

Council, 3 December 2015

Policy and Standards Department report

Executive summary and recommendations

Introduction

The attached report provides an update about the activities of the Policy and Standards Department.

Decision

The Council is invited to discuss the report.

Background information

None.

Resource implications

None as a result of this paper.

Financial implications

None as a result of this paper.

Appendices

None.

Date of paper

20 November 2015

Policy and Standards Department report – 3 December 2015

This paper provides an update about the work of the department.

Consultations

- Open consultations

- Consultation on revised conduct and ethics for students (deadline 29 January 2016).
- Consultation on amendments to the Registration and Fees and Practice Committee Rules (deadline 15 January 2016).
- The consultation on draft standards for orthoptists exemptions will commence pending ministerial approval of the overall policy.

- Recent responses to external consultations

- HEFCE, HEFCW and DELNI consultation on future approaches to quality assessment in England, Wales and Northern Ireland.
- Committee on Standards in Public Life 'Ethics for Regulators' Review - regulators' survey (prepared by Louise Lake).
- Independent Patient Safety Investigation Service Expert Advisory Group - Call for Evidence.
- Law Commission consultation on mental capacity and deprivation of liberty safeguards.

Law Commission consultation on mental capacity and deprivation of liberty safeguards

- The Law Commission has consulted on proposals arising from its review of legislation on mental capacity and deprivation of liberty. This includes looking at the Best Interests Assessor (BIA) role in legislation. BIAs carry out assessments to consider authorisation of deprivation of liberty for individuals who do not have mental capacity to make decisions about their own care.
- They have proposed similar arrangements to that in place for Approved Mental Health Professional (AMHP) training – that the HCPC should be responsible for approving programmes in England. They have further proposed that the HCPC and other relevant regulators should annotate their registers to indicate where a registrant has completed AMHP or BIA training.

- A copy of the consultation response was included to note on the agenda of the Education and Training Committee's recent meeting and is published on the HCPC website.

Mandatory duty to report female genital mutilation in England and Wales

- From Saturday 31 October 2015, the Serious Crime Act 2015 introduced a mandatory duty on healthcare workers, teachers and social workers in England and Wales to report, orally or in writing, to the police if they either observe physical signs suggesting female genital mutilation (FGM) in girls under the age of 18 or if the girl discloses they have had FGM.
- Failure to comply with this statutory duty would be dealt with via the fitness to practise process. At present there is no legal obligation on professionals to report suspected FGM in Scotland and Northern Ireland. (However, registrants in these countries still have responsibilities under safeguarding arrangements.)
- The Communications Directorate has implemented a communications plan to notify key stakeholders of this new duty.

PSA Right touch regulation

- The PSA has refreshed and relaunched its 'Right touch regulation' paper which sets out its thinking on the role and value of regulation in controlling risk of harm. There are no significant changes, but the document has been updated with the PSA's thinking on the nature of risk in health and care and examples to illustrate applicability of the methodology added.¹

PSA performance review

- The PSA is revising its arrangements for its performance review of the regulators. One of the key changes is that performance review and initial stage audit of fitness to practise cases will be combined and performance reviews will take place on a staggered basis over the year, with each regulator's report published when it is ready.
- Since a public consultation earlier this year, the PSA has revised its proposals and plans to reduce the amount of data it will ask each regulator to report to it on a regular basis. We have recently provided the PSA with copies of internal procedural documents and guidance which will help it better understand how each regulator is run. We have not yet had notification of when our performance review will take place.

¹ <https://www.professionalstandards.org.uk/policy-and-research/right-touch-regulation>

Review of the standards of education and training

- The research projects on Interprofessional education and preparation for practice have concluded.
- The second meeting of the PLG took place in November 2015, with further meetings in January and March 2016. The work is progressing well.

Review of the standards of proficiency for social workers in England

- This review is ongoing. Recent activities have included the development of surveys for education providers, visitors, registration assessors and practice educators, to gather feedback on the standards. The Executive also continues to engage with key stakeholders including the Department of Health, Department for Education, professional bodies and service user and carer organisations. A stakeholder event to consider feedback received during the review is planned for January 2016.
- We anticipate that a consultation document and draft revised standards of proficiency will be produced for consideration by the Council in March 2016.

Research

The following provides an update about some of the research activities managed by the Department.

- **Costs and impact of CPD (Newcastle University; commissioned by the Department of Health)**
Interviews with stakeholders are ongoing. A survey of a sample of registrants is due to take place from January 2016. Members of the research team have attended HCPC to begin to collect data from CPD profiles.
- **Professionalism and conscientiousness in healthcare professionals – study two (Durham University).** A draft of the final report for this study has been received. We anticipate this being brought to the Council at its February 2016 meeting.
- **Literature review on links between cautions and convictions for alcohol related offences, alcohol dependency and fitness to practise / work (King's College London).**
A draft report has been received. A further draft is due from the research team in mid-January 2016. We anticipate bringing a paper to the Council at its March or May 2016 meetings.