

Council, 23 March 2016

Policy and Standards Department Work Plan 2016-2017

Executive summary and recommendations

Introduction

The Policy and Standards Department Work Plan for the period 1 April 2016 to 31 March 2017 is attached.

Section two (page three) provides a brief summary of the projects delivered in 2015-16 and the main projects to be delivered in 2016-17.

Decision

The Council is invited to discuss and note the attached document.

Background information

None

Resource implications

The resourcing of the Department is set out in the attached workplan.

Financial implications

The financial implications of the planned work are accounted for in the Policy and Standards budget for 2016-17.

Appendices

See paper.

Date of paper

March 2016

Policy and Standards Department

2016-2017 Work plan

1. Introduction	4
2. Summary.....	5
3. Developing and maintaining the existing business.....	6
4. External policy changes	10
5. On-going activities	13
6. Projects for 2017-18 to 2018-19.....	15
7. Risks	16

COUNCIL MARCH 2016

1. Introduction

1.1 This document sets out a plan for the work of the Policy and Standards Department in the 2016-17 financial year.

Resourcing

1.2 The Department currently consists of five employees.

Michael Guthrie	Director of Policy and Standards
Jane Tuxford	PA to the Director of Policy and Standards and PA to the Director of Communications
Nicole Casey	Policy Manager
Laura Coveney	Policy Officer
Edward Tynan	Policy Officer

About this document

1.3 This document is divided into seven sections.

- Section two is a summary.
- Sections three to five describe the projects for 2016-17 in more detail, grouped into three areas: developing and maintaining the existing business; external policy developments; and on-going activities.
- Section six outlines potential projects for the period 2017-18 to 2018-19.
- Section seven looks at the risks owned by the Department.

1.4 Many of the activities outlined in sections two to four of this document are subject to discussion / approval by the Education and Training Committee and/or Council as appropriate.

1.5 Appendix 1 provides a summary table of projects for the 2016-17 financial year, referenced against the HCPC's strategic objectives.

2. Summary

2.1 In 2015-16, achievements against the workplan included the following.

- Review of the standards of proficiency. The review for the first 15 professions was completed.
- Standards of conduct, performance and ethics. Revised standards were published on 26 January 2016.
- Revised guidance 'Health, disability and becoming a health and care professional' was published.
- Four consultations commenced or concluded including consultations on the registration fees; and on revised guidance on conduct and ethics for students.
- The PLG tasked with reviewing the standards of education and training concluded its work.
- We responded to 11 consultations run by other organisations.

2.2 In 2016-17, the following are priority projects.

- Review of the standards of proficiency for social workers in England. A consultation will take place on revised standards, with the standards published by the end of 2016.
- Review of the standards of education and training. A consultation will take place on revised standards and guidance.
- Extension of prescribing and medicines exemptions. A consultation on standards for orthoptists exemptions will conclude.

2.3 Other notable projects include the following.

- Guidance on social media use. Development of guidance to support the new SCPE standard.
- Revision of guidance on returning to practice and of guidance on confidentiality.
- Research on understanding the prevalence of fitness to practise concerns about paramedics and social workers in England.

3. Developing and maintaining the existing business

3.1 This section outlines the Department's activities which are focused on developing and maintaining the existing business. For example, this includes the following.

- Developing and reviewing standards, guidance and other documents.
- Developing and reviewing processes, approaches and policy positions.

Review of the Standards of proficiency for social workers in England

3.2 The standards of proficiency for social workers in England were first published in 2012. The review of these standards commenced in 2015-16.

3.3 The following activities are anticipated.

- Public consultation on proposed revised standards for social workers in England.
- Analysis of the consultation outcomes.
- Publication of the revised standards.

3.4 This is a priority project.

Review of the Standards of conduct, performance and ethics

3.5 In January 2016, the revised standards of conduct, performance and ethics (SCPE) were published.

3.6 The following activities are anticipated.

- Continuing to work with the Communications Department to deliver the implementation workplan for the new standards. This will include drafting articles for publication in the HCPC newsletter.
- Developing a brochure for service users and carers about the standards.
- Making consequential changes to the Guidance on health and character as a result of the publication of the new standards.

