

Council, 27 March 2014

Review of the standards of conduct, performance and ethics - PLG

Executive summary and recommendations

### **Introduction**

We are currently in the process of reviewing the standards of conduct, performance and ethics. This review is formed of three phases: a period of research, a Professional Liaison Group (PLG) and a public consultation stage. We are now approaching the end of the research phase in which we have sought to gather feedback about our existing standards and explore the expectations of health and care professionals from a range of stakeholders.

The Council agreed to establish a PLG to consider revisions to the standards of conduct, performance and ethics based on this research at its meeting in July 2012.

The attached paper provides background information about the review of these standards including our progress to date and outlines next steps. Appended to this paper is the workplan for the proposed PLG which the Council is invited to discuss and agree. The Code of Corporate Governance in relation to PLGs has also been appended to this paper for the Council's information.

### **Decision**

The Council is invited to discuss and agree the content of the PLG workplan should at appendix 1.

### **Background information**

- Paper agreed by Council, 5 July 2012,  
(enclosure 5: [www.hcpc-uk.org/aboutus/committees/archive/index.asp?id=608](http://www.hcpc-uk.org/aboutus/committees/archive/index.asp?id=608))

### **Resource implications**

The resource implications include organising PLG meetings and researching and writing papers for the PLG. These implications have been taken into account in the Policy and Standards and Secretariat workplans for 2014/2015.

### **Financial implications**

The financial implications for the PLG are:

- venue hire (if necessary), attendance fees for council members and expenses for other attendees; and
- printing costs of PLG documents and papers.

These implications are accounted for in the Policy and Standards and Secretariat budgets for 2014/15.

### **Appendices**

- Appendix 1: Professional liaison group – standards of conduct performance and ethics
- Appendix 2: Code of Corporate Governance: professional liaison groups

### **Date of paper**

13 March 2014

## **Review of the standards of conduct, performance and ethics**

### **1. Introduction**

- 1.1 The standards of conduct, performance and ethics are the high-level ethical standards set for all professionals on the HCPC Register. They set out in broad terms the conduct we expect of registrants and provide guidance to registrants about our expectations.
- 1.2 We periodically review all of our standards to make sure that they remain fit for purpose and up to date. This paper sets out background information to our current review of the standards of conduct, performance and ethics commenced July 2012, and outlines progress to date and the next steps of the review process.

### **2. Review process**

- 2.1 We review our standards through ongoing and period review. Ongoing review refers to the day-to-day review of the standards by the Council, Committees and Executive to ensure that the standards do not limit effective ways of working for registrants and education providers. This process may indicate a need to make specific changes to standards or that a more thorough 'periodic' review is necessary.
- 2.2 Periodic reviews are undertaken approximately every five years unless an ongoing review suggests it should be brought forward. This review process entails reviewing the standards in detail to ensure that they:
  - remain fit for purpose;
  - are understood by our stakeholders including registrants, service users and carers, education providers and the public; and
  - take account of change including changes in practice, legislation, technology, guidelines and wider society.
- 2.3 The last periodic review of the standards of conduct, performance and ethics was led by the Conduct and Competence Committee 2006-2008. The review comprised of a series of research and consultancy activities and culminated in a public consultation on the draft standards prior to their publication in July 2008.

### **3. Current review**

- 3.1 The current review of the standards of conduct, performance and

ethics was brought forward to commence from mid-2012 to take account of feedback received about existing standards, particularly from new professions to the Register and other policy developments.

- 3.2 The Council agreed to a workplan for this review at its meeting in July 2012 which proposed that the review be delivered in three phases – research, a professional liaison group and a public consultation.<sup>1</sup>

### **Progress to date**

- 3.3 We are in the process of concluding the research phase, which has comprised of a combination of internal and external research activities to seek the views of key stakeholders on the content and accessibility of the existing standards. A summary of the activities completed during this period are included below.

