

Consultation on proposed amendments to the Registration and Fees and Practice Committee Rules

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1. Introduction

- 1.1 We are the Health and Care Professions Council (HCPC). This consultation seeks the views of stakeholders on proposed amendments to the following Rules.
- The Health and Care Professions Council (Registration and Fees) Rules 2003. These are referred to in this document as the 'Registration and Fees Rules'.
 - The Health Professions Council (Investigating Committee) (Procedure) Rules 2003; The Health Professions Council (Conduct and Competence Committee) (Procedure) Rules 2003; and The Health Professions Council (Health Committee) (Procedure) Rules 2003. These rules are collectively referred to in this document as the 'Practice Committee Rules'.
- 1.2 We are proposing a small number of changes to the Rules. The main changes we are proposing would mean the following, if implemented.
- We would be able to improve the range of online services for applicants and registrants. For example, we will be able to introduce the ability for applicants to apply for registration online.
 - A character reference would no longer be required as part of applications for registration. Instead, we would require a declaration from the applicant.
 - The Chairs of fitness to practise panels would be able to give directions to deal with matters such as changing the location of a hearing or making decisions about timescales for the exchange of documentation, without the need for a preliminary hearing.
- 1.3 A draft of 'The Health and Care Professions Council (Registration and Practice Committees) (Miscellaneous Amendments) Rules 2015' is included as an appendix to this consultation document. These rules are referred to in this document as the 'draft Amendment Rules'.
- 1.4 The existing Registration and Fees Rules and Practice Committee Rules are available from our website here:
<http://www.hcpc-uk.org/aboutus/legislation/rules/>
- 1.5 The consultation runs from **5 October 2015** to **15 January 2016**

2. About us

2.1 We are a regulator and were set up to protect the public. To do this, we keep a register of professionals who meet our standards for their professional skills and behaviour. Individuals on our register are called 'registrants'.

2.2 We currently regulate 16 professions.

- Arts therapists
- Biomedical scientists
- Chiropodists / podiatrists
- Clinical scientists
- Dietitians
- Hearing aid dispensers
- Occupational therapists
- Operating department practitioners
- Orthoptists
- Paramedics
- Physiotherapists
- Practitioner psychologists
- Prosthetists / orthotists
- Radiographers
- Social workers in England
- Speech and language therapists

3. Amendments to the Registration and Fees Rules

- 3.1 In this section we have explained the amendments we are proposing to the Registration and Fees Rules.
- 3.2 Most of the proposed amendments to the Registration and Fees Rules are part of delivering our 'Registration transformation and improvement project'. This project will improve the delivery of our registration function, underpinned by a new IT system. As part of this we are looking at our current ways of working and how we can improve the quality of our work and the customer service we provide to registrants and applicants.

Electronic communication

- 3.3 We are proposing to amend the Rules to increase our ability to communicate with applicants and registrants by electronic means – for example, online or via email.
- 3.4 This would mean that where in the Registration and Fees Rules there is a requirement for us to send a document to an applicant or registrant, it would be possible for us to send this electronically rather than by mail. The applicant or registrant would need to give us their permission to communicate with them in this way and they would need to provide us with an email address.
- 3.5 The proposed amendments also mean that a registrant or applicant would be able to give us information electronically. This will allow us to introduce the facility in the future for applicants to apply for registration with us online. We introduced the ability for registrants to renew online in 2010 and the majority of registrants now choose to renew in this way. Online renewal has benefits for registrants in being able to renew quickly and easily with instant confirmation of their continued registration. We want to achieve similar benefits by introducing online applications.
- 3.6 The proposed amendments are outlined in Rule 2 of the draft Amendment Rules.

Q1. Do you agree with our proposal about electronic communication?

Character references

- 3.7 We are proposing to amend the Rules to remove the requirement for applicants to provide a character reference when they apply for registration.
- 3.8 Under the Health and Social Work Professions Order 2001, we are required to ensure that applicants for registration are of 'good character'. One of the ways in which we currently do this is by requiring a reference from applicants applying for admission or readmission to the Register. The reference has to be signed by someone who has known the applicant for at least three years and who has a professional standing in the community – for example, a

solicitor, accountant or a health and care professional. The reference asks the referee to confirm that they 'know of no reason why the applicant should not practise the above profession with honesty and integrity'. The applicant returns the completed reference with their application form.

- 3.9 We propose to replace the reference requirement with a self-declaration. We already ask, and will continue to ask, applicants to declare information about their conduct and competence, for example, information about any police cautions and criminal convictions.
- 3.10 In 2011, we amended the Rules to introduce a self-declaration about health which applicants are required to complete. This replaced a previous requirement for a health reference to be completed by a doctor. This requirement was removed because we considered it to be disproportionate and to act as an unnecessary barrier to registration. Our proposal about the character reference is therefore consistent with this approach.
- 3.11 Additionally, we do not consider that the current requirement for a character reference adds any value to our role and want to eliminate unnecessary form-filling in the registration process. For some applicants, such as those who have undertaken training of less than three years in duration, finding an appropriate referee can be challenging and we are concerned that this acts as a barrier to registration in these cases.
- 3.12 The proposed amendments are contained within Rules 2(3), 2(4), 2(5) and 2(8) of the draft Amendment Rules.

Q2. Do you agree that we should remove the requirement for a character reference and replace it with a self-declaration?

Other changes

- 3.13 We are also proposing to amend the Registration and Fees Rules to remove content which is out of date and no longer required. This content relates to transitional provisions for the regulation of new professions in the past.
- 3.14 The proposed amendments are contained within Rules 2(5) and 2(6) of the draft Amendment Rules.