Revision of the Guidance on conduct and ethics for students

- 3.7 In January 2016, the revised standards of conduct, performance and ethics became effective. The Guidance on conduct and ethics for students was revised in light of the new standards and a public consultation took place from October 2015 to January 2016.
- 3.8 In 2016-17, the text of the revised guidance will be finalised and the guidance re-published.

Guidance on social media use

- 3.9 The PLG which reviewed the Standards of conduct, performance and ethics considered that it would be helpful for us to consider publishing guidance in this area. Registrants' use of social media has occasionally featured in fitness to practise cases and in professional media coverage, some of which has suggested that it would also be helpful for guidance to be published.
- 3.10 At its meeting in March 2016, the Education and Training Committee agreed a workplan for developing new guidance. The following activities are anticipated.
- Engagement with registrants through trialling the use of a 'crowd sourcing platform' – a bespoke online discussion forum which will feed into the content and style of the guidance.
 - Drafting of the guidance.
 - Public consultation on the draft and analysis of the results.
 - Publication of new guidance.

Reporting and escalating concerns

- 3.11 The new SCPE has a dedicated standard which requires registrants to report concerns about safety; support others to do the same; and to deal with or escalate their concerns where appropriate.
- 3.12 The HCPC website includes information for registrants on raising and escalating concerns. This has had minor revisions to reflect the publication of the new SCPE
- 3.13 The following activities are anticipated.
- We will review the content of the information / advice provided on the website.
 - We will consider whether to develop and consult on separate guidance or whether only to refresh the information on the website.

- We will deliver the actions identified in the bullet point above.

Review of the Standards of education and training and guidance

3.14 In 2015-16, a Professional Liaison Group (PLG) was formed as part of the review of the standards of education and training and its supporting guidance. The PLG has drawn on the research and engagement activities carried out to date to help inform a revised draft of the standards and supporting guidance for public consultation.

3.15 The following activities are anticipated.

- Public consultation on draft revised standards of education and training and guidance.
- Analysis of the outcomes the consultation.
- Finalisation of the revised standards.

3.16 This is a priority project.

Review of the Guidance on confidentiality

3.17 'Confidentiality – guidance for registrants' was first published in 2008. The publication of revised standards of conduct, performance and ethics means that it is now out of date. This is also an opportunity to review the content of the guidance and ensure that it is up-to-date and reflects the kinds of queries we receive in this area.

3.18 At its meeting in March 2016, the Education and Training Committee agreed a workplan for reviewing and revising the Guidance. The following activities are anticipated.

- Advice from the Solicitor to Council to ensure that the guidance is up-to-date with case law in this area since its publication.
- A review of other published guidance in this area, including that published by other regulators.
- A review of a sample of fitness to practise cases which have dealt with confidentiality issues.
- A public consultation on a revised draft.

Threshold level of qualification for entry to the Register for paramedics

- 3.19 The threshold level for entry to the Register for paramedics is currently 'Equivalent to Certificate of Higher Education'. However, a significant majority of programmes are delivered in excess of this threshold. Health Education England (HEE) is currently undertaking work looking at paramedic education and training, including implementing an all graduate at entry workforce in England.
- 3.20 The Education and Training Committee has considered a number of papers on this topic over the last two years. At the time of writing we were awaiting the publication of HEE's final project report. The Committee has agreed to consider this topic again in the light of the outcomes of the HEE project. The work required in this area is therefore unclear at this time. Any proposal to change the level specified in SET 1 would require a public consultation.

Annotation of qualifications in podiatric surgery

- 3.21 The Council has previously agreed to annotate the entries in the Register of podiatrists who have undertaken post-registration qualifications to allow them to perform podiatric surgery.
- 3.22 Introducing the annotation is subject to the outcome of approval visits to existing programmes and a final decision by the Education and Training Committee.
- 3.23 The following activities are anticipated.
- Papers to the Education and Training Committee and the Council as may be required.
 - Working with colleagues and seeking legal advice to finalise operational arrangements for annotating the Register (and subject to paragraph 2.23 above, implementing the new annotation).
 - Working with communications to develop a communications plan to support implementation of the new annotation.
 - Continued engagement with stakeholders.

Research to inform policy on health assessments

- 3.24 In 2015, we commissioned a team at King's College London to review the evidence of the links between cautions and convictions for alcohol related offences, alcohol dependency and fitness to practise / work.
- 3.25 The final report has now been completed. In early 2016-17, the Council will be invited to discuss the outcomes of the research and to identify actions as a result (if any).

