

Note about the attached rules

- These Rules have now completed the vetting process by Department of Health lawyers (since approval by Education and Training Committee in November 2014), with a small change made to their content (final draft for approval attached).
- The change from the Rules included in the papers for this meeting is the removal of Rule 11B (2) which would have provided an express power for the HCPC to administratively remove a registrant from the Register who did not inform us that they had ceased or would cease to have an indemnity arrangement in place which provided appropriate cover¹; or refer the matter to the fitness to practise process.
- DH lawyers have now concluded that, on reflection, there is no power in the indemnity legislation to make such provisions about non-notification of cessation of cover in Rules.
- This amendment does not cause any practical difficulties and this has been confirmed by advice sought from the Solicitor to Council. The HCPC would continue to have powers under 11C(3) of the revised Rules to administratively remove someone who did not respond to a notice requesting information about their indemnity, or who did not demonstrate that appropriate cover was in place. The HCPC would also continue to have powers under 11A(10) of the Health and Social Work Professions Order 2001 to treat a failure to have appropriate cover as a misconduct issue via the fitness to practise process where it was more appropriate to do so.
- Therefore the Solicitor to Council has confirmed that the same outcome can be reached by a combination of the powers under these rules and those under the Order. Accordingly, the Executive is content with the amendment.
- The Council is asked to approve the attached Rules.

¹ The published guidance in this area is clear that we do not require registrants to tell us about routine changes in provider, or if they no longer have existing cover because they are not practising.