4. Amendments to the Practice Committee Rules

- 4.1 In this section we have explained the amendments we are proposing to the Practice Committee Rules.

Ability of fitness to practise chairs to give directions

- 4.2 Once a fitness to practise case has been referred to be considered at a public hearing, fitness to practise panels have the power to hold preliminary hearings in private with the parties involved for the purpose of case management.¹ By 'parties' we mean normally the HCPC and the registrant who is involved and their representatives (if any). In most fitness to practise cases, such a hearing will not be required, but they are of assistance in the small number of cases where substantial evidential or procedural issues need to be resolved prior to a full hearing taking place. Examples of issues that might be considered include the extent to which any evidence is agreed; the needs of vulnerable witnesses; and any special arrangements for the exchange of documents before a hearing. A hearing will normally be held by the panel Chair, acting alone, on behalf of the panel.
- 4.3 We are proposing a small amendment to the Practice Committee Rules which would allow panel Chairs to give directions about the case management of fitness to practise cases without the need for a preliminary hearing to take place. We anticipate that this power would be used in order to make directions on procedural matters, for example, the location of hearings and any changes to routinely applied arrangements for the exchange of documentation, as well as dealing with uncontested pre-hearing case management issues such as the joining of allegations and the use of expert evidence. We do not anticipate that this power would be used for dealing with matters that are complex in nature or contested by the registrant concerned. This change would not replace or remove the ability of the parties to request a preliminary hearing, nor the existing power of the Chair to determine that such a hearing is necessary.
- 4.4 In those small number of cases where it is necessary, adding this power would help avoid the unnecessary expense of a preliminary hearing for both parties involved. It would also help ensure that these cases are concluded in a fair and expeditious manner.
- 4.5 The proposed amendments are contained within Rules 3, 4 and 5 of the draft Amendment Rules.

Q3. Do you agree that Panel Chairs should be able to give directions without the need for a preliminary hearing?

¹ The legislation refers to 'preliminary meetings' but that term has been found to mislead some parties as to the nature of the proceedings, so we have adopted the term 'preliminary hearing' in practice.

Other changes

- 4.6 We are also proposing to update the Practice Committee Rules so that they refer to the 'Health and Care Professions Council' rather than the 'Health Professions Council'. This would reflect our change of name in August 2012.

Q4. Do you have any other comments to make about our proposed amendments to the Registration and Fees Rules and Practice Committee Rules?

5. Future changes to the Registration and Fees Rules

- 5.1 As our project to replace and improve our existing registration system and processes progresses, we anticipate consulting in the future on further proposed amendments to the Registration and Fees Rules.
- 5.2 One change we are likely to propose is to amend the registration cycle for a small number of the professions.
- 5.3 Each profession renews its registration at fixed points over a two year cycle. At the moment, some professions renew over the summer period, which is our busiest period for applications for registration from graduates from approved programmes. They are: clinical scientists, chiropodists / podiatrists, hearing aid dispensers, orthoptists, paramedics, prosthetists / orthotists and speech and language therapists. One profession – radiographers – renews its registration over the Christmas period.
- 5.4 The end dates of the registration cycle for each profession are included in Schedule 5 to the Registration and Fees Rules. In future we plan to consult on proposals to change the cycles for the professions outlined above, so that we avoid professions renewing over the summer or Christmas periods. This will have benefits for both us and for registrants in these professions. It will mean that we can process the high volume of applications we receive over the summer period faster. It will also mean that we will be able to deal with any queries about renewal in these professions faster. Renewing a profession over the Christmas period is less than ideal, so moving the registration cycle for radiographers should be more convenient for everyone involved.
- 5.5 Although we will only consult on specific proposals once our project is at a more advanced stage and we are operationally ready to make the changes, we wanted to flag this to our stakeholders at an early opportunity. We would welcome any comments you might have at this stage.

Q5. Do you have comments on our future plans to change the registration cycles for some professions to avoid the summer and Christmas periods?

6. How to respond to the consultation

6.1 We would welcome your response to the consultation. We have included some consultation questions in the main body of this document. The questions are not designed to be exhaustive and we would welcome your comments on any aspect of our proposals. They are repeated below.

Q1. Do you agree with our proposal about electronic communication?

Q2. Do you agree that we should remove the requirement for a character reference and replace it with a self-declaration?

Q3. Do you agree that panel Chairs should be able to give directions without the need for a preliminary hearing?

Q4. Do you have any other comments to make about our proposed amendments to the Registration and Fees Rules and Practice Committee Rules?

Q5. Do you have comments on our future plans to change the registration cycles for some professions to avoid the summer and Christmas periods?

6.2 You can respond to this consultation in the following ways.

- By completing our easy-to-use online survey:
<https://www.research.net/r/consultationonproposedamendmentstorules>
- By emailing us at: consultation@hcpc-uk.org.
- By writing to us at the following address.

Consultation on proposed amendments to the Registration and Fees and Practice Committee Rules
Policy and Standards Department
Health and Care Professions Council
Park House
184 Kennington Park Road
London
SE11 4BU
Fax: +44(0)20 7820 9684

6.3 Please note that we do not normally accept responses by telephone or in person. We normally ask that consultation responses are made in writing. However, if you are unable to respond in writing, please contact us on +44(0)20 7840 9815 to discuss any reasonable adjustments that would help you to respond.

6.4 Please complete the online survey or send us your response by **15 January 2016**.

- 6.5 **Please contact us to request a copy of this document in Welsh or in an alternative format.**
- 6.6 Once the consultation period is completed, we will analyse the responses we receive. We will then publish a document which summarises the comments we received and explains the decisions we have taken as a result. This will be published on our website.