



Working in Private Practice: a guide for AHCS Registered Genetic Counsellors setting up and working in private practice

1. Indemnity

It is essential that all AHCS Registered Genetic Counsellors working in private practice have a sufficient level of indemnity cover. It is their responsibility to ensure this is in place prior to seeing patients. This applies even when working in private practice on NHS premises, when contracted to see NHS patients in a private setting, or providing a medicolegal opinion. If an independent healthcare provider employing a Genetic Counsellor provides indemnity, the Genetic Counsellor must check that it covers the full scope of work done. All indemnity arrangements should be reviewed regularly and particularly when circumstances change. All Genetic Counsellors working in private practice will need to declare this work to their employer, if required to do so under their contract.

2. Financial and legal considerations

AHCS Registered Genetic Counsellors wishing to set up in private practice need to consider the administrative, financial and legal implications involved. If setting up an independent business they will need to seek specialist advice in relation to tax and accounting.

Information in relation to this can be found using the following links:

The Law Society www.lawsociety.org.uk

The Institute of Chartered Accountants of England and Wales www.icaew.com

Association of Chartered Certified Accountants www.accaglobal.com

Chartered Institute of Management Accountants www.cimaglobal.com

3. Registration with the Care Quality Commission (CQC)

AHCS Registered Genetic Counsellors working in private practice may fall under the CQC's definition of carrying out a Regulated Activity in the Diagnostic and Screening Procedures category. Where they do so, they would be required to register with the CQC.

Factors affecting the definition of a Regulated Activity include whether the practitioner or the patient is collecting the sample, and whether the results of the sample will be used to plan or deliver the person's treatment or care. Exemptions may apply to certain types of genetic testing.

In 2008 the Health and Social Care Act established the CQC. It regulates the independent healthcare sector in England. AHCS Registered Genetic Counsellors are responsible for reviewing the regulations in detail to ensure they are meeting all criteria before setting up or working in private practice. These regulations have been updated in May 2022 (CQC 2022). For more information on the guidance provided in this section, please see the **Appendix** below.

AHCS Registered Genetic Counsellors working in the private sector in England, Wales, Scotland, Northern Ireland or the Republic of Ireland should follow the links below for accurate information and ensure they are meeting the correct regulations.

England – Care Quality Commission:

<http://www.cqc.org.uk/>

Scotland - Scottish Commission for the regulation of care:

www.carecommission.com

Wales - Health Inspectorate Wales (HIW):

www.hiw.org.uk

Northern Ireland - Regulation and Quality Improvement Authority (RQIA):

www.rqia.org.uk

Republic of Ireland - Health information and Quality Authority (HIQA):

<http://www.hiqa.ie/>

4. Registration under the Data Protection Act

The Data Protection Act requires those carrying out private practice to have registered under the Data Protection Act (Data Protection Act 2018). If you are unsure if this will apply to you the link below may help.

<https://ico.org.uk/for-organisations/register/self-assessment/>

5. Disclosure and Barring Service (DBS) (Formerly Criminal Records Bureau (CRB)) checks

The Disclosure and Barring Service now covers the roles of the Criminal Records Bureau and the Independent Safeguarding Authority. It was set up under the Protection of Freedoms Act 2012. It is essential that AHCS Registered Genetic Counsellors working in the private sector ensure they have the relevant documents for the region they are working in.

6. Taxation

It is important to obtain professional advice with regards to tax and the fact that you are setting up a fee-charging practice. It would be advisable to review the link below to ensure that you are working within the law and have advised the relevant authorities in a timely manner to avoid fines. More information is available at the HMRC website at: <https://www.gov.uk/government/organisations/hm-revenue-customs>

7. Code of Conduct

All AHCS Registered Genetic Counsellors working in the private sector will need to work within the GCRB Code of Conduct and the AGNC Code of Ethics to maintain their professional registration (GCRB 2021, AGNC 2021). They will also be expected to meet the Department of Health Code of Conduct for private practice. This makes clear the boundaries between NHS duties and private practice (Department of Health 2004). AHCS Registered Genetic Counsellors working outside of England should follow their Department of Health Code of Conduct for their particular country.

