

Council, 3 December 2014

Policy and Standards report

Executive summary and recommendations

**Introduction**

The report provides an update about the activities of the Policy and Standards Department.

**Decision**

The Council is requested to discuss the report.

**Background information**

None

**Resource implications**

None

**Financial implications**

None

**Appendices**

None

**Date of paper**

19 November 2014

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## **Policy and Standards Department – Council meeting, 3 December 2014**

The following provides an update about the work of the Department.

### **Private members bill – reform of the regulatory bodies’ objectives**

- Jeremy Lefroy MP has published a private members bill which would amend the HCPC’s legislation and that of the other regulators to introduce a consistent overarching objective for the professional regulators. This was proposed by the Law Commissions. The Bill has been drafted by the Department of Health and the HCPC has had the opportunity to provide input. The Executive is content with what is being proposed which would provide useful consistency and clarity across the sector. The wording is consistent with that already included in the Order and would not affect our day-to-day work.
- The proposed objective refers to protecting, promoting and maintaining the health, safety and wellbeing of the public; promoting and maintaining public confidence in the regulated professions; and promoting and maintaining proper professional standards and conduct for members of those professions.
- The Bill has completed its second reading and will now pass to the Committee stage. At this stage it is unclear whether there will be sufficient parliamentary time for the Bill to become law.

### **Review of the standards of conduct, performance and ethics (SCPE)**

- This work is progressing to plan. A third revised draft of the standards is due to be considered by the PLG at its final meeting on 16 December 2014.

### **Duty of candour**

- The other professional regulators have recently published a statement on the professional duty of candour. The HCPC did not become a signatory to the statement as a result of concerns about the language used, including that it was inappropriate to mandate (‘must’) an apology (a view unanimously endorsed by the SCPE PLG). The GMC and the NMC have recently published for consultation joint guidance on candour, as part of delivering their commitments to the Government as a result of the Francis Inquiry.
- The PSA has been commissioned by the DH to report on the regulators’ progress in implementing a duty of candour for health professionals. The Executive responded to a request for information in late summer. The report is due to be published in the near future.
- We have made it clear that although we were unable to agree the statement, we are very much committed to strengthening our standards in this area. The

revised SCPE for consultation will include a dedicated standard including requirements about raising and escalating concerns about patient safety; informing service users and carers when something goes wrong and taking action where possible to put matters right; apologizing ('should') where appropriate; and giving a constructive and honest response to complaints.

## **Research**

- QA research have been commissioned to undertake the CPD perceptions and experiences study. This will involve an online survey; interviews with registrants who have been audited; and focus groups with registrants in the four countries.
- We have commissioned a team of researchers led by Dr Jane Marshall, Consultant Psychiatrist and Senior Lecturer in the Addictions South London and Maudsley NHS Foundation Trust who will be reviewing the evidence of the links between cautions and convictions for alcohol related offences, alcohol dependency and fitness to practise / work. This is due to be completed in May 2015 and will inform our ongoing approach to the issue of health assessments when registrants receive alcohol related cautions and convictions.

## **PSA performance review**

- We completed and submitted our response to the PSA performance review 2014-2015 in November 2014. The Executive will meet with the PSA to discuss the performance review in February 2015.
- We anticipate the PSA will publish proposals for a revised approach to the performance review early next year.

## **Europe**

- The Executive recently responded to a consultation by the Department for Business, Innovation and Skills (BIS) on the transposition of the revised European Directive on the Recognition of Professional Qualifications. This Directive affects the way in which the HCPC considers applications for registration from applicants exercising European Economic Area (EEA) mutual recognition rights. The Executive has also worked with the professional bodies for physiotherapists and practitioner psychologists to provide information to the Department of Health as part of an EU initiative looking at differences in regulatory approaches across member states.
- The Executive continues to meet with the Department of Health, professional regulators and others about implementation of the Directive. A project team is being set up to manage the delivery of changes to operational policies and processes.

## Consultations

- The consultation on standards of proficiency for practitioner psychologists closed in October 2014. The results are due to be considered by the Education and Training Committee and the Council at their meetings in March 2015 (or subsequently should the responses received require longer consideration).
- The results of the consultation on rule changes to implement the requirement for registrants (other than social workers in England) to have professional indemnity arrangements is an item on the agenda at this Council meeting.
- The following consultations are ongoing, the results of which are expected to be considered by the Education and Training Committee and the Council at their meetings in March 2015 (subject to the number of response received and the extent of the revisions required).
  - Guidance for disabled people wanting to become health and care professionals.
  - Standards for podiatric surgery.