

Education and Training Committee, 8 September 2016

Rapid appraisal of the returning to practice requirements – Update on agreed actions

Executive summary and recommendations

Introduction

In late 2014, a senior manager from the Australian Health Practitioner Regulation Agency (AHPRA) undertook a rapid appraisal of our returning to practice (RTP) requirements during a six-week placement with the HCPC. The rapid appraisal took place in two phases:

- a desk-based review of the existing requirements and process, as well as requirements of other professional regulators; and
- discussions with selected HCPC employees and stakeholders including professional bodies and the Solicitor to Council.

The report highlighted a number of issues relating to the current RTP requirements and processes. These included the clarity of guidance; consistency of definitions and terminology; requirements for those who have never registered and never practised; requirements for those returning after substantial periods of time; practical issues around verification that the requirements have been met; and HCPC's ability to record data about registrants' return to practice and periods of updating. The report also made a number of recommendations for possible additional work or further examination.

At its meeting in June 2015, the Education and Training Committee considered a paper which summarised the findings and recommendations from the rapid appraisal and set out an action plan for work to be undertaken by the Executive.

The attached provides an update on progress against the agreed actions.

Decision

This paper is to note.

Background information

Education and Training Committee, 4 June 2015. Rapid appraisal of the HCPC return to practice requirements.

<http://www.hcpc-uk.org/assets/documents/10004BCDEnc05-RapidappraisaloftheHCPCreturntopracticerequirements.pdf>

We are currently consulting on revised guidance on returning to practice. The consultation ends on 7 October 2016.

<http://www.hcpc-uk.org/aboutus/consultations/index.asp?id=216>

Resource implications

None as a result of this paper. Resource implications relating to the registration system build major project and revision of the guidance on returning to practice requirements (including a public consultation) have been accounted for in departmental work plans for 2016/17.

Financial implications

None as a result of this paper. Financial implications relating to the registration system build major project and publication of revised guidance on returning to practice requirements have been accounted for in departmental work plans for 2016/17.

Appendices

Appendix 1: Update on agreed actions

Date of paper

30 August 2016

Rapid appraisal of the returning to practice requirements – Update on agreed actions

Recommendation	Our response / Proposed actions	Timescale	Update (Sept 2016)
<p>Clarify areas of potential confusion in the guidance, for example by publishing more explanation about practice while unregistered.</p>	<p>We will consider the need for revised information for registrants and applicants on the issues raised in the report, including:</p> <ul style="list-style-type: none"> • terminology • practice while unregistered • requirements and roles for supervisors and counter-signatories. <p>The report highlighted some discrepancies in information provided about the return to practice process in various publications. We will look to amend these to achieve clarity and consistency.</p>	<p>Guidance amended by Q1 of 2016/17. A subsequent public consultation will be required.</p>	<p>In progress</p> <p>We have produced a draft revised version of the guidance, based on the recommendations of the rapid appraisal and discussions with HCPC Registration department staff.</p> <p>A consultation was launched on 18 July and will close on 7 October 2016. We expect to re-publish the guidance in early to mid-2017.</p>
<p>Develop further tools to help returners, supervisors and employers understand the requirements, including example period of updating forms.</p>	<p>There is scope for amending and clarifying the information provided on RTP requirements.</p> <p>For example, further information could be included on the employer section of the website to clarify what an employer's responsibilities are in ensuring the fitness to practice of a registrant who has recently returned to practice; and in what capacity returners should be working in during their updating period.</p>	<p>Information provided on website and other communication channels amended in line with the guidance (see above).</p>	<p>In progress</p> <p>Changes to the updating form will be considered in light of the responses we receive to the consultation.</p> <p>Once the revised guidance has been agreed, we will consider what changes need to be made to the website content for consistency and additional clarity.</p>

