

BY E-MAIL

Charity Commission
PO Box 211
Bootle
L20 7YX

19th May 2017

Dear Sir or Madam,

Response to the Charity Commission consultation on the use and promotion of complementary and alternative medicine: making decisions about charitable status

The Professional Standards Authority for Health and Social Care promotes the health, safety and wellbeing of patients, service users and the public by raising standards of regulation and registration of people working in health and care. We are an independent body, accountable to the UK Parliament. More information about our work and the approach we take is available at www.professionalstandards.org.uk.

We welcome the opportunity to respond to this consultation from the Charity Commission on the use and promotion of complementary and alternative medicine (CAM): making decisions about charitable status.

Our interest in responding to this consultation stems from our role assessing and accrediting registers of practitioners in occupations not regulated by law. The Health and Social Care Act (2012), confers authority on us to set standards for such registers and to accredit them. We have accredited 23 registers to date, some of which are charities. Some registers have complementary therapy practitioners, although those we have accredited to date are not charities.

To be eligible to apply for accreditation, organisations must hold a register for people in health and/or social care occupations. In deciding whether a register qualifies as a health care occupation register, we have regard to the definition of health care set out in the NHS Reform and Health Care Professions Act (2002), as inserted by the Health and Social Care Act (2012).

Our *Standards for Accredited Registers* are designed to strengthen public protection, for example making sure registers act appropriately and proportionally to misconduct by practitioners on their registers, ensuring they set appropriate education and training

standards, and have processes in place to manage risk.¹ This means the accredited registers programme enables the public to access practitioners from registers that we have vetted and approved. We do not make a judgement in our accreditation process on the efficacy of treatments provided.

In our view, it is not clear from the consultation document how (if at all) the Commission is exercising judgment of CAM therapies. On page 1 it is stated that it is not the role of the Commission to decide whether therapies are 'good' or 'bad'. However, on page 2 the Commission says:

'...if an organisation is established to provide specific treatments to reduce the symptoms of a particular disease, then in order for the Commission to register it as a charity it must be satisfied that the treatments it intends to use will tend to reduce those symptoms – so that it is clear that the organisation's principles will advance health for the benefit of the public'

We think there is a tension between these two statements which is not clearly explained.

I refer you to our report, *Accredited Registers: Ensuring that health and care practitioners are competent and safe (March 2015)*. The principles underpinning the programme are set out at paragraph 3.4. You may also find it useful to note our own consideration in relation to public interest and complementary therapies, which we set out at paragraphs 3.9 – 3.15.²

We note that on page 4 of the consultation document the Charity Commission is considering 'whether there is any potential harm as a result of the use or promotion' of a CAM therapy. We refer you to paragraph 3.15 of our report, which highlights the standards we developed to mitigate such risks as arise.

We positively recommend that patients who choose to use complementary therapies, use practitioners who are either registered with the nine professional regulators we oversee, or from a register we have accredited. We would like to suggest that the Charity Commission considers our accredited registers programme as a means for mitigation of public risk in any decision it makes. We would be happy to discuss this further if it would assist.

Yours sincerely,



Christine Braithwaite
Director of Standards and Policy

¹ Professional Standards Authority, 2016, *Standards for Accredited Registers*. Available at: <http://www.professionalstandards.org.uk/docs/default-source/publications/standards/standards-for-accredited-registers.pdf>

² Professional Standards Authority, 2015, *Accredited Registers: Ensuring that health and care practitioners are competent and safe*. Available at: <http://www.professionalstandards.org.uk/docs/default-source/accredited-registers/accredited-registers/reports/accredited-registers-report-2015.pdf?sfvrsn=2>