

Council meeting, 9 December 2010

Policy and Standards Department Report

Executive summary and recommendations

Introduction

In order to provide the Council with more information about the activities of the Policy and Standards Department, the Executive plans to include in the Council agenda an additional report on a regular basis.

The second of those reports is attached. This is adapted from reporting produced for meetings of the Executive Management Team on a monthly basis. Please also see the Chief Executive and Registrar's report for a narrative report on the Department's activities.

Decision

This paper is to note; no decision is required.

Background information

The first of these additional reports was included in the May 2010 agenda.

Resource implications

None

Financial implications

None

Appendices

None

Date of paper

26 November 2010

Policy and Standards Department – For Council meeting December 2010

Update (in addition to that included in the Policy and Standards Report as part of the Chief Executive's report)

Regulation of medical herbalists and traditional Chinese medicine practitioners

- In May 2008 the 'Department of Health Steering Group on the Statutory Regulation of Practitioners of Acupuncture, Herbal Medicine, Traditional Chinese Medicine and Other Traditional Medicine Systems Practised in the United Kingdom' published its report. The report recommended statutory regulation of medical herbalists, TCM practitioners and acupuncturists. The Council subsequently agreed to recommend the regulation of these groups to the Secretary of State for Health under Article 3 (17) (a) of the Health Professions Order 2001.
- One of the factors in the proposed regulation for herbalists and TCM practitioners is implementation of Article 5.1 of Directive 2001/83/EC into UK law. This European legislation would mean that only 'authorised healthcare professionals' would be able to supply herbal medicines to meet the specific needs of patients. It is proposed that statutorily regulated or licensed professionals would be regarded as 'authorised healthcare professionals' and therefore that such practitioners would not need to gain a traditional herbal medicine registration or marketing authorisation in order to supply herbal medicines to meet the needs of patients. The Steering Group report warned that if regulation was not introduced the effect of this legislation would be to limit the practise of herbal practitioners and hinder consumer choice. Shortly prior to the General Election the then Secretary of State for Health announced that these practitioners would be registered by the Complementary and Natural Healthcare Council (CNHC). However, the present Government has yet to determine its policy.
- It is understood that the Government is considering the various regulatory options including the previous suggestion that these groups might become regulated by the HPC. The Executive will keep the Council updated about developments in this area.

Equality Act 2010

The Equality Act 2010: 'provides a new cross-cutting legislative framework to protect the rights of individuals and advance equality of opportunity for all; to update, simplify and strengthen the previous legislation; and to deliver a simple, modern and accessible framework of discrimination law which protects individuals from unfair treatment and promotes a fair and more equal society.' (Source: Government Equalities Office.) A number of the provisions of this Act will become effective from 1 October 2010.

The Solicitor to the HPC has been invited to undertake a review of the legislation against the provisions of the Health Professions Order 2001 and the HPC's existing practices. It is anticipated that a paper will be brought to the Council at its February 2011 or March 2011 meetings.

Consultations

- Open consultations: Post-registration qualifications (closes: 1 February 2011)
- Recently closed consultations: Welsh language scheme (closed: 1 September 2010); Generic standards of proficiency (closed: 20 October 2010)
- External consultations (where a response has recently been made):
 - Department of Health consultation on 'Fitness to Practise adjudication for health professionals: assessing different mechanisms for delivery. A paper for consultation'. (Response written by Director of Fitness to Practise.)
 - Medicines and Healthcare Products Regulatory Agency (MHRA), 'Review of medicines legislation – informal consultation the Medicines Act 1968 exemptions for sale, supply and administration of medicines.
 - Department of Health engagement exercise: 'To seek views on possibilities for introducing independent prescribing responsibilities for physiotherapists / and chiropodists / podiatrists.'
- External consultations (where a response is planned)
 - The NHS Constitution and Whistleblowing – A paper for consultation (deadline: 11 January 2011)

Key to tables overleaf

Dept

This denotes where the involvement or input of another department may be required for the upcoming milestone or where a department has a stake or particular interest in that project.

C: Communications; CE: Chief Executive; E: Education – Approvals and Monitoring; F: Finance; FT: Fitness to Practise; H: HR & Partners; I: Information Technology; F: Facilities; R: Registration; S: Secretariat.

PT: Denotes the relevant project team for a cross-departmental project.

Owner

AD: Alison Dittmer, Policy Officer; CU: Charlotte Urwin, Policy Manager; MG: Michael Guthrie, Director of Policy and Standards; SO: Sarah Oliver, PA/Administrator

The tables outline the main project work being undertaken by the Department. This is in addition to other ongoing activities such as presenting at meetings and conferences, responding to external consultations and ad-hoc papers and briefings. N.B: The listed milestones are illustrative rather than exhaustive and normally relate to the upcoming milestone only.