8. Supervision

AHCS Registered Genetic Counsellors working in the private sector will need to ensure that they are obtaining adequate Supervision for the work that they are carrying out privately in accordance with the AGNC supervision document (2013). If an AHCS Registered Genetic Counsellor is working in the NHS

and privately, the supervision they receive through the NHS will not cover their private practice. Supervision for private practice should be obtained separately. Further information on guidelines for supervision can be obtained from: <https://www.agnc.org.uk/info-education/documents-websites/>

9. Continuing Professional Development (CPD)

Those working in private practice will need to ensure that they maintain their level of CPD in accordance with AHCS CPD Guidance (2022) to ensure they are able to maintain their Professional Registration. The most current AHCS CPD Guidance is available via the AHCS website.

Final note

This document acts as a guide for those working in private practice. It does not cover all aspects of private practice and it is the individual GCRB Registered Genetic Counsellor's responsibility to ensure that they have consulted all the appropriate bodies, and applied the guidance considered by these bodies as appropriate to them. It is good practice for a Genetic Counsellor working independently to document the guidance or decision-making provided to them - and how they have applied it to their practice - for reference, if required at a future date.

References

Association of Genetic Nurses and Counsellors (2021) Code of Ethics. Available at: <https://www.agnc.org.uk/info-education/documents-websites/> [Accessed 22 February 2023]

Association of Genetic Nurses and Counsellors (2013, last reviewed 2022) Supervision document. Available at: <https://www.agnc.org.uk/info-education/documents-websites/> [Accessed 22 February 2023]

Care Quality Commission, 2022; Registration under the Health and Social Care Act 2008; Scope of registration: Introduction <https://www.cqc.org.uk/guidance-providers/scope-registration> and Scope of Registration: Regulated Activities <https://www.cqc.org.uk/guidance-providers/scope-registration-regulated-activities#diagnostic-screening-services> [Accessed 22 February 2023]

Data Protection Act 2018 <https://www.legislation.gov.uk/ukpga/2018/12/contents/enacted> [Accessed 22 February 2023]

Department of Health (2004) A Code of Conduct for Private Practice Recommended Standards of Practice for NHS Consultants. Available at: <https://www.nhsemployers.org/system/files/2021-06/consultants-code-of-conduct-private-practice-guide.pdf> [Accessed 22 February 2023]

Genetic Counsellor Registration Board (2021) Code of Conduct. Available at: <https://gcrb.org.uk/media/9546/gcrb-code-of-conduct-v4-2021-3.pdf> [Accessed 22 March 2023]

Academy for Healthcare Science (2022) Continuing Professional Development Guidance for Registrants. Available at: <https://www.ahcs.ac.uk/our-registers/hcs-register/continuing-professional-development/> [Accessed 08 March 2023]

In writing this document the GCRB would like to acknowledge:

British Medical Association (2021) Setting up in private practice – overview

Available at: <https://www.bma.org.uk/advice-and-support/private-practice/setting-up-in-private-practice/setting-up-in-private-practice-overview> [Accessed 22 February 2023]

Appendix

The Care Quality Commission's Scope of Registration documentation listed in the **References** above lists some genetic testing as a specific exemption from the 'Diagnostic and Screening Procedures' category of Regulated Activities:

"Taking or analysing samples of tissue, cells or fluids in order to determine the existence of a genetically inherited disease or disorder, or to determine the influence of a person's genetic variation on their response to a drug. But these tests are not exempt if carried out as part of:

- planning or delivering the person's treatment or care, or*
- a national screening programme apart from a national cancer screening programme."*

Therefore providers of genetic testing need to consider how their work fits with these circumstances and with the rest of the guidance provided by the CQC.

From discussions directly with the CQC, the circumstances of the sample-taking are also relevant, and refer explicitly to the person taking the sample. This means that if the patient takes the sample themselves, again, this is an exempt activity [A. Michell, 2023 personal communication, from her experience as a CQC Registered Manager].

Summary of changes made (Version 5)

- References to the GCRB register within this document have been updated to reflect that the register is now held by the Academy of Healthcare Science (AHCS)
- Guidance about Indemnity (Section 1) expanded and clarified
- Guidance updated with respect to the need for CQC registration (Section 3)
- Removal of reference to the outdated Data Protection Act 1998 in Section 4
- Typo "Formally" corrected in title of Section 5
- Clarified wording in Section 8 on arrangements for supervision for private work
- Appendix added
- All references and weblinks checked and up-to-date links provided
- Document history summary section added to end of document

Document reviewed by Anna Michell and Mary O'Driscoll, and approved for issue on 23/03/23