas the Hearing Aid Council cannot.

While public protection will increase, the cost of regulation will fall. The Health Professions Council already regulates over 200,000 people from 14 professions, including physiotherapists, paramedics and practitioner psychologists. The size and efficiency of the Health Professions Council means that annual registration fees will be around £76, saving the hearing aid industry over £1 million per year.

Why has it taken a long time to abolish the Hearing Aid Council?

Only Parliament can decide when the transfer to the [Health Professions Council](#) takes place. A number of pieces of legislation have been passed to allow the transfer to go ahead on 31 March 2010.

Who will take over from the Hearing Aid Council? Will dispensing be unregulated?

Dispensing in the independent sector will not be unregulated. We will transfer our register of dispensers to the [Health Professions Council](#). The Government's plans would make it a criminal offence to assess or test someone's hearing or prescribe a hearing aid unless registered with the Health Professions Council. Dispensers will need to meet the [Health Professions Council's Standards of Proficiency and Standards of Ethics, Performance and Conduct](#). Dispensers will also need to meet the [Standards of Continuing Professional Development](#) and Standards of Education and Training.

Since it began in 1968, the Hearing Aid Council has kept two registers: one of dispensers and one of the businesses which employ them. The Health Professions Council will take over responsibility for the register of dispensers but not employers. In the past 40 years, a great deal of general legislation has been passed in the UK and the European Union which deals with the conduct of employers. The Government feel this general legislation provides ample protection without the need for specific legislation dealing with the legislation of employers dispensing hearing aids in the independent sector.

In future, if you have a problem with an employer of hearing aid dispensers, you can contact Consumer Direct or your local Trading Standards Office and they will liaise with the Health Professions Council if necessary.

What is the Health Professions Council?

The HPC is a regulator which protects the public by setting Standards of training, professional skills, behaviour and health. The Health Professions Council already regulates over 200,000 people from 14 professions, including physiotherapists, paramedics and practitioner psychologists.

How do you join the Health Professions Council register and what will it cost?

All dispensers who are on our register on the day of the transfer will be transferred automatically to the [Health Professions Council's](#) register. Later in the year, the [Health Professions Council](#) will ask dispensers to pay a retention fee of around £76.

Those who are not on our register on the day of transfer can apply to the Health Professions Council directly to register.

I used to be registered with the HAC but am not anymore, can I join the Health Professions Council?

Yes, however the answer depends on why you are no longer registered with the Hearing Aid Council.

If you voluntarily removed yourself from the Hearing Aid Council register, then you are eligible to join the Health Professions Council. You should contact the Health Professions Council after to 1 April 2010 if you wish to register.

If you were erased from the HAC register for misconduct or non-payment, you may apply to join the HPC register. The HPC will have records for all those removed from the HAC register for misconduct or non-payment. The HPC will convene a registration panel to consider your application and will include the reasons for your erasure in their deliberations.

Similarly, you may apply to join the HPC register if you have removed yourself from the HAC register with a regulatory undertaking asserting you will not re-register. The HPC will have records for all those who have made regulatory undertakings. The HPC will convene a registration panel to consider your application and will include the reasons for your undertaking in their deliberations.

I dispense hearing aids in the NHS, will I be able to dispense privately?

Under the Government's plans it will be a criminal offence to assess or test someone's hearing or prescribe a hearing aid when done with a view to selling a hearing aid unless you

are registered with the Health Professions Council as a hearing aid dispenser. So those working in the NHS will only be able to dispense privately if they are registered as hearing aid dispensers.

To register with the Health Professions Council, you must meet the HPC Standards of Proficiency and hold an approved qualification. The approved qualification can be an approved degree or an approved exam. The approved exam is the most popular route for those already working as dispensers but who do not hold an approved degree.

I am an ENT surgeon, can I dispense hearing aids privately once the HAC is abolished?

Under the Government's proposed legislation, anyone who is registered in the General Medical Council's Specialist Register as having a specialty in otolaryngology, otorhinolaryngology or ENT surgery will not need to register with the HPC in order to assess or test someone's hearing or prescribe a hearing aid.

Such specialists will be regulated by the General Medical Council who dictate that all doctors 'must recognise and work within the limits of their competence'. So, for example, an ENT surgeon will be able to prescribe a hearing aid only if she is sufficiently skilled and competent to do so. All specialists are qualified to consultant level and must adhere to the General Medical Council's standards of [Good Medical Practice](#) at all times.

Were this exemption not included in the Government's proposed legislation, an ENT surgeon could be committing a criminal offence if she fitted a bone anchored hearing aid, for example. This type of exemption is a common feature of health legislation.

Which students will be excluded from the dispensing criminal offence and what happens to students on BSc Audiology courses?

A student enrolled on a degree course approved by the Health Professions Council will not be committing a criminal offence if they assess, test and prescribe as part of their training. However, they may be committing a criminal offence if they undertake these activities outside of their training (on their own account).

There may be some individuals enrolled on these courses who may undertake dispensing as part of their clinical placement but do not end up registering as a dispenser. Providing such courses are approved by the HPC and they only undertake the controlled acts as part of their training, they will not be committing an offence.

How will HPC deal with outstanding complaints about dispensers conduct? Will I be tried under the new HPC rules or the HAC Code of Practice?