Returners to practice requirements

- 3.26 The existing returners to practice requirements were put in place in 2006. In June 2015, the Education and Training Committee agreed that the Executive should revise the published guidance on the requirements.
- 3.27 The following activities are anticipated.
- Re-drafting the guidance.
 - Consulting on the draft and analysing the responses.
 - Publishing the revised guidance.

Understanding the prevalence of fitness to practise concerns about paramedics and social workers in England

- 3.28 In December 2015, the Council agreed a brief for commissioned research. The aims of the research are to understand why we receive more concerns about paramedics and social workers in England than might be expected by the proportion of these professions in the Register; to gain insight into the characteristics / themes of these cases in order to identify any particular issues which are prevalent to these professions; and to identify and make recommendations about possible preventative actions. The research is due to be completed in May 2017.
- 3.29 The following activities are anticipated.
- Appointment of the research team.
 - Supporting the work of the research team including membership of the research advisory board and facilitating access to data and case information (under an appropriate confidentiality agreement).

Perceptions and experiences of the education process

- 3.30 The Department will work with the Education team to commission market research. This will be similar to the 'perceptions and experiences' research which looked at the CPD process.
- 3.31 The following activities are anticipated.
- Working with Education to scope the research.
 - Writing the research brief.
 - Commissioning and managing the conduct of the research.

3.32 This project will continue into 2017-18.

Renaming the LA/POM annotations

3.33 At the time of writing a consultation was due to commence in late 2015-16 which proposed renaming the local anaesthetic ('LA') and prescription only medicines ('POM') annotations. The new labels for the annotation would take account of stakeholder feedback and would more accurately reflect the scope of each exemption under medicines legislation.

3.34 The following activities are anticipated.

- Analysis of results of the consultation.
- Subject to the above and to implementation of extension of prescribing rights and exemptions to other professions, working with colleagues to implement the change.

COUNCIL MARCH 2016

4. External policy changes

- 4.1 This section outlines project areas which are a result of, or closely related to, external policy developments including legislation or Government policy.
- 4.2 The key external policy changes are outlined below. Some of these areas are dictated by government policy decisions and the legislative timetable, so timescales are often not clear at this stage or are likely to change.
- 4.3 Unless otherwise stated, activities are likely to include meeting with stakeholders including other regulators and the Department of Health and producing papers, consultation responses and correspondence, as required.

Government policy on regulation

- 4.4 In December 2015, Ben Gummer MP, Parliamentary Under Secretary of State for Health published a ministerial statement on professional regulation.
- 4.5 The Minister indicated that there will be a consultation in 2016 on the Government's overall policy on professional regulation. At the time of writing, this was anticipated in autumn 2016.
- 4.6 Sometime in 2016 we anticipate the publication of the Government's response to the Deputy Chief Medical Officer's review of the regulation of herbalists, which recommended that this group was not regulated. The Council will be kept updated with developments in this area.

Extension of prescribing and medicines exemptions

- 4.7 NHS England and the four country administrations are working to introduce the ability for further HCPC regulated professions to train to gain supplementary or independent prescribing rights. At the time of writing Ministers had indicated their intention to bring forward legislation in the following areas.
 - Orthoptists – exemption list of medicines for ocular conditions.
 - Dietitians – supplementary prescribing.
 - Therapeutic radiographers – independent prescribing.
- 4.8 Work has also begun to scope the further professions that might be considered for extension of medicines rights.
- 4.9 The following activities are anticipated.

- Continued participation in the Department of Health AHP Medicines Project Board and at other stakeholder meetings in this area.
- Consultation on standards for medicines exemptions for orthoptists and analysis of the results.
- Working with the Communications Department to update the foreword / introduction to the standards of prescribing to reflect any extension of independent prescribing rights.
- Working with the Education Department to ensure that operational preparations are made in good time to approve programmes.
- Participation (as required) in the project to make the IT changes necessary to annotate the Register.
- Beginning work (subject to available resources internally and externally) to develop standards for medicines exemptions, which would incorporate the standards for orthoptists exemptions and standards for chiropodist / podiatrist exemptions for local anaesthetics and prescription only medicines.

