

Accredited Registers

Condition Review: Complementary and Natural Healthcare Council (CNHC)

6 December 2023

1. Outcome

- 1.1 At the CNHC's Standard One assessment (*Decision on whether accreditation is in the public interest: CNHC*)¹, the Professional Standards Authority issued one Condition on its accreditation, which was to be completed by 22 August 2023.
- 1.2 This report sets out our assessment of the actions taken by the CNHC to satisfy the Condition.
- 1.3 We found that the CNHC had met the Condition.

2. Background

- 2.1 We assess registers against our *Standards for Accredited Registers* ('the Standards')². Where a Register has not met a Standard, we can issue Conditions. A Condition sets out the requirements and the timeframe that a Register must meet.
- 2.2 Standard One, also known as the 'public interest test', was introduced in July 2021. The purpose is to help determine eligibility for the Accredited Registers programme by checking that the benefits of the role(s) registered, outweigh any risks. Since then, we have been applying Standard One to current Accredited Registers, as a stand-alone assessment. If the assessment requires an Accreditation Panel to determine if the Standard is met, then we publish a report.
- 2.3 The CNHC's Standard One assessment did require an Accreditation Panel, for reasons set out in *Decision on whether accreditation is in the public interest: CNHC*. The Accreditation Panel issued one Condition, to be implemented by 22 August 2023:

Condition 1: *The CNHC should strengthen its checks of whether registrants are advertising responsibly. It should introduce a clearer process for handling breaches of its requirements for advertising. This should include:*

a) *Being clear about how it acts on concerns identified through its own checks of registrants' websites.*

¹ Report available at: https://www.professionalstandards.org.uk/docs/default-source/accredited-registers/panel-decisions/complementary-and-natural-healthcare-council-decision-on-whether-accreditation-is-in-the-public-interest-february-2023.pdf?sfvrsn=98944a20_1

² https://professionalstandards.org.uk/docs/default-source/publications/standards/standards-for-accredited-registers.pdf?sfvrsn=e2577e20_8

b) Setting out clear routes for how concerns identified through its own checks, or raised by others, will be considered. This should include criteria for when they are reported to other agencies such as the Advertising Standards Authority, and when they are serious enough to constitute a breach of the CNHC's Codes.

c) Being able to demonstrate progress with reducing the proportion of registrants where there are concerns about advertising.

d) Reviewing how its standards for responsible advertising could be embedded more clearly within the core curricula for the roles registered. The CNHC should provide a report with recommendations it identifies for strengthening this aspect of practice within the core curricula, and how these could be achieved through its training bodies ('verifying organisations').

- 2.4 This report discusses the actions the CNHC took to address the Condition, as well as our decision about whether the Condition is met.
- 2.5 We reviewed the following evidence:
 - a) The CNHC's reported actions about what it had done to meet the Condition.
 - b) A spot-check of a sample of the CNHC's registrant's websites.

3. Concerns leading to the Condition

- 3.1 During our assessment of Standard One, we looked at evidence supporting the benefits, and the risks of the 18 roles that the CNHC registers. We found that whilst evidence of effectiveness is limited, many people derive from complementary therapies. Broadly, risks arising from these practices appeared to be appropriately mitigated by the CNHC's requirements for registrants.
- 3.2 We also noted that the CNHC had developed descriptors on its website for the complementary therapies it covers. These are based on the Advertising Standards Authority's (ASA)'s Committees of Advertising Practice (CAP) Code. We did not have any concerns about the information the CNHC itself provided about these therapies, on its website.
- 3.3 However, we did have some concerns about how some registrants were describing the benefits of the therapies. During our assessment, we checked a random sample of registrants across all therapies, representing approximately 1% of the total registrant base. We found that approximately half appeared to deviate from the messaging that was developed by the CHNC and appeared to depart from the ASA's guidance.
- 3.4 This raised a concern about whether the CNHC's approach to monitoring and acting on concerns about advertising was sufficiently robust, and whether its standards for registrants on advertising were sufficiently embedded within the curricula of its verified training bodies.
- 3.5 Further detail can be found in the *Decision on whether accreditation is in the public interest: CNHC report*.

4. Assessment of Condition

4.1 The CNHC provided its response to the Condition by the deadline. The evidence for each part of the Condition (a-d) is considered below.

a) Being clear about how it acts on concerns identified through its own checks of registrants' websites.

4.2 The CNHC updated its Advertising Guidance³ in April 2023 to provide clearer information on the use of testimonials and reviews (see Section 5). This makes clear that the terms 'testimonials' and 'reviews' are likely to count as advertising if they are edited or actively incorporated into marketing. It provides useful detail to registrants on relevant scenarios, such as what to do if a client posts their own review on social media.

4.3 The CNHC's Code of Conduct⁴, which registrants must abide by, was also updated in August 2023⁵. This makes clear that the Advertising Guidance is a requirement of registration.

