

**To all:**                    **HEIs**  
**Registered employers of hearing aid dispensers**  
**Registered dispensers**  
**Notified trainees**

**Changes to the regulations governing students and trainee dispensers**

The Secretary of State for Business, Enterprise and Regulatory Reform has approved changes to the Standards of Competence (2007) and Code of Practice (2004) as it affects the training and registration of hearing aid dispensers/audiologists. These changes have been approved following consultation conducted over the summer of 2006 on the introduction of a foundation degree in hearing aid audiology and the subsequent consultation in late 2007 on the change from the current company-based training route to the foundation degree as the minimum requirement for registration and training as hearing aid dispensers/audiologists. I am writing to advise you of these changes, what they mean for HEIs, employers, registered supervisors, audiology students and trainee dispensers, and what actions you need to take to ensure you comply with the law and the new regulations. I also want to ensure that HEIs that place BSc Audiology students on clinical placements involving the dispensing of hearing aids understand the current law as it affects them and their students.

First, it is important to set out the legal position in relation to individuals involved in dispensing. It is illegal for a person to act as a dispenser of hearing aids or be involved in dispensing unless they are either (a) registered with the Hearing Aid Council or (b) notified to the Council as being in training with a view to becoming a hearing aid dispenser. Dispensing is a process defined in law and in the Council's regulations, and includes both clinical and commercial practices involved in the retail sale of hearing aids. Such processes may include (but not limited to) taking case histories, testing someone's hearing, assessing the clinical nature of a person's

hearing loss and making onward referrals if appropriate, fitting aids and post-fitting rehabilitation work. Undertaking such work where it is unrelated to the retail sale of hearing aids is not covered by these legal restrictions.

There are three key changes that affect audiology education providers, audiology and hearing aid audiology students and organisations involved in dispensing hearing aids. These changes are designed to:

- enable students to undertake dispensing during their courses (for example, where they are on a clinical placement with a dispensing company or undertake classroom based dispensing activities);
- enable audiology and hearing aid audiology graduates to register directly with the Council;
- close the current company-based training route to new students/trainees from 31<sup>st</sup> March 2008.

These changes are outlined in more detail in the following paragraphs.

## **Dispensing by student/trainee audiologists and hearing aid audiologists**

The changes to the regulations are intended to ensure that students on approved degree courses can undertake clinical placements with independent sector providers or be involved in dispensing as part of their course work without being in breach of the law. To comply with the law and the regulations, HEIs and their partners must ensure that foundation degree, BSc (audiology) and MSc students are:

- undertaking an approved degree course. A list of degrees approved by the Council is available from the Council's website at [www.thehearingaidcouncil.org.uk](http://www.thehearingaidcouncil.org.uk) ;
- notified to the Council as trainee dispensers;

- in full time training (ie undertaking a full time course or clinical placement);
- be under the supervision of a registered dispenser; and
- able to demonstrate appropriate skills and knowledge before dispensing without direct, physical supervision.

HEIs, dispensing companies and students risk criminal or civil prosecutions if:

- students on degree courses that are conditionally approved or not approved undertake dispensing activities;
- students on approved courses undertake dispensing activities without being notified as the Council as a trainee dispenser and/or supervised by a dispenser who has been registered with the Council for at least two years;
- students are permitted to dispense without appropriate levels of supervision.

The Council will review the approval of degree courses where HEIs and their partners fail to follow the regulations as they apply to dispensing of hearing aids by students/trainee dispensers. The Council will always pass on to the relevant authorities details of those organisations and individuals it suspects of being involved in illegal dispensing of the hearing aids.

To ensure you comply with the Hearing Aid Council Act 1968 (as amended) and the Council's regulations, you should ensure you complete a trainee/student hearing aid audiologist application form before the degree course commences. The form is available from the Council's website at [www.thehearingaidcouncil.org.uk](http://www.thehearingaidcouncil.org.uk). It sets out what you should do once the application is accepted by the Council.

You need only complete this form in relation to students who will be involved in dispensing: students whose clinical placement is undertaken in the NHS and who are not involved in any dispensing are not covered by the law or these regulations.

### **Registering as a hearing aid dispenser/audiologist**

The changes mean that individuals who hold any degree awarded from an approved course are eligible to register as a dispenser with the Hearing Aid Council.

Registration is a legal requirement for practice as a hearing aid dispenser in the UK. Unregistered individuals and their employers may be committing a criminal offence under s3 of the Hearing Aid Council Act 1968 (as amended) if they are involved in the dispensing of hearing aids.

The Government has announced its intention to repeal the Hearing Aid Council Act and to transfer the regulation of dispensing to the Health Professions Council.

Registration with the Health Professions Council will then be a legal requirement for practice as a hearing aid dispenser in the UK. Unregistered individuals and their employers may be in breach of the Unfair Commercial Practices regulations (2008) if they are involved in the dispensing of hearing aids. These regulations provide a range of criminal and civil sanctions. Individuals who hold a degree awarded from an approved degree course should be eligible for registration with the Health Professions Council.

### **Close of company-based training route**

The final change to the regulations will close the current company-based training route for dispensers from 31<sup>st</sup> March 2008. From this date, the Council will only accept new students/trainees if they are enrolled on an approved degree course. Individuals notified before this date can commence or continue to complete the company-based training route. The Council will hold exams in 2008 (1) and 2008 (2). The 2008 (2) exams will be the final exams available to individuals undertaking the company-based training route.

During 2008, the Council will be working with HEIs and others to determine whether, and if so how, individuals undertaking the current company-based route could be 'apeled' over to an approved degree course.

**Further information and advice**

Clearly, HEIs and their partners will want to take appropriate steps to ensure that meet the requirements of the Hearing Aid Council Act and the regulations that govern the dispensing of hearing aids. This letter is intended to give clear advice on the position and the actions that HEIs and their partners should take to comply with the law. If you need further advice or guidance, or need to discuss specific actions you need to take, please feel free to contact me by email at [chris.o'leary@thehearingaidcouncil.org.uk](mailto:chris.o'leary@thehearingaidcouncil.org.uk) or on 020 3102 4029.

Yours sincerely

A handwritten signature in a cursive style, rendered in a multi-colored font (rainbow spectrum).

CHRIS O'LEARY  
Director of Policy and Communication