4.10 This is a priority project in 2016-17.

Mid Staffordshire NHS Foundation Trust Public Inquiry

- 4.11 In July 2015, the Council received an update describing progress against its action plan in response to the Report of the Mid Staffordshire NHS Foundation Trust Public Inquiry.
- 4.12 In July 2016, the Council will receive a further update and review of actions completed to date. Any outstanding work will then be reported as part of 'business as usual' reporting.

Continuing fitness to practise including CPD standards

- 4.13 This is a continuing piece of work. The following projects have completed to date.
- Review of existing revalidation processes that have been implemented by international regulators.
 - Review of existing revalidation processes that have been implemented or are being developed by other UK regulators.
 - Professionalism in healthcare professions (qualitative study undertaken by Durham University informing the on-going professionalism tool study).

- Service user feedback tools (literature review and Delphi consultation exercise undertaken by the Picker Institute Europe).
- Multi-variant analysis of fitness to practise data.
- Market research on stakeholder perceptions and experiences of the CPD standards and audits.
- Professionalism study part two.

4.14 In 2016-17, the following research project will conclude.

- CPD – costs and benefits. This is a Department of Health commissioned study.

4.15 In addition, in 2015-16, the Education and Training Committee considered the outcomes of market research which explored stakeholder perceptions and experiences of the CPD standards and audit process. The outcomes suggested a small number of improvements, including refining the published guidance

4.16 It is anticipated that the Education and Training Committee and the Council (as appropriate) will consider paper(s) on this topic, building on the outcomes of the research to identify necessary actions (if any). If more substantial changes to the CPD standards or process itself were not identified, these actions might include progressing refining the published guidance.

European policy

4.17 The revised Professional Qualifications Directive which affects movement of professionals within the European Economic Area (and therefore the HCPC's international registration process) came into force in January 2016.

4.18 The following activities are anticipated.

- Continuing to respond to requests for information from the Department of Health and other Government departments.
- Continued membership of the Alliance of UK Health Regulators in Europe (AURE), a group which brings together all the regulators to discuss European policy issues.
- Attending meetings and conferences.
- Drafting papers, reports and consultation responses as may be required.

5. On-going activities

5.1 This section records regular or routine activities which are on-going from year-to-year.

Core activities

5.2 The Department will continue to perform the following core activities.

- Responding to emails into the policy and consultation inboxes and to hard copy correspondence.
- Producing briefings, reports and papers as required.
- Responding to consultations from other organisations (where relevant and where resources allow).
- Producing articles or material for newsletters, the intranet and website.
- Working closely with the Communications Department, including undertaking planned speaking commitments, participating at HCPC events and assisting with press enquiries.
- Stakeholder liaison on regulatory / policy matters including undertaking both reactive and proactive meetings with stakeholders (including working group participation).

Professional Standards Authority performance review

5.3 Each year, the Professional Standards Authority (PSA) reviews the performance of the HCPC and the other regulators within its remit against its standards of good regulation.

5.4 The Department is responsible for co-ordinating the HCPC's submission including writing some of the content. This process involves submitting a report to the PSA, attending meetings, providing additional information in response to follow-up questions, approving the final report and writing a paper for the Council on the outcomes.

5.5 A revised performance process has now been implemented, incorporating the PSA's audit of initial stage fitness to practise decisions.

Review of final hearing fitness to practise decisions

- 5.6 The review of final hearing decisions is aimed at providing a systematic way through which the Executive can review the decision making quality of final hearing panels, including checking adherence to the applicable law and to HCPC policy.
- 5.7 The Department will continue to be involved in auditing a sample of final hearing and substantive review decisions. This involves data entry of relevant decisions and then writing a report for the Council based on the findings.

Welsh language standards

- 5.8 The Welsh Language Commissioner is responsible for promoting and facilitating the use of the Welsh language. In 2016-17 the previous requirement for certain public bodies, including the HCPC, to publish a Welsh language scheme will be replaced with Welsh language standards. The Executive has previously responded to a consultation by the Welsh Assembly Government about the standards which should apply to the regulators.
- 5.9 In spring / summer 2016, we anticipate the regulators will start to receive draft compliance notices for comments. These notices will inform us which standards will apply to us and invite comments on compliance periods. In late 2016, we expect to receive a formal compliance notice. This may necessitate changes to policies and processes to ensure that we are fully compliant with the Standards.
- 5.10 One of the Department's Policy Officers is our point of contact with the Welsh Language Commissioner's office and will work with colleagues across the organisation to ensure compliance, including reporting as necessary to the Council.