- The Focus Group were commissioned to carry out research with a range of registrants and service users about the use and accessibility of the standards in practice through focus groups, workshops and telephone interviews. They engaged with 210 participants and recommended changes to us based on their findings.<sup>2</sup>
- A team from the charity Connect were commissioned to undertake a project to determine the expectations held of health and care professionals by service users with aphasia and their carers, whether the current standards reflect these expectations and explore the accessibility of the standards.
- Shaping Our Lives were commissioned to explore the understanding and accessibility of the standards in relation to the expectations of social care service users and carers and to consider any further principles that may need to be included.
- We have worked with charitable organisations to run joint workshops in order to engage with specific groups of service users and their carers. This has included working with Macmillan to run workshops for service users with cancer and their carers and with Hearing Link aimed at service users with hearing impairments.
- We have hosted three events to engage directly with employers around the standards of conduct, performance and ethics and their experience of using them in practice. Through these events in London, Glasgow and York we have engaged with

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<sup>1</sup> <http://www.hcpc-uk.org/assets/documents/10003B13enc05-standardsofconductperformanceandethicsreview.pdf>

<sup>2</sup> <http://www.hcpc-uk.org/assets/documents/100040D7Enc29-researchreportonStandardsofconduct,performanceandethics.pdf>

approximately 250 employers.

- We have also held a number of workshops aimed primarily at gathering other stakeholders' views and expectations of the standards. This includes a registrant workshop at the 'Meet the HCPC' event in Llandrindod Wells in March 2014, and a service user and carer workshop at the 'Cancer Voices' conference in October 2012.
- We have designed and carried out an online survey aimed at panel chairs, case teams and other members of the fitness to practise department to incorporate the experience of colleagues using these standards in hearings into our review.
- We have also undertaken work around the codes and equivalent standards of other health and care regulators in the UK. This has included an extended piece of desk research identifying similarities and differences in these sets of standards, as well as involvement in events hosted by regulators also currently reviewing their standards.

3.4 At the time of writing, activities still to take place in this phase include hosting a stakeholder event around the review of the standards due to be held on 25 March 2014.

### **Next phase of review**

- 3.5 The next phase of this review focuses around the formation and running of a professional liaison group (PLG) to consider revisions to the standards of conduct, performance and ethics. Appendix 1 sets out an outline workplan for the PLG to review these standards, including terms of reference for this group.
- 3.6 A PLG is a short term working group comprised of a range of stakeholders to consider in detail a discrete area of work and provide external expertise to the Council or Committees. Appended to this paper at Appendix 2 is part E of the Code of Corporate Governance which relates to PLGs.
- 3.7 Membership of PLGs consist of Council members and a range of other stakeholders with appropriate expertise. This usually includes representation from groups including professional bodies, education bodies, employers, trade unions and service users and carers, where appropriate. PLGs are chaired by a member of Council.
- 3.8 Previous PLGs were held when revising the standards of proficiency for the first time in 2005, when considering the regulation of psychotherapists and counselors from 2008, and more recently, when devising the standards of proficiency for social workers in 2012.

3.9 We anticipate that the PLG to review of the standards of conduct, performance and ethics will meet to consider key themes drawn from our research findings. The discussion around which will be used to inform revisions to the existing standards. An in-exhaustive indication of themes to be discussed include:

- whistleblowing and reporting concerns;
- dealing with mistakes;
- use of social media;
- values underpinning care; and
- infection and risk control.

3.10 Following the PLG a draft version of the revised standards of conduct, performance and ethics will be presented to Council for approval to progress to public consultation as the final phase of this review.

## **Appendix 1: Professional liaison group – standards of conduct, performance and ethics**

### **1. Introduction**

- 1.1 This paper sets out the draft timetable and indicative plan of work for a Professional Liaison Group (PLG) which will help prepare draft revised standards of conduct, performance and ethics.

### **Background information**

- 1.2 Article 21(1) of the Health Professions Order 2001 states that:

‘The Council shall –

(a) establish and keep under review the standards of conduct, performance and ethics expected of registrants and prospective registrants and give them such guidance on these matters as it sees fit’

- 1.3 The standards of conduct, performance and ethics were last reviewed in full in 2008. The standards are in the process of review to make sure that they:
- continue to be fit for purpose;
  - are applicable to professions that joined our Register since the last review;
  - take into account any changes in practice, legislation, technology and guidelines; and
  - meet the expectations of the public, registrants and other stakeholders.
- 1.4 The Council agreed in principle to the creation of a PLG for the current review of the standards of conduct, performance and ethics in July 2012.