You cannot be investigated or prosecuted for breaching a standard or rule that didn't apply to you at that time the event occurred. To do so would be a breach of natural justice. Issues that arise while you are registered with the Hearing Aid Council must relate to the HAC's Code of Practice, and the specific clauses that were in place at the time at which the issue being investigated occurred.

So, for example, if you fail to mask when testing someone's hearing at some time before 31st March 2010, the investigation undertaken by the HAC and subsequently by the HPC will be whether you have breached clause 9 (a) of the HAC's Code of Practice 2008.

However, the case will not be investigated or prosecuted under the HAC's procedures, but under the HPC's fitness to practise procedures. As such, the HPC is not only interested in whether a regulation has been breached, but whether the breach affects your continuing fitness to practise. When the HPC says that a health professional is fit to practise, it means that he or she has the health and character, as well as the necessary skills and knowledge to do their job safely and effectively and that they are trusted to act legally.

The HPC has a two stage process of assessing someone's fitness to practise in such circumstances. It is a similar split as between the HAC's Investigating Committee and the Disciplinary Committee. At the first stage, an allegation is investigated and will be considered by other dispensers to determine whether it should be referred to a Conduct and Competence Panel Hearing or a Health Panel Hearing. In making this decision, the Investigating Committee is concerned with your continuing fitness to practise, as outlined above.

So, if on 30th March 2010 someone breaches the HAC Code of Conduct, what will happen? Will they get away with it?

No. The current Code of Practice requires that dispensers maintain a high ethical standard in their practice. If a dispenser defrauds someone on 30th March 2010, the HPC will determine whether their fitness to practise is impaired by that misconduct.

I have an outstanding complaint against me. Will I be considered by the HAC's Disciplinary Committee or by the Health Professions Council?

It depends on how far the case has progressed at the time of the transfer. For those investigations that start on or before 31st March 2010: if the HAC's Investigating Committee has not made a decision whether or not to refer to the Disciplinary Committee on or by 31st

March 2010, the complaint will be picked up by the Health Professions Council's Investigating Committee Panel on or after 1st April 2010.

The first decision made in this process will be whether an interim suspension order is appropriate. The Health Professions Council has powers to suspend someone from its registers until a fitness to practise case has been completed, where the nature of the complaint is very serious. So, for example, if the complaint relates to fraud, a serious criminal conviction or death of a patient, the Health Professions Council may suspend temporarily until the case has been considered; or if the HAC's Investigating Committee has made a decision to refer to the Disciplinary Committee, but the DC date has not been scheduled on or before 31st March 2010, the matter will be referred to either a Conduct and Competence Committee Panel Hearing or a Health Committee Panel Hearing.

Again, the first part of this decision making process for the Health Professions Council will be whether the issue is so significant that an interim suspension order is appropriate, pending the outcome of the panel.

For investigations that start on or after 1st April 2010, the HAC will not be involved as it will no longer have any statutory powers. If the issue under investigation took place on or before 31st March 2010, the investigation will focus on whether the HAC's Code of Practice has been breached and whether this affects the dispenser's fitness to practise. If the issue took place on or after 1st April 2010, the investigation will be conducted against the Health Professions Council's standards.

It doesn't matter when the complaint is made, but which standards or regulations applied at the time the event being complained about occurred.

What will happen to students on approved courses?

Graduates from approved courses will be eligible to apply to join the HAC register until transfer and then the HPC register thereafter. From the point of transfer, the HPC will approve all courses the HAC did. The HAC and HPC will write to all approved degree providers and notified trainees to let them know how the transfer however students should not be affected in any way.

You can read more about approved courses at the [HAC here](#) and [HPC here](#).

What will happen to the Hearing Aid Council after the transfer?

The HAC will exist in shadow form for around 3 months after the transfer but it will not have any regulatory powers. During the 3 months, the HAC must be audited by the Department for Business, Innovation and Skills and by the National Audit Office. Our accounts are then laid before Parliament and published.

The HAC will also be completing its close down. In preparation for closure, the HAC has minimised the assets it has to dispose off by switching to serviced offices and short contracts. Staff will be made redundant but the HAC is working closely with staff to support them in finding alternative employment.

The HAC has been working closely with the HPC since the transfer was first announced. The two organisations will continue to share knowledge until the HAC is closed.

What will happen if the HAC still has funds in its budget when it closes down? Can money be returned to dispensers?

The HAC is a non-departmental public body that reports to the Department of Business, Innovation and Skills. The Department is ultimately responsible for any excess funds or deficit at the time of transfer.

What is the latest date I rejoin the HAC register?


The latest you can join the HAC register will be during March 2010. However, to help as many people to register as want to, we will write to all those who are voluntarily suspended explaining the different registration options open to them. If you wish to register in March so you only pay one month pro rata fee, we will encourage you to apply in January so we can process your form in good time and give you the opportunity to submit any further information we require but your registration will only be effective from March.

HPC registrants are 'notified professions', what does this mean?

Dispensers will become a notified profession once they are registered with the HPC. As a worker in a notified profession, the police will be required to notify the HPC and your employer of any conviction or other relevant information. The HPC will then determine whether this conviction or information affects your fitness to practise.

I am registered with the HAC but live and work abroad, what will happen to me?

If you are on the register at the time of transfer, you will be transferred to the HPC with all other registered dispensers. Like the HAC, the HPC's jurisdiction covers the United Kingdom. However, the HPC can consider whether a registrant's misconduct outside the UK affects that registrant's fitness to practise, and therefore their registration in the UK.

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