

2016 No. 693

HEALTH CARE AND ASSOCIATED PROFESSIONS

**The Health and Care Professions Council (Miscellaneous
Amendments) Rules Order of Council 2016**

<i>Made</i> - - - -	<i>29th June 2016</i>
<i>Laid before Parliament</i>	<i>1st July 2016</i>
<i>Laid before the Scottish Parliament</i>	<i>1st July 2016</i>
<i>Coming into force</i> - -	<i>3rd October 2016</i>

At the Council Chamber, Whitehall the 29th day of June 2016

By the Lords of Her Majesty's Most Honourable Privy Council

The Health and Care Professions Council has made the Health and Care Professions Council (Miscellaneous Amendments) Rules 2016 which are set out in the Schedule to this Order, in exercise of the powers conferred by articles 5(2)(b), 7(1) and (2), 9(2), 26(3), 32(4) and 41(2) of the Health and Social Work Professions Order 2001(a).

In accordance with articles 5(3), 7(1) and (3) and 41(3) of that Order, the Health and Care Professions Council has consulted the Education and Training Committee and representatives of groups of persons it considers appropriate, including representatives of the groups referred to in articles 3(14) and 41(3) of that Order.

By virtue of articles 41(1) and 42(1) of that Order, the Rules shall not come into force until approved by order of the Privy Council.

Citation and commencement

1. This Order may be cited as the Health and Care Professions Council (Miscellaneous Amendments) Rules Order of Council 2016 and comes into force on 3rd October 2016.

Privy Council approval

2. Their Lordships, having taken the Rules contained in the Schedule to this Order into consideration, are pleased to and do approve them.

Richard Tilbrook
Clerk of the Privy Council

(a) S.I. 2002/254. By virtue of section 214 of the Health and Social Care Act 2012 (c. 7), the body corporate known as the Health Professions Council was re-named the "Health and Care Professions Council" and the Health Professions Order 2001 was renamed the "Health and Social Work Professions Order 2001".

SCHEDULE

Article 2

The Health and Care Professions Council (Miscellaneous Amendments) Rules 2016

The Health and Care Professions Council makes the following Rules in exercise of the powers conferred by articles 5(2)(b), 7(1) and (2), 9(2), 26(3), 32(4) and 41(2) of the Health and Social Work Professions Order 2001(a).

In accordance with articles 7(1) and (3) and 41(3) of that Order, the Health and Care Professions Council has consulted the Education and Training Committee and representatives of groups of persons it considers appropriate, including representatives of the groups listed in article 41(3) of that Order.

Citation and commencement

1. These Rules may be cited as the Health and Care Professions Council (Miscellaneous Amendments) Rules 2016 and come into force on 3rd October 2016.

Amendment of the Health and Care Professions Council (Registration and Fees) Rules 2003

2.—(1) The Health and Care Professions Council (Registration and Fees) Rules 2003(b) are amended as follows.

(2) After rule 2 (interpretation) insert—

“Electronic communication

2ZA.—(1) A requirement in these Rules for a person to send to, or serve upon, another person (“the recipient”) any document may be satisfied by—

- (a) sending it by post to the recipient; or
- (b) transmitting it by electronic means to the recipient: this is subject to paragraph (2).

(2) But a document may only be sent or served by electronic means if the recipient has, in writing (which includes in electronic form), notified the sender and has not withdrawn that notification that the recipient is willing to receive documents of that kind by those means.

(3) For the purposes of paragraph (2), where the intended recipient—

- (a) is not the Council, the Committee or the Registrar, the recipient must provide the sender with the recipient’s e-mail address;
- (b) is the Council, the Committee or the Registrar, the recipient must publish on the Council’s website an e-mail address or other electronic identification to which a document may be sent.

(4) This rule does not apply to an application for—

- (a) admission to the register pursuant to rule 4: this is subject to paragraph(2) of that rule; or

(a) S.I. 2002/254. By virtue of section 214 of the Health and Social Care Act 2012 (c. 7), the body corporate known as the Health Professions Council was re-named the “Health and Care Professions Council” and the Health Professions Order 2001 was renamed the “Health and Social Work Professions Order 2001”.

(b) S.I. 2003/1572. The title to the Rules was amended to read the “Health and Care Professions (Registration and Fees) Rules 2003” by rule 2 of S.I. 2014/532 to reflect the change in the Council’s name (see footnote (a)).

- (b) renewal of registration pursuant to rule 11: this is subject to paragraph (2)(b) of that rule.”.

