

Consultation on amendments to the Registration and Fees Rules and Practice Committee Rules

Analysis of responses to the consultation on amendments to the Registration and Fees Rules and Practice Committee Rules and our decisions as a result.

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1. Introduction

About the consultation

- 1.1 We consulted between 5 October 2015 and 15 January 2016 on proposed amendments to the Registration and Fees Rules and Practice Committee Rules.
- 1.2 These Rules set out how our registration processes and fitness to practise committees operate, respectively. The main changes proposed included the ability to provide an increased range of online services for applicants and registrants; replacing the requirement for a character reference with a self-declaration; and enabling Panel Chairs to deal with logistical matters without the need for a preliminary hearing.
- 1.3 The consultation also sought comments on potential changes to the dates of the registration cycle for a small number of professions, which we plan to propose in the future. Such changes would mean that we avoid professions renewing their registration over the summer or Christmas periods.
- 1.4 We informed a range of stakeholders about the consultation including professional bodies and employers, included information about the consultation on our website, on social media and in our newsletter and also issued a press release.
- 1.5 We would like to thank all those who took the time to respond to the consultation document. You can download the consultation document and a copy of this responses document from our website: <http://www.hcpc-uk.org/aboutus/consultations/closed/index.asp?id=198>

About us

- 1.6 We are a regulator and were set up to protect the public. To do this, we keep a Register of health and care professionals who meet our standards for their professional skills and behaviour. Individuals on our register are called 'registrants'.
- 1.7 We currently regulate 16 health and care professions:
 - Arts therapists
 - Biomedical scientists
 - Chiropodists / podiatrists
 - Clinical scientists
 - Dietitians
 - Hearing aid dispensers
 - Occupational therapists
 - Operating department practitioners
 - Orthoptists
 - Paramedics
 - Physiotherapists
 - Practitioner psychologists
 - Prosthetists / orthotists

- Radiographers
- Social workers in England
- Speech and language therapists.

About this document

- 1.8 This document summarises the responses we received to the consultation.
- 1.9 The document starts by explaining how we handled and analysed the responses we received, providing some overall statistics from the responses. Section three provides an executive summary of the responses we received. Section four is structured around the comments we received to specific questions. Our responses and decisions as a result of the comments we received are set-out in section five.
- 1.10 In this document, 'you' and 'your' is a reference to respondents to the consultation, 'we', 'us' and 'our' are references to the HCPC.

2. Analysing your responses

- 2.1 Now that the consultation has ended, we have analysed all the responses we received.

Method of recording and analysis

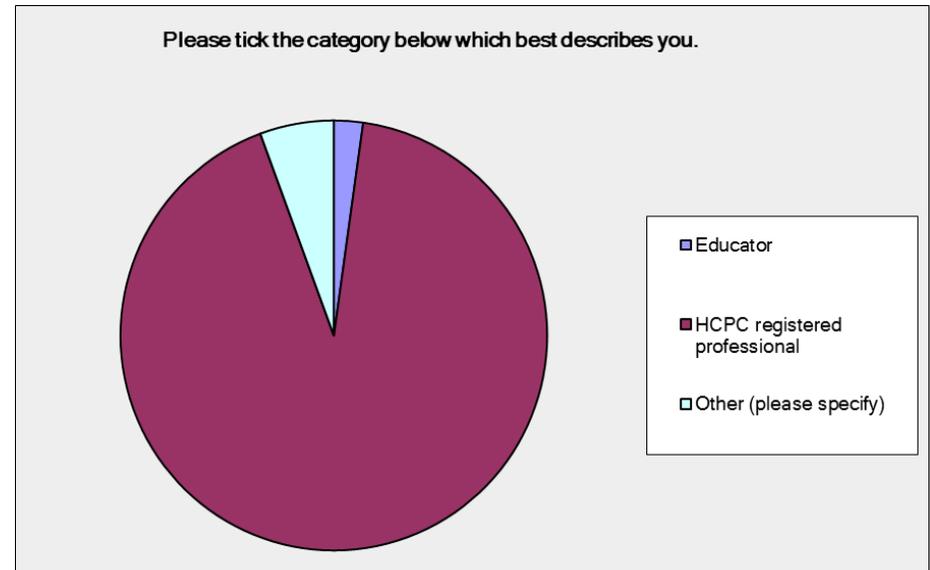
- 2.2 The majority of respondents used our online survey tool to respond to the consultation. They self-selected whether their response was as an individual or on behalf of an organisation, and, where answered, selected their response to each specific consultation question (e.g. yes; no; unsure). They were also able to give us their comments on each question.
- 2.3 Where we received responses by email or by letter, we recorded each response in a similar format.
- 2.4 When deciding what information to include in this document, we analysed the comments and issues raised and identified themes. This document summarises the common themes across all responses, and indicates the frequency of comments made by respondents.