## **2. Workplan**

### **PLG sponsor**

2.1 The Council is the PLG sponsor.

### **PLG terms of reference**

2.2 The PLG's terms of reference are to prepare draft revised standards of conduct, performance and ethics for consideration by the Education and Training Committee and the Council for public consultation.

2.3 The PLG should consider all relevant information in preparing the draft standards, which will include but is not limited to:

- outcomes of internal and external research about the current standards of conduct, performance and ethics which includes input from wide range of stakeholders;
- equivalent standards published by other health and social care regulators in the UK and those of relevant professional bodies;
- feedback related to the standards of conduct, performance and ethics received as part of other policy work, including during standards of proficiency reviews; and,
- other relevant policy developments, including outcomes related to professional regulation from recent health and care inquiries and reviews.

### **Meetings**

2.4 The draft timetable (see section three) allows for five meetings of the PLG.

### **Membership**

2.5 The PLG should consist of no more than twelve members and be chaired by a member of Council.

2.6 Of the members of the PLG, up to four including the Chair will be drawn from the HCPC's Council. As far as possible, there should be a balance between registrant and lay members.

2.7 The remaining members of the PLG should be drawn from external organisations. Membership of which should be drawn from the following broad categories:

- service user and carer representatives (up to three members);



- professional bodies (up to two members);
- education (up to one member);
- employers (up to one member); and
- trade unions (up to one member).

2.8 The membership group should, as far as possible, include the following mix of skills and experience.

- Experience of professional regulation.
- Experience of developing and reviewing standards.
- Experience of representing the interests of HCPC registrants or employers of professionals on HCPC register.
- Experience of representing the interests of service users and carers of professions on HCPC register.
- Experience of using the standards of conduct, performance and ethics in education.

2.9 However, this is not intended to be an exhaustive list and members of the PLG may bring other knowledge, skills or experience which is relevant to the work of the PLG.

### 3. Timetable

3.1 The following is an indicative timetable for the PLG's work and includes an outline of the group's activities at each meeting. Any necessary alterations to the timetable will be agreed with the Chair of the PLG.

Timescale	Action
March 2014	PLG workplan presented to Council for approval
April 2014	PLG preparation phase including appointment of members
May 2014	First meeting of the PLG <ul style="list-style-type: none"> <li>• Set context and background to the standards</li> <li>• Discuss key themes from research and other relevant standards and frameworks</li> </ul>
July 2014	Second meeting of the PLG <ul style="list-style-type: none"> <li>• Discuss key themes from research and other relevant standards and frameworks</li> </ul>
September 2014	Third meeting of the PLG <ul style="list-style-type: none"> <li>• Consider first draft of standards</li> <li>• Discuss key themes from research and other relevant standards and frameworks</li> </ul>
November 2014	Fourth meeting of the PLG <ul style="list-style-type: none"> <li>• Consider second draft of the standards</li> </ul>
December 2014	Final meeting of the PLG <ul style="list-style-type: none"> <li>• Consider third and final draft of the standards</li> </ul>
March 2015	Consultation document with draft revised standards presented to Education and Training Committee and Council for approval
April – June 2015	Public consultation

September 2015	Consultation response document and revised standards presented to Education and Training Committee and Council for approval
October 2015 – January 2016	Standards published (plain English and easy read versions)
January 2016	Revised standards become effective

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## PROFESSIONAL LIAISON GROUPS

### Introduction

1. The Council, where it considers that doing so would assist it to perform its functions in respect of a particular project, may establish a Professional Liaison Group (**PLG**).
2. The purpose of a PLG is to draw on the expertise of Council members and others to consider one or more specified topics in detail, and to perform a specified task or set of tasks within a timeframe set by the Council.

### Establishing a PLG

3. In respect of any project where establishing a PLG may be appropriate and beneficial, the Director of Policy and Standards must submit a report to the Council setting out:
  - 3.1 a clear and concise rationale as to why it would be appropriate and beneficial to establish a PLG;
  - 3.2 the proposed terms of reference of the PLG (which must be sufficiently precise to enable the Council to agree the PLG's remit);
  - 3.3 the activities which it is proposed the PLG will undertake, including a detailed timetable that sets a date for the conclusion of those activities and a date by which the PLG will report its findings to the Council;
  - 3.4 the knowledge and skills required for membership of the PLG and its proposed composition, including whether external members should be appointed (and, if so, identifying potential members or organisations who should be invited to nominate such members); and
  - 3.5 a proposed budget for the PLG.

