

2023 No. 995

HEALTH CARE AND ASSOCIATED PROFESSIONS

HEALTH PROFESSIONS

**The Health and Care Professions Council (Miscellaneous
Amendment) Rules Order of Council 2023**

<i>Made</i>	- - - -	<i>12th September 2023</i>
<i>Laid before Parliament</i>		<i>14th September 2023</i>
<i>Laid before the Scottish Parliament</i>		<i>14th September 2023</i>
<i>Coming into force</i>		<i>9th November 2023</i>

At the Council Chamber, Whitehall, the 12th day of September 2023

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

The Health and Care Professions Council has made the Health and Care Professions Council (Miscellaneous Amendment) Rules 2023 which are set out in the Schedule to this Order, in exercise of the powers conferred by articles 7(1) and (2)(c), 26(3), 32(1), (2) and (4), 37(4) and (5)(i) and 41(2) of the Health 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 referred to in articles 7(3) and 41(3) of that Order.

In accordance with 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, commencement and extent

1.—(1) This Order may be cited as the Health and Care Professions Council (Miscellaneous Amendment) Rules Order of Council 2023 and comes into force on 9th November 2023.

(2) This Order extends to England and Wales, Scotland and Northern Ireland.

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.

(a) S.I. 2002/254, amended by S.I. 2009/1182; there are other amending instruments, but none is relevant.

SCHEDULE

Article 2

The Health and Care Professions Council (Miscellaneous Amendment) Rules 2023

The Health and Care Professions Council makes the following Rules in exercise of the powers conferred by articles 7(1) and (2)(c), 26(3), 32(1), (2) and (4), 37(4) and (5)(i) and 41(2) of the Health Professions Order 2001.

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 referred to in articles 7(3) and 41(3) of that Order.

Citation and commencement

1. These Rules may be cited as the Health and Care Professions Council (Miscellaneous Amendment) Rules 2023 and come into force on 9th November 2023.

Amendments to the Health and Care Professions Council (Registration and Fees) Rules 2003

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

- (2) In rule 14 (registration fee)—
 - (a) in paragraph (a), for “£98.12” substitute “£116.36”;
 - (b) in paragraph (b), for “£196.24” substitute “£232.72”.
- (3) In rule 15 (renewal fee), for “£196.24” substitute “£232.72”.
- (4) In rule 15A (readmission fee), for “£147.18” substitute “£174.54”.
- (5) In rule 16 (restoration fee), for “£147.18” substitute “£174.54”.
- (6) In rule 17 (scrutiny fees)—
 - (a) in paragraph (1), for “£68.68” substitute “£81.45”;
 - (b) in paragraph (2), for “£539.65” substitute “£639.98”.

Amendments to the Health and Care Professions Council (Investigating Committee) (Procedure) Rules 2003

3. In the Health and Care Professions Council (Investigating Committee) (Procedure) Rules 2003(b)—

- (a) omit rule 2A (emergency virtual meetings and hearings);
- (b) in rule 8(1)(a) (conduct of hearing) omit “subject to rule 2A(2)(b),”;
- (c) in rule 8A(3)(a) (vulnerable witnesses) for “links” substitute “conferencing facilities”;
- (d) after rule 8A (vulnerable witnesses), insert—

(a) Rules as set out in the Schedule to the Health Professions Council (Registration and Fees) Rules Order of Council 2003 (S.I. 2003/1572), the relevant amending instrument is S.I. 2021/170.

(b) Rules as set out in the Schedule to the Health Professions Council (Investigating Committee) Procedure Rules Order of Council 2003 (S.I. 2003/1574). Rule 2A is inserted, and a relevant amendment is made to rule 8, by S.I. 2021/27.

“Meetings and hearings

8B.—(1) The Chair, in the case of a preliminary meeting, and the Committee, in the case of a hearing, may arrange for a meeting or hearing under these Rules to be conducted using audio or video conferencing facilities.

(2) Where a meeting or hearing uses audio or video conferencing facilities in accordance with paragraph (1), any notice sent under these Rules giving notice of the meeting or hearing must include the details of any audio or video conferencing arrangements required to access that meeting or hearing.”.

Amendments to the Health and Care Professions Council (Conduct and Competence Committee) (Procedure) Rules 2003

4. In the Health and Care Professions Council (Conduct and Competence Committee) (Procedure) Rules 2003(a)—

- (a) omit rule 2A (emergency virtual meetings and hearings);
- (b) in rule 10(1)(a) (conduct of hearing) omit “subject to rule 2A(2)(b),”;
- (c) in rule 10A(3)(a) (vulnerable witnesses) for “links” substitute “conferencing facilities”;
- (d) after rule 10A (vulnerable witnesses), insert—

“Meetings and hearings

10B.—(1) The Committee may arrange for a meeting or hearing under these Rules to be conducted using audio or video conferencing facilities.

(2) Where a meeting or hearing uses audio or video conferencing facilities in accordance with paragraph (1), any notice sent under these Rules giving notice of the meeting or hearing must include the details of any audio or video conferencing arrangements required to access that meeting or hearing.”;

- (e) in rule 13(10) (review of orders and applications for restoration to the register), for “2A” substitute “10B”.

Amendments to the Health and Care Professions Council (Health Committee) (Procedure) Rules 2003

5. In the Health and Care Professions Council (Health Committee) (Procedure) Rules 2003(b)—

- (a) omit rule 2A (emergency virtual meetings and hearings);
- (b) in rule 10(1)(a) (conduct of hearing) omit “subject to rule 2A(2)(b),”;
- (c) in rule 10A(3)(a) (vulnerable witnesses) for “links” substitute “conferencing facilities”;
- (d) after rule 10A (vulnerable witnesses), insert—

“Meetings and hearings

10B.—(1) The Committee may arrange for a meeting or hearing under these Rules to be conducted using audio or video conferencing facilities.

