

POLICY NOTE

THE HEALTH AND CARE PROFESSIONS COUNCIL (MISCELLANEOUS AMENDMENTS) RULES ORDER OF COUNCIL 2016

2016 No. 693

The above Instrument was made 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 (“the 2001 Order”). The Instrument is subject to negative procedure.

Background

1. The rules scheduled to and approved by this Instrument, amend the following four Health and Care Professions Council (“HCPC”) Rules: the Health and Care Professions Council (Registration and Fees) Rules 2003 (scheduled to SI 2003/1572); the Health Professions Council (Investigating Committee) (Procedure) Rules 2003 (scheduled to SI 2003/1574); the Health Professions Council (Conduct and Competence Committee) (Procedure) Rules 2003 (scheduled to SI 2003/1575); and the Health Professions Council (Health Committee) (Procedure) Rules 2003 (scheduled to SI 2003/1576).

Policy Objective

2. The policy behind this Instrument, is to make amendments to the Rules to:
 - Improve the range of online services for applicants and registrants.
 - Remove the character reference requirement for applicants while retaining the self-declaration.
 - Allow panel Chairs to give directions about the case management of fitness to practise cases without the need for a preliminary hearing.
 - Update the Practice Committee Rules so they refer to the ‘Health and Care Professionals Council’ rather than the ‘Health Professionals Council’, which reflects their change of name in August 2012.
3. Further details of the proposed changes are set out in the attached Department of Health Explanatory Memorandum, in paragraph 7, headed “*policy background*”.

Consultation

4. The HCPC consulted on the proposed amendments to the Registration Fees Rules and Practice Committee Rules between 5th October 2015 and 15th January 2016. A range of stakeholders were informed about the consultation, including professional bodies and employers and information regarding the consultation was published on the HCPC website, social media and in the HCPC newsletter.
5. The HCPC received 103 responses to the consultation, of which, 90 responses were made by individuals and 13 were made on behalf of organisations (6 were professional bodies and 3 were employers). The vast majority of respondents agreed with the proposal regarding electronic communication, the majority of respondents agreed that the HCPC should remove the requirement for a character reference and replace it with a self-declaration, and the majority of respondents agreed with the

proposal on the amendments to the Practice Committee rules (further information contained in paragraphs 9.1 – 9.6 of the DH Explanatory Memorandum).

Guidance

6. No guidance will be issued by the HCPC.

Impact Assessment and Financial Implications

7. The impact on business, charities or voluntary bodies is minimal. The amendments may have a slight impact on registrants with businesses, however the change has no burden on costs and the amendments are viewed as a benefit. There is no impact on the public sector.
8. An Impact Assessment has not been prepared for this Instrument because the potential impact on business foreseen falls below the threshold for producing one.

Monitoring and Review

9. The HCPC regularly reviews its Rules; there is no requirement for a formal review of the amendments.

Scottish Government Health and Social Care Directorates
17 June 2016