(3) For rule 4 (applications for registration), substitute—

“Applications for registration

4.—(1) An application for admission to a part of the register shall be—

- (a) made in writing on the form provided by the Council containing the declarations and information listed in Schedule 1;
- (b) signed by the applicant;
- (c) accompanied by—
 - (i) the registration fee prescribed in rule 14, and
 - (ii) the scrutiny fee prescribed in rule 17; and
- (d) sent, or given, to the Registrar.

(2) But the Registrar may accept an application for registration which does not comply with sub-paragraphs (a) or (b) of paragraph (1) if the applicant has—

- (a) by electronic means, provided the Registrar with—
 - (i) the information and any declaration which he would be required to provide if the application was submitted in writing on the appropriate form,
 - (ii) an attestation as to the accuracy of those matters; and
- (b) complied with all of the other requirements of this rule which apply to him.

(3) An appropriate form for the purposes of paragraph (2) is a form provided by the Council and which contains the information listed in Schedule 1 and any declaration required by that Schedule.

(4) The applicant shall provide in connection with the application for registration—

- (a) one of the following—
 - (i) the document which confers an approved qualification on the applicant or other evidence demonstrating that the applicant holds an approved qualification,
 - (ii) where the applicant is relying on article 12(1)(b) of the Order^(a), the certificate or other document issued by a competent authority of his attesting State attesting to the applicant’s qualifications and, where appropriate, experience in respect of the profession to which his application relates, or
 - (iii) where his application is made under article 13 of the Order such documents, information or evidence as the Committee may reasonably require for the purposes of determining whether by virtue of that article the applicant is to be treated as satisfying the requirements of article 9(2)(a) of the Order^(b), including evidence that he holds the qualification on which he relies in making his application and information as to whether he has been a member of a professional body or has had professional indemnity insurance;
- (b) evidence that there is in force in relation to the applicant, or will be as necessary for the purpose of complying with article 11A of the Order^(c), appropriate cover under an indemnity arrangement; and

(a) Article 12(1)(b) of the Order provides that, for the purposes of the Order, a person is to be regarded as having an approved qualification if he is an exempted person who has a right to practise by virtue of Part 3 of the European Communities (Recognition of Professional Qualifications) Regulations 2007 (S.I. 2007/2781). See now Part 3 of S.I. 2015/2059.

(b) The Article 9(2)(a) requirements are that the applicant holds an approved qualification awarded within 5 years of the application for registration and has met any other requirements that apply to him.

(c) Article 11A requires practising registrants (other than social workers in England) to have in force an indemnity which consists of a policy of insurance, an indemnity arrangement or a combination of both.

- (c) such other documents, information or evidence as the Committee may reasonably require for the purposes of verifying the information in and determining the application.”.
- (4) In rule 5 (other conditions of registration)—
 - (a) in paragraph (1), for sub-paragraph (a) substitute—
 - “(a) the character declaration provided by the applicant pursuant to rule 4(1)(a) or (2)(a)(a);”;
 - (b) in paragraph (2), for sub-paragraph (a) substitute—
 - “(a) the health declaration provided by the applicant pursuant to rule 4(1)(a) or (2)(a); and”.
- (5) In rule 10 (registration period)—
 - (a) omit paragraphs (2), (2A), (2B) and (2C);
 - (b) in paragraph (3) for “Except as provided for in paragraph (2), (2A), (2B) or (2C), a person’s” substitute “A person’s”.
- (6) For rule 14 (registration fee), substitute—

“Registration fee

- 14.** The fee to be charged for registration following an application for registration is—
 - (a) in respect of the first registration period (as determined in accordance with rule 10(3)), where the applicant applies less than two years after the date on which he was first awarded an approved qualification, £90; and
 - (b) in all other cases, £180.”.
- (7) For rule 15 (renewal fee) substitute—

“Renewal fee

- 15.** The fee to be charged for renewal of registration is £180.”.
- (8) In rule 15A (readmission fee), for “14(1)(b)” substitute “14(b)”.
- (9) In rule 16 (restoration fee), for “14(1)(b)” substitute “14(b)”.
- (10) Omit Schedule 3 (Character Reference).

Amendment of the Health Professions Council (Investigating Committee) (Procedure) Rules 2003

3.—(1) The Health Professions Council (Investigating Committee) (Procedure) Rules 2003(b) are amended as follows.