New professions

Project	Project explanation	Overall deadline	Milestones	Milestone date	Dept	Owner
Psychotherapists and counsellors PLG	To make final decisions / recommendations about regulation and to look at, if not finalise, standards of proficiency	May 2011	PLG meeting	December 2010	CE	MG
Healthcare scientists	Regulation of healthcare scientists	TBC	Briefing on regulation of healthcare scientists	HOLD	All	MG
Review of the new professions process	Review / revise new professions process	TBC	Paper to Council on plans for review (likely to be carried forward to 2011/2012)	HOLD	All	MG / CU
Social workers (England only)	Regulation of social workers in England Publish standards of proficiency for social workers and establish SET 1 prior to opening of the Register	Subject to legislative timetable	Preparation of papers for first PLG meeting	January 2011	PT	CU

Standards / guidance

Project	Project explanation	Overall deadline	Milestones	Milestone date	Dept	Owner
Whistleblowing guidance	Paper on whistleblowing to the HPC Council (recommendation that web information might be produced, not guidance)	September 2010	Article in HPC In Focus about reporting concerns and whistleblowing	November 2010		AD
CPD sample profiles	Sample profiles for HPC website	Ongoing	CPD profiles published (Currently ongoing for practitioner psychologists, art therapists, hearing aid dispensers, music therapists and Dietitians)	Ongoing	All	AD
Review generic standards of proficiency	Review, consult and republish generic standards of proficiency	From April 2011 (rolling implementation)	Consultation analysis and legal scrutiny ETC and Council meetings	November to February 2011 March 2011	All	AD

Project	Project explanation	Overall deadline	Milestones	Milestone date	Dept	Owner
Health references	Remove health reference requirement for entry to the Register and update guidance	October 2011	Health reference requirement removed (rules change required) ETC / Council approval of consultation document on changes to guidance Public consultation	Early 2011 TBC; subject to legislative delay March 2011 April to July 2011	R, FT	AD AD AD
Review of the threshold level of qualification for entry to the Register	Review / amend the threshold level of qualification for entry to the Register	November 2010	Policy statements / practice notes on the threshold level and its purpose; setting the level for a new profession joining the Register; raising the threshold level	March 2011	E	MG

Project	Project explanation	Overall deadline	Milestones	Milestone date	Dept	Owner
Standards of proficiency for prescribing	Standards of proficiency for prescribing in independent prescribing for physiotherapists and podiatrists is implemented	TBC; subject to DH decision and legislative timescale	Respond to DH engagement exercise Subsequent timescales to be determined following DH decision which may include drafting, consulting on and publishing standards of proficiency in the coming year	November 2010	E / All	CU

Other

Project	Project explanation	Overall deadline	Milestones	Milestone date	Dept	Owner
Alternative mechanisms for resolving disputes (incorporating ongoing review of fitness to practise decisions)	Explore alternative mechanisms for resolving disputes	To be determined (ongoing into 2011/2012)	Review of fitness to practise final hearing decisions (data entry) Review of fitness to practise investigating panel decisions (Ongoing) Paper to Fitness to Practise Committee on outcomes/ next steps	Ongoing with reports for FTP Committee February 2011	FT	AD SO & FTP MG / KJ
Post-registration qualifications	Agree clear position / principles on the annotation of post-registration qualifications Seek views on annotating the Register for podiatric surgeons	2011 /2012; ongoing	Consultation – three months Consultation analysis, conclusions and next steps Discussion / approval by Education and Training Committee and Council	To February 2011 February to June 2011 June / July 2011	E, CE	CU

	and neuropsychologists					
Revalidation	Research and feasibility study for revalidation	Ongoing to 2013/2014	Projects ongoing. An update paper will be provided to the Council at its February 2011 meeting. (Current timescales included as an appendix to paper on regulation in Ontario, Canada, being considered at this meeting of the Council.)	February 2011 paper to Council	CE	MG
Welsh language scheme	Publish scheme setting out how we will meet the requirements of the Welsh Language Act	December 2010 (subject to WLB approval)	Undertake consultation analysis; make changes to the scheme; seek approval of EMT / affected Directors. Final sign off by Council Publication and implementation from effective date	November 2010 December 2010 2011/2012 financial year	All	CU
Safeguarding vulnerable groups	Participation in project team	Ongoing	Briefings, consultation responses, InFocus articles and internal training will be prepared as required and the policy team has been updated at a team meeting on the implementation of the Scottish scheme.	Ongoing	PT	CU
CHRE performance	CHRE performance review	July 2011 (CHRE	Key milestones are detailed below. HPC actions are shown in bold, the remainder	As detailed	CE	MG

<p>review 2010/2011</p>		<p>publication of final report)</p>	<p>are actions for CHRE:</p> <p>19 October 2010 – papers sent to regulators</p> <p>19 November / 25 November 2010 (latest) – Managers/ Directors complete first draft of sections that relate to their departments</p> <p>14 December 2010 – deadline for CHRE submission</p> <p>3 March 2011 – performance review meeting</p> <p>June / July – final report</p>			
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