	We will consider the possibility of introducing a declaration on the updating form to be signed by the supervisor to confirm they have been registered for the required three years.		
Build some further rigour into the return to practice process, particularly where additional risks exist, while maintaining flexibility.	The introduction of additional checks or verification processes could be achieved at an operational level, without the need for changes to the requirements themselves – for example, verification of information about periods of updating after registration renewal. We will examine the possibility of introducing such checks during this financial year.	Further consideration during 2015/16	<p>On hold</p> <p>Currently there is insufficient relevant information in returning to practice forms for this type of verification to be carried out. We use the counter-signatory's sign off as verification that the requirements have been met.</p> <p>This will be considered further once the new registration system is in place and there is capacity for additional data to be recorded.</p>
Consider whether more consistency between requirements for updating and periods of adaptation is desirable.	Our initial assessment is that there could be some benefit in introducing more consistency with regard to administrative scrutiny of the two processes for periods of updating and periods of adaptation [in relation to international applications to the Register].	Further consideration during 2015/16	<p>Complete</p> <p>The Registration department has had further discussions about this and identified that it would not be appropriate or beneficial for the period of adaptation process and the returning to practice process to be the same. This is because the period of adaptation process is aimed at an applicant working to fill gaps to meet the standards of proficiency, and therefore is often more structured and prescriptive. The returning to practice</p>

			process is about updating the skills of a past or current registrant who has already met the standards of proficiency at some stage, and therefore is more flexible.
Consider more consistency between practitioners who have never been registered with HCPC and those who have	<p>Any changes to more closely align requirements for those who have never been registered and those applying for renewal or readmission would require a change to our Rules. We would not favour making such changes without having undertaken a more thorough examination of the evidence base and effects of these requirements, possibly as part of a wider review.</p> <p>We plan to seek formal legal advice in the short term on this issue.</p>	Legal advice sought in Q2 of 2015/16	<p>Complete</p> <p>We sought legal advice on this issue in July 2015. The Solicitor to the Council advised against reducing the prescribed period for those who have never been registered and have never practised so it more closely aligns to the requirements for current or former registrants. The two requirements serve different purposes.</p> <p>The period prescribed by the Council under Article 9(2)(a)(i) of the Order is a statement to the effect that a person, despite holding an approved qualification, no longer meets the threshold requirements for registration. Any shorter prescribed period would need to be proportionate and objectively justified and that may be difficult to achieve.</p>
Introduce some further requirements for returners who have been away from practice for substantial periods such as:	We would not recommend any changes to introduce additional RTP requirements for individuals who are returning to practice after substantial period of time without having undertaken	Legal advice sought in Q2 of 2015/16	<p>Complete</p> <p>We sought legal advice on this issue in July 2015. It would be possible for the Council to set more onerous obligations</p>

<ul style="list-style-type: none"> • Requiring anyone returning after a certain period (e.g. seven years) to undertake some supervised practice as part of their updating • Introducing requirements for supervisors to advise HCPC about the fitness to practice of returners who have had a substantial gap (e.g. adopting an approach more like periods of adaptation) • An HCPC approved return to practice plan for any practitioners returning after an absence of e.g. 10 years 	<p>a thorough examination of the evidence base and effects of these requirements, possibly as part of a wider review.</p> <p>We plan to seek formal legal advice in the short term on this issue.</p> <p>Provision of an HCPC-approved return to practice plan for those returning after substantial periods away from practice would seem at odds with our current approach. We aim to retain flexibility in the RTP requirements and encourage practitioners to exercise judgement and insight in terms of their updating needs.</p>		<p>on a registrant who has been out of practice for a period significantly longer than 5 years. This would need to be done in standards, which are subject to consultation. However, if additional obligations were placed up on a registrant who has been out of practice for a long period (rather than just a more onerous version of the same obligation to update), this may need to be specified in Rules.</p> <p>In principle there is nothing to prevent the Council from taking such a decision. However this would need to be done in a fair, proportionate and non-discriminatory manner; for instance it would need to accommodate those who may not be returning to work for the NHS, a local authority or a similar large employer.</p>
<p>Improve the outcomes focus of the returners requirements</p>	<p>Possibilities for measuring the outcomes of the RTP requirements would need to be explored during a future review.</p>		<p>Ongoing to 2017/18</p> <p>No further update.</p>
<p>Explore whether other regulators are undertaking, commissioning or planning research on return to practice issues, e.g. through inter-regulatory forum</p>	<p>Members of the Registration Department attend the Customer Service Network Meeting, an inter-regulatory forum to discuss issues relating to return to practice. We will update forum members at an upcoming meeting on the rapid appraisal and possible future work.</p>	<p>2015/16</p>	<p>Complete</p> <p>From desk-based research on other regulators' websites, there is no consistent approach to returning to practice requirements; for example the General Optical Council (GOC) have assessors that review returners'</p>

