
Standards of Conduct Performance and Ethics Review

Paper Summary

The Standards of conduct, performance and ethics require a periodic review. The most recent review was completed in 2016, which included pre-consultation stakeholder engagement – external stakeholder workshops, focus groups and surveys – and a three-month consultation period in 2015.

Planning for the next review has begun and will include a review of the Standards themselves, as well as a review of the guidance and online materials that complement the Standards – including on social media, safeguarding and duty of candour. The two reviews will run separately with distinct consultations to optimise stakeholder engagement.

The purpose of the review is three-fold:

- to make any necessary updates to the current Standards that reflect changes to practice;
- to ensure that the current Standards are fit for practice, particularly taking accessibility and relevance into account;
- to promote the standards to ensure they are fully understood by registrants and gain insight into how we can better communicate them.

Throughout the review, engagement activities will ensure that key external and internal stakeholders that are impacted by the Standards have had an opportunity to contribute to the review. These activities include presentations at the EDI Forum, Professional Bodies quarterly meetings, a series of dedicated workshops for each stakeholder group and surveys.

This paper lays out the preliminary proposals for potential changes to the Standards that we propose to include in the consultation. These proposals will be extended as further stakeholder engagement is carried out.

We would like ETC views on:

- the key areas of change laid out in pages 7-8, paras 22-30 that will shape the draft new Standards to be consulted upon;
 - the consultation questions laid out in pages 8-9, para 31.
 - whether ETC agree with the proposal that we consult to explore whether the Standards of conduct, performance and ethics review may be the appropriate vehicle for Standards relating to sustainability (pages 7-8, paras 26-30).
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ETC are also asked to note and provide any comment on:

- the timeline of the review to the guidance and online materials that accompany the Standards (pages 4-5, paras 6-12);
- the engagement approach for the review of the guidance and online materials (pages 5-6, paras 13-20)

Previous consideration	The approach to the review of the Standards of conduct performance and ethics was discussed with ELT and ETC in June 2022 . An earlier version of this paper was provided to ELT in August 2022. These discussions have informed this paper.
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Decision	ETC are asked to discuss and recommend to Council for approval.
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Next steps	Following ETC, stakeholder engagement will continue through workshops in September. A pre-consultation online survey is live and will close on 9 September.
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A paper will be presented at the September Council meeting. This will include additional analysis following stakeholder workshops and survey and a draft of the consultation document. We are currently planning for the Standards consultation to launch in mid-October 2022. There will be a further consultation on the guidance that accompanies the Standards in January 2023.

Strategic priority	Strategic priority 2: Enable our professions to meet our standards so they can adapt to changes in health and care practice delivery, preventing harm to service users.
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Strategic priority 4: We regulate, take and communicate decisions which are informed by a deep understanding of the environment within which our registrants, employers and education providers operate.

Strategic priority 5: Employees feel valued and supported, and fully able to contribute. The organisation is resilient and able to quickly adapt to changes in the external environment

Strategic priority 6: The public, registrants, students and employers understand the value and importance of regulated health and care professionals

Financial and resource implications	This work is being carried out by the Policy & Strategic Relationships team within existing resources and does not require further resource or financial commitment.
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EDI impact	The Standards of conduct, performance and ethics will impact HCPC processes and our stakeholders. Included in the planned activity is the completion of a detailed EIA and ongoing consideration of the possible impact of any proposed changes to any person with protected characteristics.
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Summary

1. The Standards of conduct, performance and ethics are an essential set of Standards that form part of HCPC's regulatory framework and set out the standards our registrants must meet. They are important to all our stakeholders, from registrants and service users to education providers and trade unions. They are also essential to the functionality of HCPC as a regulator.
2. The Standards are important because they:
 - i. set out, in general terms, how we expect our registrants to behave;
 - ii. outline what the public should expect from their health and care professional;
 - iii. help us to make decisions about the character of professionals who apply to our Register;
 - iv. are used if someone raises a concern about a registrant's practice; and
 - v. when things go wrong, they help us to decide whether it is necessary to take action.
3. A regular review of the Standards is essential so that we can ensure that they are relevant to current practice, that they meet our regulatory goals, including the ambitions of our Corporate Strategy and EDI Strategy, and that they are clearly understood by those who use them. The purpose of the review is therefore three-fold:
 - i. to make any necessary updates to the current Standards that reflect changes to practice;
 - ii. to ensure that the current Standards are fit for practice, particularly taking accessibility and relevance into account; and
 - iii. to promote the standards to ensure they are better understood by registrants and to gain insight into how we can better communicate them.
4. The scope of the upcoming review to the Standards will include a consultation on the Standards themselves and a separate consultation on the guidance and online materials that go alongside them. This two-stage approach is necessary to make each consultation more manageable with the aim of optimising the level of engagement with each.
5. This paper sets out our proposed approach to the review, the activities that are planned throughout and the preliminary proposals that will be included in the consultation document.