Statistical analysis

- 2.5 We received 103 responses to the consultation. 90 responses (87%) were made by individuals, of which 83 (92%) were HCPC registrants and two (2%) were educators. 13 responses (13%) were made on behalf of organisations. Six (46%) of these were professional bodies and three (23%) were employers. One education provider and one regulator also responded.
- 2.6 The breakdown of respondents and responses we received to each question are shown in the graphs and tables that follow.

Graph 1 – Breakdown of individual responses

Respondents were asked to select the category that best described them. Five respondents selected 'other', three of whom identified themselves as prospective applicants for HCPC registration.



Graph 2 – Breakdown of organisation responses

Respondents were asked to select the category that best described their organisation. The two respondents who selected 'other' identified themselves as a trade union and a UK university health faculty representative, respectively.

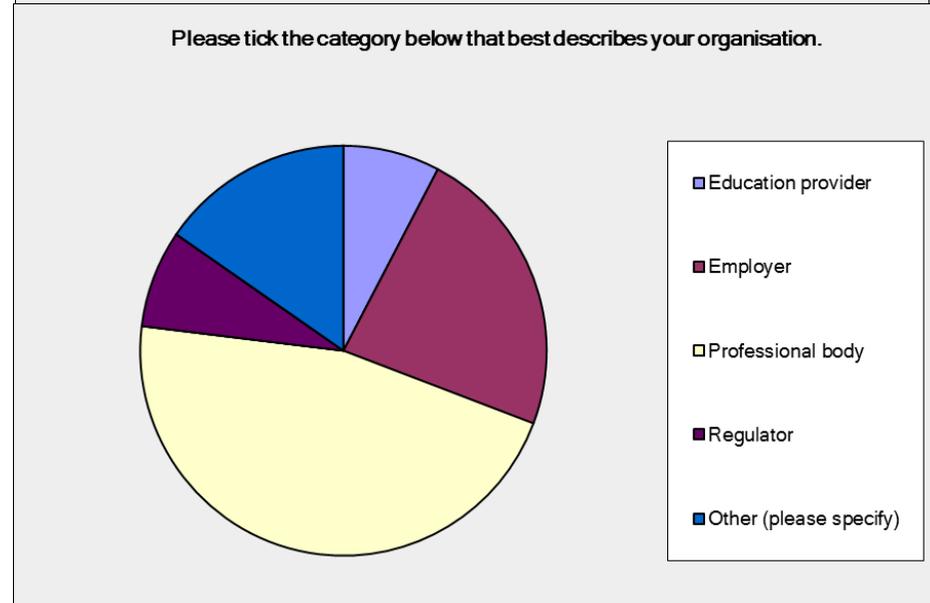


Table 1 – Breakdown of responses to each question

Questions	Yes	No	Partly	Unsure
Question 1: Do you agree with our proposal about electronic communication?	85% (87)	3% (3)	12% (12)	0
Question 2: Do you agree that we should remove the requirement for a character reference and replace it with a self-declaration?	62% (64)	24% (25)	9% (9)	5% (5)
Question 3: Do you agree that Panel Chairs should be able to give directions without the need for a preliminary hearing?	64% (65)	15% (15)	11% (11)	10% (10)