### PLG Membership

4. If the Council agrees to establish a PLG, Council members who wish to be appointed to the PLG must be given an opportunity to submit a statement (of not more than 200 words) which sets out how their knowledge and skills meet those agreed for the PLG by the Council.
5. A PLG will be chaired by a member of the Council and Council members who wish to be considered for appointment as the PLG Chair must provide an additional statement (also of not more than 200 words) setting out their suitability for that role.

6. Unless the Council determines otherwise, statements submitted by Council members in accordance with paragraphs 4 or 5 will be considered by the Chair of Council, who will then recommend to the Council which members should be appointed to the PLG.
7. If the Council agrees that external members are to be appointed to a PLG, potential members identified in accordance with paragraph 3.4 may be invited to be PLG members or, in the case of organisations, to nominate such members.
8. If the number of potential external PLG members exceeds the number of places available, candidates may be asked to provide a statement similar to that submitted by Council members in accordance with paragraph 4.
9. Unless the Council determines otherwise, any statements submitted in accordance with paragraph 8 will be considered by a Panel comprised of the Chair of the Council, the PLG Chair and the Director of Policy and Standards, who will then recommend to the Council which potential members should be appointed to the PLG.
10. As appointments to a PLG are made based upon an individual's knowledge and skills, members cannot delegate their role to others. However, an external PLG member who is appointed to represent an organisation and who is unable to attend a particular meeting may, with the consent of the PLG Chair, send a delegate to that meeting. Consent must be sought at least seven days in advance of the meeting and the PLG Chair's decision as to whether a delegate may attend shall be final and binding.

### **Conduct of PLG business**

11. The Council's expectation is that, normally, PLG meetings will be held in public and that the papers for such meetings will be made available on the HCPC website.
12. PLGs are not committees of the Council and may regulate their own proceedings. However, in doing so, PLG Chairs are expected to have regard to the HCPC Standing Orders for Committees and, in particular, to take account of the criteria set out in Standing Order 5 (access to meetings) in considering any proposal to hold all or part of a meeting in private.
13. Only PLG members are entitled to speak at PLG meetings. Members of the public may only address the meeting at the prior invitation of the Chair. If any person disrupts the proceedings, the Chair may order that the person be removed from the meeting or that the part of the room which is open to the public be cleared.
14. Members of the public who wish to attend PLG meetings must sit in the public gallery. They should aim to arrive before the meeting begins and remain until the meetings ends to avoid disturbing the proceedings.

15. Unless the Council determines otherwise, the quorum for any meeting of a PLG is half of the total membership of the PLG plus one. If, during a meeting a quorum ceases to exist, the Chair must dissolve the meeting and any remaining business will be adjourned to the next meeting of the PLG.
16. Minutes will be taken at all PLG meetings and will be confirmed and signed by the Chair at the next meeting of the PLG. The minutes of a PLG's final meeting will be sent to members electronically for confirmation before being signed by the Chair. All PLG minutes will be submitted to the Council.

### **PLG Costs**

17. PLGs must operate within the budget agreed by the Council when the PLG was established.
18. Council members participating in the work of a PLG will be entitled to claim attendance allowances and expenses in accordance with the HCPC expenses policy for Council members.
19. Other PLG members will be entitled to have their reasonable expenses reimbursed in accordance with that expenses policy but will not be eligible to receive an attendance allowance.
20. In order to support the involvement of service users and carers, PLG members who are participating in an individual capacity or on behalf of an organisation representing service users or carers may, at the discretion of the Chair, be eligible to receive an attendance allowance equal to that paid to Council members.

### **Reporting to the Council**

21. In addition to receiving the minutes of all PLG meetings, the Council must be informed of any deviation from the PLG's agreed activities, timetable or budget and provided with such progress reports on the work of a PLG as the Council considers appropriate.

**17<sup>th</sup> September 2013**