Timeline of delivery

6. Pre-consultation including stakeholder engagement activities and desk research have begun, and the draft consultation document will be ready for Council approval in September 2022.
7. We propose that the consultation on the Standards will run from mid-October 2022 to mid-January 2023. This period has been selected to manage the

crowded consultation space and decrease overlap with other consultations. The consultation period will equate to 14 weeks which provides an additional two weeks to account for the Christmas period.

8. A period of analysis of consultation responses and resulting development of the Standards will follow the standards consultation. We will then seek legal review, ETC advice and Council approval of the new Standards. We aim to publish the new Standards by September 2023.
9. The new Standards would then enter into force in September 2024. This will allow a year-long implementation period for education providers and regulatory processes. The implementation period is necessary to facilitate sufficient stakeholder understanding and application of the new Standards.
10. During the standards consultation period, we plan to launch a review to the guidance that accompanies the Standards of conduct, performance and ethics. We will hold workshops with stakeholders to discuss the guidance on safeguarding, duty of candour and social media.
11. A public consultation on the guidance will begin in January 2023 for a period of 10 weeks. To ensure maximum engagement on all three sets of guidance, we will ensure that respondents have the choice of which set of guidance to provide comment on.
12. Similarly, to the standards consultation, we will seek legal review, ETC advice and Council approval for the new guidance. We aim to publish the new guidance alongside the new Standards in September 2023.

External stakeholder engagement

13. Continued stakeholder engagement will be essential throughout the Standards review period. There are three separate stages: pre-consultation; consultation; post consultation and implementation. Each of these periods have a distinct purpose and will require distinct messaging and types of engagement.
14. The external stakeholder groups we are targeting with our engagement include:
 - i. Professional Bodies
 - ii. Education Providers
 - iii. Trade Unions
 - iv. NHS Employers
 - v. HCPC's EDI Forum
 - vi. Service users and Patient Groups
 - vii. Students
 - viii. HCPC Partners

15. External stakeholder activities so far include:
- a. Presentation to professional bodies quarterly meeting in June 2022: this outlined the approach for the review and asked professional bodies for any early views. Their responses were positive and encouraging around the review taking place and professional bodies were eager for further engagement.
 - b. A workshop discussion at EDI Forum in July 2022: the approach to the review was discussed with attendees and through polling and breakout groups participants were encouraged to give their views of the current Standards. Engagement was positive and provided valuable data for our analysis.
16. Pre-consultation workshops with each stakeholder group will take place in early September 2022. These workshops aim to encourage better understanding of the Standards and promote quality engagement with any change that is required. They will be held online and be interactive and collaborative in nature.
17. A pre-consultation survey for external stakeholders has been running from August 2022 and will close in September 2022. We will gather information regarding the understanding of the Standards and any concerns that stakeholders wish to raise.
18. During the consultation period, engagement will be focused on drawing attention to the consultation document and beginning to engage with stakeholders on the guidance and online materials review. Similarly, to the Standards pre-consultation phase, this will include workshops and surveys.
19. Following the Standards consultation, it will be important to highlight our findings to all stakeholders and provide analysis of the responses. During this phase, engagement will shift to post consultation workshops to discuss the results with stakeholders and to further inform the drafting of our new Standards.
20. The Standards post consultation and implementation periods will occur in parallel with the consultation for online materials and guidance. There will be engagement across social media and throughout the Standards workshops to point stakeholders towards the consultation. We anticipate that these activities happening in parallel will ensure a high quality of engagement from our external stakeholders.