(2) For the title to the Rules, and in rule 1 (citation and commencement), for “the Health Professions Council (Investigating Committee) (Procedure) Rules 2003” substitute “the Health and Care Professions Council (Investigating Committee) (Procedure) Rules 2003”.

Amendment of the Health Professions Council (Conduct and Competence Committee) (Procedure) Rules 2003

4.—(1) The Health Professions Council (Conduct and Competence Committee) (Procedure) Rules 2003(c) are amended as follows.

(a) See paragraph (n) of Schedule 1 to the Rules.
 (b) Scheduled to the Health Professions Council (Investigating Committee) (Procedure) Rules Order of Council 2003 (S.I. 2003/1574).
 (c) Scheduled to the Health Professions Council (Conduct and Competence) (Procedure) Rules Order of Council 2003 (S.I. 2003/1575).

(2) For the title to the Rules, and in rule 1 (citation and commencement), for “the Health Professions Council (Conduct and Competence Committee) (Procedure) Rules 2003” substitute “the Health and Care Professions Council (Conduct and Competence Committee) (Procedure) Rules 2003”.

(3) For rule 7 (preliminary meetings) substitute—

“Directions and Preliminary meetings

5.—(1) The Chair may give directions under article 32(3) of the Order.

(2) Where the Committee considers it would assist it to perform its functions, it may hold a preliminary meeting in private with the parties, their representatives and any other person it considers appropriate.

(3) Where the Chair considers it would assist the Committee to perform its functions, the Chair may hold a preliminary meeting in private with the parties, their representatives and any other person the Chair considers appropriate.

(4) At any meeting which the Chair conducts under paragraph (3) the Chair may, with the agreement of the parties, take any action which the Committee would be competent to take at such a meeting.”.

Amendment of the Health Professions Council (Health Committee) (Procedure) Rules 2003

5.—(1) The Health Professions Council (Health Committee) (Procedure) Rules 2003(a) are amended as follows.

(2) For the title to the Rules, and in rule 1 (citation and commencement), for “the Health Professions Council (Health Committee) (Procedure) Rules 2003” substitute “the Health and Care Professions Council (Health Committee) (Procedure) Rules 2003”.

(3) For rule 7 (preliminary meetings) substitute—

“Directions and Preliminary meetings

7.—(1) The Chair may give directions under article 32(3) of the Order.

(2) Where the Committee considers it would assist it to perform its functions, it may hold a preliminary meeting in private with the parties, their representatives and any other person it considers appropriate.

(3) Where the Chair considers it would assist the Committee to perform its functions, the Chair may hold a preliminary meeting in private with the parties, their representatives and any other person the Chair considers appropriate.

(4) At any meeting which the Chair conducts under paragraph (3) the Chair may, with the agreement of the parties, take any action which the Committee would be competent to take at such a meeting.”.

Given Under the official seal of the Health and Care Professional Council this 20th day of May



Elaine Buckley
Chair
Marc Seale
Registrar

(a) Scheduled to the Health Professions Council (Health Committee) (Procedure) Rules Order of Council 2003 (S.I. 2003/1576).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order approves Rules made by the Health and Care Professions Council (“HCPC”) amending the Health and Care Professions Council (Registration and Fees) Rules 2003 (“the 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.

Rule 2(2) amends rule 2 of the Fees Rules by adding new rule 2ZA. This provides for electronic communication between the HCPC, its registrants and those applying for registration.

Rules 2(3), 2(4) and 2(10) amend rules 4 and 5 of, and Schedule 3 to, the Fees Rules. They remove the requirement for applicants to provide a character reference and replacing it with a requirement to provide a character declaration.

Rules 2(5) and 2(6) amend rules 10 and 14 of the Fees Rules by removing transitional provisions which are spent.

Rules 2(8) and 2(9) make consequential amendments to rules 15A and 16 of the Fees Rules.

Rule 3 amends rule 1 of, and the title to, the Health Professions Council (Investigating Committee) (Procedure) Rules 2003 to refer to the “Health and Care Professions Council”.

Rule 4 makes similar amendments to the Health Professions Council (Conduct and Competence Committee) (Procedure) Rules 2003 and substitutes a new rule 7 which enables the Chair of a Panel of the Committee, without the need to hold a preliminary meeting, to give directions under Article 32(3) of the Health and Social Work Professions Order 2001 in respect of the conduct of fitness to practise proceedings under Part V of that Order.

Rule 5 makes similar amendments, to those made by rule 4, to the Health Professions Council (Health Committee) (Procedure) Rules 2003.

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