EXPLANATORY MEMORANDUM TO

THE HEALTH AND CARE PROFESSIONS COUNCIL (REGISTRATION AND FEES) (AMENDMENT) RULES ORDER OF COUNCIL 2021

2021 No. 170

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department of Health and Social Care (DHSC) and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 This instrument increases the fees charged by the Health and Care Professions Council (HCPC) for scrutinising and processing applications for admission to its register, for renewal of registration and for readmission or restoration to its register. The increase in fees will enable HCPC to continue to discharge its statutory functions and effectively regulate the 15 health care professions across the UK.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

3.2 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

4. Extent and Territorial Application

4.1 The instrument applies to the whole of the United Kingdom and will also be laid in the Scottish Parliament.

5. European Convention on Human Rights

5.1 As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

6. Legislative Context

6.1 This instrument approves the Health and Care Professions Council (Registration and Fees) (Amendment) Rules 2021 ('the Fees Rules 2021'), made by the Health and Care Professions Council. The Fees Rules 2021 amends the Health and Care Professions Council (Registration and Fees) Rules 2003, changing the fees HCPC charges for scrutinising and processing applications for admission to its register, for renewal of registration and for readmission or restoration to its register.

7. Policy background

What is being done and why?

7.1 The Health and Care Professions Council (Registration and Fees) (Amendment) Rules 2021 increases the renewal, restoration and readmission fees charged by the HCPC. It also increases the scrutiny fees connected with registration.

7.2 HCPC last increased its renewal fee from £80 to £90 per year in 2015.

7.3 HCPC initially consulted in late 2018 on a fee rise of £16 per year, which would have raised its annual registration fee from £90 to £106. Having taken the outcomes of the consultation into consideration and engaging further with stakeholders, HCPC opted to bring forward a reduced fee-rise of £8.12 per annum.

7.4 The increase in fees is required to:

- Allow for inflation since the last fee rise and to accommodate a loss of fee income due to 95,000 of HCPCs registrants transferring to Social Work England in December 2019;
- Allow HCPC to invest in more upstream prevention activity to work with a larger number of its registrants to ensure that they continue to meet the expected standards of competence and conduct;
- Ensure that HCPC remains a financially sustainable organisation so that it can continue to discharge its statutory duties to protect the public.

7.5 HCPC intend to increase their fees from 01/07/2021 subject to Parliamentary approval.

8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act

9. Consolidation

9.1 HCPC will publish a consolidated version of the legislation on its website.

10. Consultation outcome

10.1 HCPC ran a public consultation from 24 September to 21 December 2018. The consultation sought the views of stakeholders on proposals to increase the fees charged for registration. A total of 2,398 responses were received to the consultation. Approximately 95% of these responses were from HCPC registered professionals.

10.2 90% of respondents did not support HCPC's initial proposal to increase its renewal fees from £90 to £106 per year. 71% of respondents thought that the scrutiny fees for applicants from approved programmes shouldn't be increased, whilst 64% of respondents thought that readmission and restoration fees also shouldn't be increased. However, 63% of respondents agreed that HCPC should review its fees regularly to avoid infrequent but larger increases in the future.

10.3 Following the consultation, HCPC undertook extensive engagement with stakeholders including Unions, Professional Bodies and Parliamentarians to understand the impact of its proposed fee rise. Based on this work, HCPC is bringing forward a reduced fee-

rise of £8.12, which would raise its renewal fees to £98.12 per year, subject to Parliamentary approval.

11. Guidance

11.1 The Department of Health and Social Care has not issued any guidance in relation to this Order. The information relating to fees on HCPC's website will be updated ahead of the fee-rise coming in to force.

12. Impact

12.1 HCPC has prepared an impact assessment which is published on its website.

12.2 The impact assessment establishes that there is no significant impact on business, charities or voluntary bodies.

12.3 The impact assessment also sets out that there is no significant impact on the public sector.

13. Regulating small business

13.1 The legislation does not apply to activities that are undertaken by small businesses. The legislation only applies to individuals regulated by the HCPC.

14. Monitoring & review

14.1 The instrument does not include a statutory review clause as the duty under section 28 of the Small Business, Enterprise and Employment Act 2015, for a Minister of the Crown to make provision for review in secondary legislation, does not apply. This is because this is an Order of Her Majesty's Privy Council approving rules made by the HCPC.

14.2 The HCPC regularly reviews the fees that they charge to ensure that they are in line with the global costs of regulating people on their register.

15. Contact

15.1 Caroline Black at the Department of Health and Social Care (Telephone: 0113 254 6034 or email: Caroline.Black@dhsc.gov.uk can be contacted with any queries regarding the instrument.

15.2 Mark Bennett, Deputy Director of Professional Regulation, at the Department of Health and Social Care can confirm that this Explanatory Memorandum meets the required standard.

15.3 The Minister of State for Care, Helen Whatley at the Department of Health and Social Care can confirm that this Explanatory Memorandum meets the required standard.