Table 2 – Breakdown of responses by individual vs organisation

Question 1	Yes	No	Partly	Unsure
Individuals	87%	3%	10%	0%
Organisations	77%	0%	23%	0%
Question 2	Yes	No	Partly	Unsure
Individuals	61%	26%	8%	6%
Organisations	69%	15%	15%	0%
Question 3	Yes	No	Partly	Unsure
Individuals	62%	17%	11%	10%
Organisations	83%	0%	8%	8%

- Questions 4 and 5 invited comments rather than a 'yes or no' answer, so are not included in the above tables. Responses to these questions are included in Section four of this document.
- Percentages in the table above have been rounded to the nearest whole number and therefore may not add to 100 per cent.

3. Summary of responses

Electronic communication

- 3.1 The vast majority of respondents (85%) agreed with the proposal about electronic communication. Many considered that it would make the registration process quicker and easier.
- 3.2 A few respondents raised points for further consideration, such as the importance of ensuring email addresses are up to date and enabling individuals to communicate by mail if they choose.

Character references

- 3.3 The majority of respondents (62%) agreed that we should remove the requirement for a character reference and replace it with a self-declaration. Several considered that character references do little to prove that applicants are of good character, while others agreed that this proposal would make registration more efficient.
- 3.4 24 per cent of respondents did not agree with the proposal. A few of these voiced concerns that this may enable unsuitable individuals to register, while some suggested alternative solutions, such as retaining the character reference but reducing the time required for referees to have known applicants.

Ability of fitness to practise Panel Chairs to give directions

- 3.5 The majority of respondents (64%) agreed with the proposal that Panel Chairs should be able to give directions without the need for a preliminary hearing. Some agreed that this would save time and costs involved in hearings.
- 3.6 A few respondents disagreed with the proposal on the basis that it may prevent hearings from being fair and consistent.

Other changes to the Registration and Fees Rules and Practice Committee Rules

- 3.7 The vast majority of respondents (91%) had no further comments to make about our proposed amendments to the Registration and Fees Rules and Practice Committee Rules, apart from those key changes already mentioned in this section.
- 3.8 No comments were received relating to the proposal to change the Rules to reflect our change of name in 2012. However, a small number of respondents commented on other areas such as the decision in 2015 to increase the registration fee.

Future changes to the registration cycles

- 3.9 51 per cent of all respondents had no comments on potential future changes to the registration cycles to avoid renewal during busy periods including over the summer and Christmas. However, a significant number of the respondents who

did provide comments expressed their support for avoiding renewal during these periods, in particular during the Christmas period.

4. Responses to consultation questions

4.1 This section contains comments made in response to the questions posed in the consultation document.

Q1. Do you agree with our proposal about electronic communication?

Summary

4.2 In the consultation document we proposed to amend the Rules to increase our ability to communicate with applicants and registrants by electronic means, for example online or via email.

4.3 The vast majority of respondents (85%) agreed with the proposal about electronic communication. A slightly higher proportion of individuals agreed with the proposals compared to organisations.

Comments

4.4 A significant number of respondents provided further comments in support of this proposal.

- Many felt that using electronic communication would make the registration process quicker, easier and more convenient.
- Some respondents commented that it would provide a better audit trail than the current system and avoid loss of paperwork and unintended de-registration.
- A small number of respondents welcomed the suggestion to introduce online registration in the future.

4.5 Three per cent of respondents did not agree with the proposal. Two of these provided further comments indicating their concerns, which included the security of data sent electronically, and that email addresses cannot be verified in the same way that postal addresses can be.

4.6 A minority of respondents (12%) partly agreed with the proposal and a small number provided further comments. Most of these sought to highlight that not all registrants or applicants would be able, or wish to use electronic communication, therefore it should not become the only form of communication available. The importance of ensuring that email addresses are kept up to date and that emails are not mistaken for junk mail was also raised.

