POLICY NOTE

THE HEALTH AND CARE PROFESSIONS COUNCIL (CORONAVIRUS) (AMENDMENT) (NO. 2) RULES ORDER OF COUNCIL 2021

2021 No. 167

The above instrument was made in exercise of the powers conferred by articles 26(3), 32, 37(4) and (5) of the Health Professions Order 2001. This instrument is subject to negative procedure.

Background

1. The Health and Care Professions (Coronavirus) (Amendment) Rules Order of Council 2021 (S.I. 2021/27) was laid before the Scottish and UK Parliaments on 14 January 2021 and comes into force on 4 March 2021.

2. One of the rule changes in S.I. 2021/27 will amend 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 by allowing the HCPC to serve notices and send documents electronically to registrants under these rules in addition to postal service. Postal service would be used for those registrants who do not use electronic mail or where an e-mail address is not held by the regulator for a registrant.

3. An omission was identified from S.I. 2021/27 in relation to the above rule change, in that the date a communication is to be considered as being sent was not included (whereas it had previously been included in relation to postal service). This instrument corrects that by making provision for a communication to be treated as having been sent on the day it was posted or sent by electronic mail.

Policy Objective

4. This instrument amends the Health and Care Professions Council (HCPC) rules to correct an omission by defining the date a communication is to be considered as being sent.

5. The proposed amendment ensures that the HCPC's processes can continue during the current COVID-19 pandemic and future emergencies.

6. Specifically, the order is made under the Health Professions Order 2001 amending the rules contained in 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.

Consultation

7. The HCPC ran a stakeholder consultation between 25 August 2020 and 8 September 2020 on its proposed rules changes. On 2 February 2021, the HCPC e-mailed the individuals who were sent the initial consultation survey to inform them that it would like to amend its rules to define the date a document is to be considered as being sent by post or electronically. Consultees were invited to send any comments to the HCPC on the amendment by 9 February 2021. The HCPC received no comments.

Guidance

8. No guidance has been published to accompany this specific rule change. However, to support rule changes introduced by the Health and Care Professions Council (Coronavirus) (Amendment) Rules Order of Council 2021(S.I. 2021/27), the HCPC has published remote hearing guidance on its website. The guidance is available at: https://www.hcpts-uk.org/aboutus/publications/hcpts-remote-hearing-guidance/

Impact

9. There is no, or no significant, impact on business, charities or voluntary bodies. There are also no, or no significant, impacts on the public sector.

10. Equality or Financial Impact Assessments have not been undertaken for this specific amendment. However, Equality and Financial Impact Assessments were carried out by the HCPC ahead of S.I. 2021/27 being laid before Parliament. Further details are included in the Explanatory Memorandum prepared by the Department of Health and Social Care under paragraph 12, “Impact”.

11. The full impact assessments are also available on request to the HCPC. Details of how to contact the HCPC can be found on its website: https://www.hcpc-uk.org/contact-us/

Monitoring and Review

12. The HCPC reviews its Rules from time to time and will continue to do so.

Scottish Government Health and Social Care Directorates

February 2021