Research

- 5.11 The Department commissions research where helpful to inform policy development. It may sometimes when requested also support other departments with research they wish to commission to support their activities.
- 5.12 This includes developing a research brief; tendering; considering proposals; providing the point of contact for the research team and providing input into the conduct of the research; facilitating access to HCPC data where required; and implementing the outcomes of research where applicable.
- 5.13 In 2016, we plan to hold an event with stakeholders to seek their input into our research programme for the following years.

6. Projects for 2017-18 to 2018-19

6.1 The following project areas are likely to be priorities over the following two financial years.

- Completion of the review of the standards of education and training.
- Any policy implications as a result of the Government's policy consultation anticipated in the autumn of 2016 and any proposed reform of the regulators' legislation.

COUNCIL MARCH 2016

7. Risks

7.1 The Risks owned by the Department as set out in the HCPC's risk register are outlined below.

Category	Ref	Description	Risk owner (primary person responsible for assessing and managing the ongoing risk)	Impact before mitigations Jan 2015	Likelihood before mitigations Jan 2015	Risk Score = Impact x Likelihood	Mitigation I	Mitigation II	Mitigation III	RISK score after Mitigation Jan 2015	RISK score after Mitigation Jul 2014
Policy & Standards	14.1	Incorrect process followed to establish stds/guidance/policy eg no relevant Council decision	Policy & Stds Director	4	2	8	Legal advice and sign off sought on processes	Appropriately experienced and trained members of Policy team.	Quality mgt system & processes	Low	Low
		Links to 12.1									
Policy & Standards	14.2	Inappropriate stds/guidance published eg stds are set at inappropriate level, are too confusing or are conflicting	Council/committees	4	1	4	Use of professional liaison groups, and Council and committees including members with appropriate expertise	Appropriately experienced and trained members of Policy team.	Consultation with stakeholders & legal advice sought	Low	Low
Policy & Standards	14.3	Changing/evolving legal advice rendering previous work inappropriate	Policy & Stds Director	4	2	8	Use of well-qualified legal professionals. Regular reviews.	Legal advice obtained in writing.	Appropriately experienced and trained members of Policy team and others eg HR.	Low	Low
Policy & Standards	14.4	Inadequate preparation for a change in legislation (Health Professions Order, or other legislation affecting HCPC)	EMT	3	1	3	EMT responsible for remaining up to date relationships with governemnt depts and agencies.	HCPC's 5 year planning process	Legal advice sought	Low	Low
Policy & Standards	14.5	PLG member recruitment without requisite skills and knowledge	Policy & Stds Director HCPC Chair, Director of Council & Committee Services(?)	4	1	4	Skills and knowledge identified in work plan	Recruitment policy	Council Scrutiny of PLG result	Low	Low
		Lnks to 4.10									
Policy & Standards	14.6	Loss of Corporate Memory	Policy & Stds Director	3	3	9	Maintain appropriate records of project decisions	Appropriate hand over and succession planning	Department training	Low	Low

Appendix 1 - Projects summary 2016-2017

Ref	Project area	Objectives / description	Key deliverables / milestones	Timescale(s)	Strategic intent
	Developing and maintaining the existing business				
3.2-3.4	Review of the standards of proficiency for social workers in England*	To review the standards of proficiency for social workers in England.	Public consultation on revised standards of proficiency. Publication of standards.	Q1 Q3	To maintain, review and develop efficient business processes throughout the organisation.
3.5-3.6	Review of the standards of conduct, performance and ethics	Implementation of the revised standards of conduct, performance and ethics.	Development of service user guide. Revised guidance on health and character incorporating SCPE-related amendments	Q3 Q1	To maintain, review and develop efficient business processes throughout the organisation.
3.7-3.8	Revision of the guidance on conduct and ethics for students	To review the guidance on conduct and ethics for students.	Publication of revised guidance.	Q1	To maintain, review and develop efficient business processes throughout the organisation.
3.9-3.10	Guidance on social media use	To produce guidance on social media use.	Development of guidance including consultation. Publication of guidance.	Q1-2 Q4	To maintain, review and develop efficient business processes throughout the organisation.
3.11-3.13	Reporting and escalating concerns	To review the existing online advice, and consider producing	Refresh website and/or develop guidance	Q2 / into 17-18	To maintain, review and develop efficient business processes throughout the