Q2. Do you agree that we should remove the requirement for a character reference and replace it with a self-declaration?

Summary

- 4.7 The majority of respondents (62%) agreed that we should remove the requirement for a character reference and replace it with a self-declaration. However a significant minority (24%) did not agree with the proposal.
- 4.8 There was no significant overall difference between responses from individuals compared to those from organisations.

Comments

- 4.9 A significant number of respondents provided further comments in support of this proposal.
- Several considered that the character reference does little to demonstrate that applicants are of good character and it is therefore unnecessary. Some commented that character references may be subjective or could be provided by an unreliable source.
 - A few respondents commented that character references are unnecessary since concerns about an individual would be identified during the course of their training programme or employment.
 - A number commented that removing the character reference would make the registration process more efficient. Some also acknowledged there can be difficulties for recent graduates in finding an appropriate referee.
 - Several respondents agreed that using a self-declaration for initial registration would create consistency with the subsequent renewal process.
- 4.10 However, a number of respondents considered that self-declarations would not provide a sufficient level of verification to ensure applicants meet the character requirements. A few voiced concerns that this may enable unsuitable individuals to become registered.
- 4.11 A small number of respondents suggested alternative ways of addressing the drawbacks of the character reference, while retaining a level of independent verification. These included the following.
- Keeping the character reference but reducing the length of time that the referee must have known the applicant.
 - Limiting the requirement to applicants who have not completed an approved programme.

Q3. Do you agree that Panel Chairs should be able to give directions without the need for a preliminary hearing?

Summary

- 4.12 The majority of respondents (64%) agreed with the proposal that Panel Chairs should be able to give directions without the need for a preliminary hearing.
- 4.13 17 percent of individuals disagreed with the proposal compared with none of the organisations. Meanwhile there was a higher level of agreement with the proposal among organisational responses (83%) compared to individual respondents (62%).

Comments

- 4.14 Several respondents who supported the proposal further commented that removing the need for a preliminary hearing would save time and reduce costs and workload for all parties involved.
- 4.15 However a small number of respondents expressed concerns that this may prevent hearings from being fair, for example by disadvantaging registrants who may be unable to attend relocated hearings.
- 4.16 A few respondents made suggestions to ensure that hearings remain fair if Panel Chairs are given this new ability, including the following.
- Clear guidelines should be provided on when Panel Chairs may use this new power, and when they should hold preliminary hearings.
 - The Panel Chair's decision to give directions without a preliminary hearing should be subject to appeal.

Q4. Do you have any other comments to make about our proposed amendments to the Registration and Fees Rules and Practice Committee Rules?

4.17 The vast majority of respondents (91%) answered that they had no further comments to make about our proposed amendments to the Registration and Fees Rules and Practice Committee Rules.

4.18 A small number of respondents provided comments relating to other areas, including the following.

- The reasons for deciding to increase the registration fee last year and how the additional income is being used.
- The length of the registration renewal cycle and whether this could be changed.
- How to meet the new requirement for indemnity cover as a condition of registration.

Q5. Do you have comments on our future plans to change the registration cycles for some professions to avoid the summer and Christmas periods?

- 4.19 Just under half (49%) of all respondents answered yes to this question.
- 4.20 A significant number of respondents who provided comments expressed their support for avoiding renewal during these periods, with most comments referring specifically to Christmas.
- 4.21 The most frequently stated reasons were that renewal over the Christmas period is particularly stressful and financial commitments cause difficulties with paying the renewal fee.
- 4.22 A small number of respondents commented that the time of year for renewal does not make a difference.
- 4.23 A small number of respondents provided further suggestions to consider, including avoiding other busy periods, such as when there is a spike in newly qualified graduates applying for registration.

5. Our comments and decisions

- 5.1 The following section sets out our response to the range of comments we have received to the consultation. We have not responded to every individual comment, but grouped the comments we received into themes and discussed our comments and decisions in response.

