POLICY NOTE

THE HEALTH AND CARE PROFESSIONS COUNCIL (MISCELLANEOUS AMENDMENTS) RULES ORDER OF COUNCIL 2025

SI 2025/240

The above instrument was made in exercise of the powers conferred by articles 7(1) and (2)(c), 26(3), 32(1), (2) and (4), 37(4) and (5) and 41(2) of the Health Professions Order 2001 (S.I. 2002/254). This instrument is subject to negative procedure.

Summary Box

To provide the Health and Care Professions Council (HCPC) with the power to increase fees charged for processing and scrutinising applications for admission to its register, for renewal of registration and for readmission or restoration to the register.
To rectify errors made by the Health and Care Professions Council (Miscellaneous Amendment) Rules Order of Council 2023 (S.I. 2023/995), which will give the HCPC Chairs, practice committees and appeal panels the power to arrange virtual preliminary meetings.

Policy Objectives

This instrument amends the Health and Care Professions Council (Registration and Fees) Rules 2003, changing the fees the HCPC charges for scrutinising and processing applications for admission to its register, for renewal of registration and for readmission or restoration to its register. HCPC registrant fees renew over a two-year rolling cycle and were previously updated in November 2023.

The HCPC would like to increase its fees so that it can continue to discharge its statutory functions effectively, and bring forward regulatory improvements, including enhancing its registration and education services and supporting the continuous professional development of its registrants.

The HCPC's registration fee is currently £116.36. This instrument will raise the registration fee to £123.34, an increase of £6.98 per year, to be phased in over two years from 2025. Due to the nature of the HCPC's registrant renewal cycles, the majority of HCPC registrants will not start paying the increased fee until 2026 or 2027. The increase is equivalent to just over 13p per week.

The HCPC's renewal fee is currently £232.72, and this instrument will raise the renewal fee to £246.68. The HCPC's restoration to the register and re-admittance to the register fee is currently £174.54 and this instrument will raise the fee to £185.01. The HCPC's scrutiny fee for applicants who have successfully completed an approved UK programme of education and training is currently £81.45 and this instrument will raise the fee to £86.34. The HCPC is proposing to maintain the 50% discount that graduate applicants receive for the first two professional years of registration. The scrutiny fee for international applicants is currently £639.98 and this instrument will raise the fee to £678.38.

In addition, this instrument will rectify errors identified by the UK Parliament Joint Committee on Statutory Instruments (JCSI) in S.I 2023/995. This instrument made changes to the HCPC's procedural rules to allow the HCPC's practice committees and its appeal panel to hold meetings or hearings using audio and/or video conferencing outside of emergency periods. In addition, in person meetings and hearings continue to be available. The instrument set out which decision makers have the power to decide whether a meeting or hearing should be held virtually. However, the JCSI reported that the instrument did not provide powers to all of the decision makers set out in the accompanying explanatory memorandum. This instrument will amend the following procedural rules to extend the decision makers:

- The Health and Care Professions Council (Investigating Committee) (Procedure) Rules 2003 will be amended to provide a power to the Committee as well as the Chair to arrange a virtual preliminary meeting.

- The Health Professions Council (Registration Appeals) Rules 2003 will be amended to provide a power to the Appeal Panel as well as the Chair to arrange a virtual preliminary meeting.

- The Health and Care Professions Council (Conduct and Competence Committee) (Procedure) Rules 2003 will be amended to provide the Chair with a power as well as the Committee to arrange a virtual preliminary meeting.

- The Health and Care Professions Council (Health Committee) (Procedure) Rules 2003 will be amended to provide the Chair with a power as well as the Committee to arrange a virtual preliminary meeting.

While the provisions in the Health Professions Order 2001 relating to the regulation of arts therapists, biomedical scientists, chiropodists / podiatrists, clinical scientists, dieticians, hearing aid dispensers, occupational therapists, orthoptists, paramedics, physiotherapists, prosthetists/orthotists, radiographers and speech and language therapists by the HCPC are reserved to the UK Parliament, those relating to the regulation in Scotland of operating department practitioners and practitioner psychologists are considered to fall within the legislative competence of the Scottish Parliament. This is because operating department practitioners and practitioner psychologists have been regulated since the coming into force of the Scotland Act 1998. Whilst these two professions fall under devolved competence, a uniform approach across all professions regulated by the HCPC will ensure consistency throughout the U.K.

EU Alignment Consideration

There are no alignment issues with the part of the SI which relates to the introduction of hearings and meetings using audio and/or video conferencing facilities.

With regard to the part of the SI which relates to the increase in registration fees, the underlying EU Directive is the Mutual Recognition of Professional Qualifications Directive 2005/36/EC. On EU Exit, the new regime for recognition of professional qualifications was set out by the European Qualifications (Health and Social Care professions) (Amendment etc.) (EU Exit) Regulations 2019. The fee rises in this instrument include increases in annual registration fees, the rate of which are the same for all registrants no matter their country of qualification. In relation to scrutiny fees (i.e., the fee charged for assessing an initial application for registration), there are separate fees for UK and non-UK applications which

have both risen. This is not a change in policy from prior to EU exit where EU and non-EU applicants both paid a higher scrutiny fee than UK applicants.

Consultation

Fee Rise:

The HCPC consulted on its registration fee rise between 10 April to 14 June 2024. The HCPC undertook extensive engagement with the Chief Allied Health Professions Officers in the four UK countries, professional bodies, trade unions and registrants. The HCPC received a total of 1,040 responses to its consultation, of which 98% came from individuals and 2% from organisations. 98% of individuals who responded to the consultation were HCPC registrants. The majority of respondents to the consultation did not support the registration fee increase.

On 26 September 2024, the HCPC's Council met and discussed the consultation responses. The Council acknowledged that the majority of respondents to the consultation were not in favour of the proposed registration fee rise and recognised the challenging situation that many of the HCPC's registrants are facing in terms of financial pressures. However, it decided to proceed with the registration fee increase so that the HCPC can continue to discharge its statutory functions effectively and bring forward improvements.

The HCPC consultation analysis paper is available here[1].

Impact Assessments

HCPC published an equalities impact assessment as part of the consultation analysis paper, which can be viewed here[2].

In the preparation of the instrument, the Cabinet Secretary for Health and Social Care has given due regard to the environmental principles under section 14 of the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021. Given the nature of the instrument, it is considered that the principles do not apply.

Financial Effects

The Cabinet Secretary for Health and Social Care confirms that no Business and Regulatory Impact Assessment (BRIA) is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Chief Nursing Officers Directorate

20 February 2025

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[1] https://www.hcpc-uk.org/globalassets/resources/external-consultations/2024/fees-consultation-analysis-and-outcomes-paper-october-2024.pdf?v=638635760970000000.
[2] https://www.hcpc-uk.org/globalassets/resources/external-consultations/2024/fees-consultation-analysis-and-outcomes-paper-october-2024.pdf?v=638635760970000000.