<p>Verify the initial desktop assessment of other UK regulators' returner requirements</p>	<p>The Customer Service Network Meeting mentioned above would be a useful way to confirm other regulators' requirements. We will ask for updated information on other regulators' arrangements at an upcoming meeting.</p>	<p>2015/16</p>	<p>applications and then specify what they would need to carry out in order to update their skills to satisfy their requirements.</p> <p>The Registration department have been in communication with the other regulators to enquire if any of them were reviewing their own returning to practice requirements or processes. The GOC responded that they were making some changes to their internal processes, but not to their requirements.</p>
<p>Undertake further benchmarking across UK regulators of returner requirements for practitioners who have never practised</p>	<p>We will seek to confirm other regulators' requirements for practitioners who have never practised through the Customer Service Network Meeting mentioned above.</p>	<p>2015/16</p>	<p>Ongoing</p> <p>No further update.</p>
<p>Undertake or commission additional research on return to practice issues, including any updates on:</p> <ul style="list-style-type: none"> • The links between time away from practice and continuing fitness to practice • The effectiveness of different return to practice requirements 	<p>Recent research commissioned by AHPRA has found limited previous research or evidence in respect of the link between absence from practice and competence. It is not immediately clear what the value of additional research would be at this stage.</p> <p>The new registration system (expected to be in place in 2017) may allow for recording and reporting of return to practice information. We will review the</p>	<p>Through 2016/17</p>	<p>Ongoing to 2017/18</p> <p>No further update.</p>

	usefulness of additional research once there is an established dataset available.		
Consult with all professional bodies to get a more complete picture of their issues with returner requirements	<p>Our initial assessment is that the issues summarised in the rapid appraisal report give an accurate picture of the types of issues and queries raised by professional bodies. Revision of the guidance and subsequent public consultation will enable further consultation with professional bodies on our requirements.</p> <p>A larger scale consultation with all professional bodies could also be considered as part of any future review.</p>	A public consultation on revised guidance is expected from around Q2 of 2016/17 (see above).	<p>In progress</p> <p>A consultation on revised guidance was launched on 18 July and will close on 7 October 2016. We will then analyse the responses received and make a recommendation to the Education and Training Committee and the Council regarding any further amendments to the guidance.</p> <p>We expect to re-publish the guidance in early or mid-2017.</p>
Consult with employers about returners issues from their perspective	We will explore additional ways of engaging with employers on RTP issues, such as the possibility of including a presentation or information session on return to practice at the HCPC employer events.	2015/16	<p>Complete</p> <p>We have concluded that currently there is not enough evidence to suggest that a tailored session is required. Returning to practice is already covered as a sub-topic at employer events and we stress that these are minimum threshold levels that registrants need to meet in order to return to the Register.</p> <p>We may re-examine this in future if necessary.</p>
Identify what data is available from HCPC systems about returners that could provide	Requirements for recording data about return to practice is being discussed as part of the new registration system build	Through 2016/17	<p>Ongoing to 2017/18</p> <p>No further update.</p>

<p>useful information for a review. If only limited information is available, a review could consider what type of data should be collected to inform future reviews.</p>	<p>major project. The Executive recommends that any future large-scale review should wait until the new system is in place (expected in 2017).</p>		
<p>Consider scope to improve process and systems issues for returners, e.g. improve tracking and monitoring of practitioners who undertake updating while registered after renewing their registration.</p>	<p>The Registration Department does not currently have the capability to track and monitor practitioners who have undertaken periods of updating. As above, requirements for recording data about return to practice is being discussed as part of the new registration system build major project.</p>	<p>Through 2016/17</p>	<p>Ongoing to 2017/18 No further update.</p>