4.4 We were satisfied that the updated Advertising Guidance, and Code of Conduct makes clear how the CNHC will act on concerns registrants' advertising, and that this part of the Condition is met.

4.5 In addition, the CNHC reported that in May 2023 it had appointed a University to identify the best available research evidence of effectiveness for each of the 18 complementary therapies on its Register. At the time of writing, this is still in progress. In the meantime, the CNHC has established a Research Committee. It intends for this Committee to use the findings of the research to review whether any updates can be made to its descriptors.

b) Setting out clear routes for how concerns identified through its own checks, or raised by others, will be considered. This should include criteria for when they are reported to other agencies such as the Advertising Standards Authority, and when they are serious enough to constitute a breach of the CNHC's Codes.

4.6 The CNHC's Advertising Guidance sets out how it will determine the seriousness of advertising concerns. We asked the CNHC how it will determine what constitutes a 'serious claim' in terms of life-threatening medical conditions. The CNHC told us that they would have regard to NHS descriptions of Conditions, which would include conditions such as depression.

4.7 The CNHC told us it will also have regard to the ASA's lists of serious medical Conditions in making this decision. If it is not clear whether a condition should be regarded as serious or not, it will take specialist advice as part of its usual complaints processes, which like other evidence used in an investigation, the registrant would be able to challenge.

4.8 We were satisfied that the CNHC met this part of the Condition.

³ [Advertising-guidance.pdf \(cnhc.org.uk\)](https://www.cnhc.org.uk/advertising-guidance.pdf)

⁴ <https://www.cnhc.org.uk/code-of-conduct-for-registrants#gsc.tab=0>

⁵ <https://www.cnhc.org.uk/uploads/asset/file/35/CodeofConductEthicsandPerformance.pdf>

c) Being able to demonstrate progress with reducing the proportion of registrants where there are concerns about advertising.

4.9 The CNHC is continuing to check the websites of a random sample of 2% of its registrants annually. We checked a small sample of CNHC's registrants' websites and identified potential concerns with 30%. Although this was less than the 50% identified during the Standard One assessment, the sample size was very small. However, we did not identify serious concerns about advertising, and so overall were reassured that the CNHC's monitoring processes, and updates to its Codes (which have been communicated to registrants), are starting to take effect.

d) Reviewing how its standards for responsible advertising could be embedded more clearly within the core curricula for the roles registered. The CNHC should provide a report with recommendations it identifies for strengthening this aspect of practice within the core curricula, and how these could be achieved through its training bodies ('verifying organisations').

4.10 All applicants for CNHC registration are required to have completed education and training that meets the requirements of two generic National Occupational Standards (CNH1 and CNH2) plus the specific National Occupational Standard for their discipline. Skills for Health is the body responsible for these Standards.

4.11 In May 2023, the CNHC asked Skills for Health to review CNH1 and add coverage of responsible advertising. In June 2023, the CNHC launched an eight-week consultation to seek views on these changes to CNH1.

4.12 When the change to CNH1 comes into effect, all CNHC core curricula will need to be updated and all CNHC Verifying Organisations will need to confirm that the training courses they recognise or accredit meet the updated requirement. The CNHC reported that this would require further discussions with the Awarding Bodies for the regulated qualifications for Aromatherapy, Massage Therapy, Reflexology and Shiatsu, plus the Nutritional Therapy Education Commission. This is therefore a significant change, indicating that all new CNHC practitioners/registrants would undergo advertising training. The CNHC however did not confirm that all existing registrants would undergo the new training module as soon as it is created.

4.13 At the time of our decision, the next step was for the proposed changes to be submitted to the National Occupational Standards Panel for agreement, and inclusion on the national framework. Once accepted, then the CNHC is to update the core curricula, and then convene a meeting of all Verifying Organisations for them to (a) notify all providers of relevant unregulated qualifications of the changes to CNHC (b) send the course providers the links to CNHC guidance on Advertising and the Cancer Act and (c) confirm that the course providers will provide the CNHC guidance to students. The CNHC then intends to discuss a timetable for the review of regulated qualifications.

4.14 Although this work is still in progress, we recognise the significant work that the CNHC has undertaken with relevant stakeholders to achieve this change. We were satisfied that progress to date satisfies this part of the Condition.

5. Conclusion

- 5.1 The CNHC has addressed all four parts of the Condition. The updates to its CNHC Advertising Guidance and Code of Conduct clarify expectations of registrants in this area. This now underpins its compliance checks of registrants' websites. The CNHC has also commissioned new research into the disciplines in registers. It is working with Skills for Health to embed responsible advertising into the relevant National Occupational Standards. This represents a significant amount of work and progress to ensure that registrants advertise responsibly.
- 5.2 We therefore found that the Condition has been met.