(2) Where a meeting or hearing uses audio or video conferencing facilities in accordance with paragraph (1), any notice sent under these Rules giving notice of the meeting or hearing must include the details of any audio or video conferencing arrangements required to access that meeting or hearing.”;

(a) Rules as set out in the Schedule to the Health Professions Council (Conduct and Competence Committee) (Procedure) Rules Order of Council 2003 (S.I. 2003/1575). Rule 2A is inserted, and a relevant amendment is made to rule 10, by S.I. 2021/27.

(b) Rules as set out in the Schedule to the Health Professions Council (Health Committee) (Procedure) Rules Order of Council 2003 (S.I. 2003/1576). Rule 2A is inserted, and a relevant amendment is made to rule 10, by S.I. 2021/27.

- (e) in rule 13(10) (review of orders and applications for restoration to the register), for “2A” substitute “10B”.

Amendments to the Health Professions Council (Registration Appeals) Rules 2003

- 6.** In the Health Professions Council (Registration Appeals) Rules 2003(a)—
- (a) omit rule 2A (emergency virtual meetings and hearings);
 - (b) in rule 14(1) (conduct of hearing), for “Subject to rule 2A(2)(b), the” substitute “The”;
 - (c) after rule 14 (conduct of hearing), insert—

“Meetings and hearings

14A.—(1) The Chair, in the case of a preliminary meeting, and the Appeal Panel or the Council, where the Council considers an appeal itself, in the case of a hearing, may arrange for a meeting or hearing under these Rules to be conducted using audio or video conferencing facilities.

(2) Where a meeting or hearing uses audio or video conferencing facilities in accordance with paragraph (1), any notice sent under these Rules giving notice of the meeting or hearing must include the details of any audio or video conferencing arrangements required to access that meeting or hearing.”.

Given under the seal of the Health and Care Professions Council this 25th day of August 2023.



Christine Elliott
Chair

Andrew Smith
Registrar

EXPLANATORY NOTE

(This note is not part of the Order)

This Order approves various Rules made by the Health and Care Professions Council (“HCPC”).

The Rules in paragraph 2 of the Schedule amend the Health and Care Professions Council (Registration and Fees) Rules 2003, scheduled to the Health Professions Council (Registration and Fees) Rules Order of Council 2003. Those Rules amend the fees which the HCPC charges for processing and scrutinising applications for admission to its register, for renewal of registration and for readmission or restoration to the register.

Paragraph 2(2) of the Schedule increases the two-yearly fee for registration in the register maintained under the Health Professions Order 2002 (S.I. 2002/254) to £116.36 (an increase of £9.12 per year) for those qualified for up to two years; and to £232.72 (an increase of £18.24 per year) for everyone else.

Paragraph 2(3) increases the renewal fee to £232.72 (an increase of £36.48).

(a) Rules as set out in the Schedule to the Health Professions Council (Registration Appeals) Rules Order of Council 2003 (S.I. 2003/1579). Rule 2A is inserted, and a relevant amendment is made to rule 14, by S.I. 2021/27.

Paragraph 2(4) and (5) increase fees for readmission and restoration to the register from £147.18 to £174.54 (an increase of £27.36), in addition to the registration fee.

Paragraph 2(6) increases the scrutiny fees paid by all new applicants, whose qualifications, and in some cases experience, need to be assessed. The scrutiny fee for applicants who have successfully completed an approved UK programme of education and training is increased to £81.45 (an increase of £12.77). The scrutiny fee for international applicants is increased to £639.98 (an increase of £100.33).

The Rules in paragraphs 3 to 6 of the Schedule make amendments to the procedural rules for the HCPC's three Practice Committees, which conduct fitness to practise proceedings, and the procedural rules for its Appeal Panel, which hears appeals against registration decisions. The rules being amended are the Health and Care Professions Council (Investigating Committee) (Procedure) Rules 2003, the Health and Care Professions Council (Conduct and Competence Committee) (Procedure) Rules 2003, the Health and Care Professions Council (Health Committee) (Procedure) Rules 2003 and the Health Professions Council (Registration Appeals) Rules 2003. The amendments to all four sets of procedural rules are in the same form and involve the same change. Instead of limiting virtual meetings and hearings to emergencies, they confer a general power for the committee concerned and the Appeal Panel to hold meetings or hearings virtually (using audio or video conferencing facilities). Notwithstanding the omission of rule 2A in each set of procedural rules, the amendments do not make changes to rules regarding holding meetings or hearings in private (which are separately provided for outside of each rule 2A).

A full impact assessment of the effect that the changes to fees under this instrument will have on the costs of business, the voluntary sector and the public sector is available at:

<https://www.hcpc-uk.org/globalassets/resources/2023/consultation-on-changes-to-fees-analysis-and-decisions.pdf#page=49> and <https://www.hcpc-uk.org/consultation-on-changes-to-fees-eia-july-2023/>.

A physical copy of the impact assessment can also be requested by email or telephone to the HCPC at policy@hcpc-uk.org or 0300 500 4472.

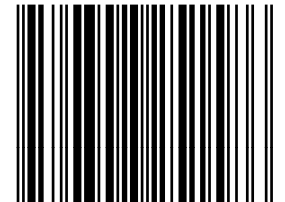
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