Analysis

21. Our main source of analysis for the Standards will be our engagement with internal and external stakeholders through workshops and the pre-consultation surveys.

22. Based on early work and stakeholder engagement so far, we do not expect a major overhaul of the Standards. We expect to see change in the following areas:
- i. Challenging discrimination (Standard 1.5 and 1.6)
 - ii. Maintaining appropriate boundaries (Standard 1.7)
 - iii. Social media and networking sites (Standard 2.7)
 - iv. Keep within the scope of your practice (Standard 3.1 and 3.2)
 - v. Openness with service users and carers (Standard 8.1)
23. Many of these areas align to recent [updates to our Standards of Proficiency](#).
24. In addition, we also expect to see the following themes remain prominent throughout the review:
- i. The precision of language contained in the Standards
 - ii. The impact of the Standards on the wellbeing of registrants
 - iii. Thematic Standards and the structure of the current Standards
25. There is also potential to expand the Standards to include an expectation from registrants to practise in a sustainable way. This follows discussions and a request from the NHS Chief Sustainability Officer. Other regulators have yet to include an expectation of sustainability within their Standards, and it is likely that they will be asked to do so in the future. Including sustainability within our review is therefore an opportunity to lead in this area.
26. It will be important to exercise caution throughout the review and drafting of the new Standards as actions to promote sustainability in their practice may not always be within the gift of all registrants.
27. The following Standards have the potential to align with sustainability:
- i. You must share relevant information, where appropriate, with colleagues involved in the care, treatment or other services provided to a service user. (Standard 2.6)
- For example, registrants would ensure that they share information with colleagues that may impact the sustainability of their practice.
- ii. You must keep up to date with and follow the law, our guidance and other requirements relevant to your practice. (Standard 3.4)
- For example, registrants would ensure they understand any updates to the law, our guidance and other requirements regarding maintaining sustainability in a health and care setting.

28. Exploring sustainability within the Standards relates to HCPC's strategic objective 5.
29. We intend to explore the sustainability theme in workshops with external stakeholders, including asking their view of what sustainability means to them and their practice. We propose that these Standards are the appropriate vehicle for exploring sustainability and welcome ETC's view on this matter.
30. Survey responses so far have been from a mix of registrants and students. The above themes (para 24) are prevalent throughout the responses as well as:
 - i. Registrant well-being and mental health
 - ii. Appropriate conduct between registrants/colleagues
 - iii. Guidance and support for whistle-blowers
 - iv. Tackling misinformation on social media
31. Most respondents to date have found the Standards easy to understand and that they were relevant to their day-to-day practice.

Consultation

32. We are in the process of drafting the consultation document. This will include a draft of the new Standards based on the analysis of surveys and stakeholder engagement that we have carried out.
33. The consultation document is likely to include the following questions to guide responses:
 - i. Do the Standards make it clear what the appropriate boundaries are between a registrant and service users or carers?
 - ii. Do the Standards support registrants in maintaining their own wellbeing?
 - iii. Do the Standards ensure that registrants maintain a practice that promotes equal, fair, and inclusive treatment?
 - iv. Are the Standards clear about what registrants must do when things go wrong?
 - v. Is the language used in the Standards accessible and clear?
 - vi. Does the structure of the Standards promote understanding and digestibility?
 - vii. Are the Standards clear about the appropriate use of social media and how this relates to registrant practice?

- viii. Should maintaining sustainability in health and care practice be a part of these Standards?
- ix. Do you consider there are any aspects of our proposals that could result in equality and diversity implications for groups or individuals based on one or more of the following protected characteristics, as defined by the Equality Act 2010?
- Age
 - Disability
 - Gender reassignment
 - Marriage and civil partnership
 - Pregnancy and maternity
 - Race
 - Religion or belief
 - Sex
 - Sexual orientation
- x. Do you have additional comments about the Standards of conduct performance and ethics?

Next steps

34. Following ETC discussion of this paper, we plan to discuss the review and the draft consultation document with Council at its meeting on 28 September. This paper will form the basis of that discussion which will also include additional analysis based on results from the stakeholder survey and upcoming workshops.