

21 May 2019

Health and Care Professions Council response to the Scottish Government consultation on the Public Services Reform (the Scottish Public Services Ombudsman) (Healthcare Whistleblowing) Order 2019

1. About us

- 1.1 We welcome the opportunity to respond to this consultation.
- 1.2 The Health and Care Professions Council (HCPC) is a statutory regulator of health, social work and psychological professions governed by the Health and Social Work Professions Order 2001. We regulate the members of 16 professions, including chiropodists / podiatrists and physiotherapists across England, Wales, Scotland and Northern Ireland. We maintain a register of professionals, set standards for entry to our register, approve education and training programmes for registration and deal with concerns where a professional may not be fit to practise. Our role is to protect the public.

2. Response to the consultation questions

- 2.1 We have set out our response to individual consultation questions below.
- 2.2 The HCPC is a regulator of individual health and care professionals rather than the organisations within which services are delivered. For this reason, we have limited our response to the areas relating to individuals rather than organisations.

3. Specific questions

- 3.1 **Do you agree that the following individuals should be given access to an investigation by the SPSO in her role as INWO?**
- **individuals in the primary care sector;**
 - **individuals delivering services for independent providers, under contractual arrangements with NHSScotland.**
- 3.2 Yes.
- 3.3 The Health and Care Professions Council regulates 16 health and care professions across England, Wales, Scotland and Northern Ireland. We set standards for professionals' education, training and practice, and keep a register of professionals who meet our standards (registrants). We do not regulate services or practices.

- 3.4 Our Standards of conduct, performance and ethics require our registrants to report and, where necessary, escalate concerns about the safety and wellbeing of service users. One way they may do this is by whistleblowing.
- 3.5 Health and social work professionals increasingly work in a variety of environments and capacities, as well as for a variety of employers. We therefore agree that individuals in the primary care sector and individuals delivering services for independent providers should be given access to an investigation by the SPSO in her role as INWO. This would provide an additional avenue by which our registrants working in Scotland could raise their concerns, and may assist in facilitating a culture shift in this regard.
- 3.6 Do you agree that the SPSO may specify in the model Whistleblowing Procedure which individuals may qualify as whistleblowers and which types of concerns may qualify as whistleblowing matters for the purposes of the INWO investigation?**
- 3.7 Yes.
- 3.8 Provision for this approach is set out in new draft order.
- 3.9 Do you agree that the SPSO in her role as INWO should be able to investigate and comment upon the treatment of the individual as outlined in the consultation?**
- 3.10 Yes.
- 3.11 Provision for this approach is set out in new draft order.
- 3.12 We propose that the SPSO in her role as INWO should be given powers to share proportionate information on practice issues with the following bodies (where it is directly linked to their role):**
- **Healthcare Improvement Scotland;**
 - **National Education Services;**
 - **Mental Welfare Commission;**
 - **National Services Scotland (namely Counter Fraud Services and Information Services Division).**
- Are there any other bodies that you think the INWO should be able to share this type of information with?**
- 3.13 As a regulator of individual health and care professions, we do not have any comments.

3.14 Do you have any other comments on our proposals for establishing the INWO?

3.15 We do not have any comments.