Appendix 1 - Projects summary 2016-2017

		separate guidance.			organisation.
3.14-3.16	Review of the standards of education and training and guidance*	To review the standards of education and training and supporting guidance.	Public consultation on revised standards and guidance. Analysis of consultation responses and redrafted guidance.	Q2 Q4	To maintain, review and develop efficient business processes throughout the organisation.
3.17-3.18	Review of the guidance on confidentiality	To review the guidance on confidentiality.	Develop and consult on revised guidance. Analysis of consultation responses and redrafted guidance.	Q1-3 Q4	To maintain, review and develop efficient business processes throughout the organisation.
3.19-3.20	Threshold level of qualification for entry to the Register for paramedics	To consider reviewing the level specified in SET 1 for paramedics.	Papers for the Education and Training Committee as required.	Ongoing	To maintain, review and develop efficient business processes throughout the organisation.
3.21-3.23	Annotation of qualifications in podiatric surgery	To annotate the Register with qualifications in podiatric surgery.	Papers for the Education and Training Committee as required.	Ongoing	To maintain, review and develop efficient business processes throughout the organisation.
3.24-3.25	Research to inform policy on health assessments	To benefit from the literature on links between convictions for alcohol related offences, alcohol dependency and fitness to practise.	Paper to Council on literature review.	Q1	To ensure that the organisation's work is evidence informed.

Appendix 1 - Projects summary 2016-2017

3.26-3.27	Returners to practice requirements	To review the returning to practice guidance.	Rewrite and consult on revised guidance. Analysis of consultation responses and redrafted guidance. Publication.	Q1-Q2 Q3 Q4	To maintain, review and develop efficient business processes throughout the organisation.
3.28-3.29	Understanding the prevalence of fitness to practise concerns about paramedics and social workers in England	To manage the commissioning and delivery of the research.	Appoint research team. Support and facilitate research.	Q1 Q1-Q4	To ensure that the organisation's work is evidence informed.
3.30-3.32	Perceptions and experiences of the education process	To commission research.	Scope research and write brief. Appoint research team.	Q2-3 Q4	To ensure that the organisation's work is evidence informed.
3.33-3.34	Renaming the LA/POM annotations	To revise the existing Register annotations for LA and POM.	Public consultation.	Q1	To maintain, review and develop efficient business processes throughout the organisation.

Appendix 1 - Projects summary 2016-2017

Ref	Project area	Objectives / description	Key deliverables / milestones	Timescale(s)	Strategic intent
	External policy changes				
4.4-4.6	Government policy on regulation	Legislative reforms.	Papers to Council as required.	Ongoing	To be proactive in influencing the wider regulatory policy agenda.
4.7-4.10	Extension of prescribing and medicines exemptions*	To prepare for extension of independent and supplementary prescribing and medicines exemptions to further HCPC regulated professions.	Public consultation on standards for orthoptist exemptions.	Q1	To maintain, review and develop efficient business processes throughout the organisation.
4.11-4.12	Mid Staffordshire NHS Foundation Trust Public inquiry	To assist in delivering the HCPC's actions as a result of the public inquiry.	Progress report against action plan.	Q2	To maintain, review and develop efficient business processes throughout the organisation.
4.13-4.16	Continuing fitness to practise including CPD standards	A series of research projects to explore revalidation for the HCPC.	Papers to Council and as required.	Ongoing	To ensure that the organisation's work is evidence informed.
4.17-4.18	European policy	To implement changes to the European Directive on the Professional Qualifications Directive (PQD)	Attendance at meetings, drafting papers and consultation responses as required.	Ongoing	To maintain, review and develop efficient business processes throughout the organisation.

Appendix 1 - Projects summary 2016-2017

Notes

*denotes a priority project

Some projects may arguably map to a number of strategic objectives. Those most directly relevant are referenced here.

COUNCIL MARCH 2016