Electronic communication

- 5.2 We have decided to amend the Rules as proposed, to increase our ability to communicate with applicants and registrants by electronic means.
- 5.3 We are pleased that a large majority of respondents welcomed our proposal on electronic communication and felt that this would improve the registration process.
- 5.4 A number of respondents raised concerns that not every applicant or registrant may wish, or be able to, communicate by electronic means. We recognise this and confirm that applicants or registrants would need to give us their permission to communicate with them in this way so that they may choose their preferred method. Where individuals prefer not to communicate using electronic means, we would still accept correspondence and documentation by mail.
- 5.5 A few respondents commented on the importance of ensuring applicant and registrant email addresses are up to date. We agree that this is essential for ensuring that communications reach applicants and registrants and for this reason would ask that they provide us with an up to date email address at the start of the process. We will rely on individuals to provide us with new email addresses if they change, however will provide opportunities to do so during the registration process, as for a change in a registrant's home address.
- 5.6 A small number of concerns were raised about the security of data communicated by electronic means. We consider data security equally important whether in relation to mail or electronic communications. We have a number of data security processes and systems in place and will continue to monitor the effectiveness of these as we make greater use of electronic communications.

Character references

- 5.7 We have decided to replace the character reference with a self-declaration as proposed.
- 5.8 The majority of respondents agreed with this approach and many also agreed that it would improve the efficiency of the registration process.
- 5.9 A small number of respondents were concerned that removing the character reference may enable individuals who are not of good character to register. We acknowledge these concerns, however, the current character reference requirement is not able to guarantee that applicants are, or will continue to be of good character.

- 5.10 We have a process in place to flag up applicants for whom we have received information which might raise concerns about their suitability for registration. We review these concerns as the initial part of assessing their application for registration.
- 5.11 On balance, we consider that the character reference requirement acts as an unnecessary barrier to registration for applicants who have not given any cause for concern about their ability to practise safely and effectively.

Ability of Panel Chairs to give directions

- 5.12 We have decided to amend the Rules as proposed to give Panel Chairs the ability to give directions without the need for a preliminary hearing.
- 5.13 The majority of respondents supported the proposal and many agreed that it would save time and costs, and reduce the workload for those involved in hearings.
- 5.14 Some respondents had concerns about the consistency of applying this new ability and sought clear guidelines for Panel chairs. We are reviewing our practice note on preliminary hearings to ensure that they provide sufficient guidance to enable Panel Chairs to understand the new ability and how to make use of it appropriately.

Other changes to the Registration and Fees Rules and Practice Committee Rules

- 5.15 We have decided to amend the Rules so that they reflect our change of name made in 2012. This will ensure they are up to date and consistent with other Rules and legislation.

Future changes to the registration cycles

- 5.16 The majority of respondents did not have comments on our future plans to change the registration cycles, but of those who did, the majority expressed their support, in particular with regard to avoiding the Christmas period.
- 5.17 We plan to consult in the future on plans to change the registration cycles. This consultation will take place at a later stage in our ongoing 'Registration improvement and transformation' project.

Implementation

- 5.18 The amended Rules need to be laid in Parliament before they can come into effect. Subject to parliamentary approval, we anticipate that they the amended rules will come into effect by the summer of 2016.

6. List of respondents

Below is a list of all the organisations that responded to the consultation¹

Association for Clinical Biochemistry and Laboratory Medicine / Federation of Clinical Scientists
Colchester General Hospital
Council of Deans of Health
National Association of Professional Ambulance Services
National Community Hearing Association
NHS England (Chief Allied Health Professions Officer England)
The College of Paramedics
The Picker Institute
The Society of Chiropractors and Podiatrists
The Society of Sports Therapists
Unite the Union
University of Hertfordshire

¹ One respondent selected that they were responding on behalf of an organisation on the online survey tool but did not give their organisation's name. This response has been counted as organisation response but is not listed here.