
THE LEGAL APPRENTICE

Regulatory Law Fact Sheet

What is regulatory law?

Regulatory law relates to both individuals and organisations. When a person decides that they would like a career in a certain profession (eg a doctor, dentist, solicitor, social worker, teacher, paramedic, accountant, psychologist etc) they will be entering a profession that is “regulated”. This essentially means that the profession is overseen by a regulatory body.

Once a person has completed the academic requirements to enter their chosen profession i.e. a university degree or vocational qualification, they must then register with the regulatory body that is responsible for that profession before they can begin working.

Example: Doctors

For doctors, the regulatory body is the General Medical Council (GMC). In order to legally practise as a doctor in the UK, individuals must be registered with the GMC. To register, you must produce evidence of your eligibility to work as a doctor, which would include providing evidence of your qualifications. Once a person is registered with the GMC, their name will appear on the GMC’s register. This is a public register that is accessible online by members of the public.

The same is true for other professions. For example, to work as a paramedic you must be registered with the Health and Care Professions Council (HCPC). To work as a dentist you must be registered with the General Dental Council (GDC). These are just a few examples. For every professional person or job you can think of, it is likely that those people will be registered with a regulatory body.

The majority of professions have a “protected title”. This means that you cannot call yourself a doctor, dentist, psychologist, social worker etc. unless you are registered with the relevant regulatory body. If a person calls themselves a doctor, for example, and they are not registered with the GMC and do not have a licence to practise, they may be committing a criminal offence.

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Provision of some services or activities is also regulated, for example, gas and electricity suppliers, advertising and gambling.

What does it mean to be a regulated person?

One of the functions of most regulatory bodies is to keep a register of all individuals who are working in a certain profession. A number of professions that are regulated are responsible for working with members of the public and some of these individuals will be vulnerable, for example due to ill health. Regulatory bodies are responsible for protecting the public and those who use the services of regulated professions by ensuring that professionals are fit and qualified to carry out their job. They are also responsible for maintaining standards across the profession.

When a person is registered with a regulatory body it means that they have signed up to adhere to certain rules and regulations. All regulatory bodies have a Code of Conduct – or equivalent – that must be adhered to by the individuals who are registered with that body. The Code of Conduct sets out what is expected of registered individuals. The general principle is that people who work in a professional role hold a privileged position within society and it is expected that they must adhere to high standards of conduct and behaviour.

Complaints about regulated professions

Regulatory bodies are responsible for dealing with complaints that are made about professionals who are registered with them. Anyone can make a complaint about a professional. A member of the public or an employer can contact a regulatory body to raise a concern.

Example: a patient who feels that they have received poor treatment from their dentist can make a complaint about that individual to the regulatory body, the General Dental Council.

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In certain situations, an employer must refer a member of staff to their regulatory body. For example, where a teacher is found to have been stealing money from their school and is dismissed as a result of this, their employer should refer that person to the teacher's regulatory body. In England, the regulatory body for teachers is the Teaching Regulation Authority. The regulatory body must then make a decision as to whether the individual should be allowed to continue to be registered with them.

Regulatory lawyers work with individuals when a complaint is made against them. They can assist them in preparing a defence against that complaint. Regulatory lawyers can also work for regulatory bodies and can be involved in the prosecution of regulated professionals.

Key topics covered by this area of law

- Registration
- Regulatory compliance
- Investigation
- Prosecutions
- Enforcement

What skills does a Regulatory lawyer need?

- **Excellent communication** and **client care** skills. This is particularly important when acting for a distressed client who may be facing a serious allegation that could end their career;
- **Drafting** skills are essential as a large part of the role involves drafting documents including policies and procedures for regulators and witness statements for cases where a complaint has been made;
- **Attention to detail** and **analytical skills**;
- **Time management** and **organisation**.

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Regulatory law is a fascinating area of law to work in as you will get a deep insight into the lives of your clients and can make a real difference in helping individuals maintain their professional reputation. When acting for regulatory bodies you find out lots about the relevant profession and how it works on a day to day basis.

Relevant Links

- The regulation of Solicitors in England is undertaken by the Solicitors Regulations Authority (SRA). A link to their website can be found here: <https://www.sra.org.uk/>
 - The Standards and Regulations Page: <https://www.sra.org.uk/solicitors/standards-regulations/>
 - The SRA Principles: <https://www.sra.org.uk/solicitors/standards-regulations/principles/>
 - The Codes of Conduct: <https://www.sra.org.uk/solicitors/standards-regulations/code-conduct-solicitors/> and <https://www.sra.org.uk/solicitors/standards-regulations/code-conduct-firms/>
 - The SRA Enforcement Strategy: <https://www.sra.org.uk/sra/strategy-2017-2020/sub-strategies/sra-enforcement-strategy>
- The regulation of teachers in England (including head teachers) is undertaken by the Teaching Regulation Authority. A link to their website can be found here: <https://www.gov.uk/government/publications/teacher-misconduct-information-for-teachers>
- The regulation of paramedics in England is undertaken by the Health and Care Professions Council. Paramedics are required to adhere to standards of proficiency when dealing with patients. These can be accessed on the HCPC's website: <https://www.hcpc-uk.org/standards/>