

## Response to Health & Care Professions Council (HCPC) standards of conduct consultation

June 2015

### 1. Introduction

- 1.1 The Professional Standards Authority for Health and Social Care promotes the health, safety and wellbeing of patients, service users and the public by raising standards of regulation and voluntary registration of people working in health and care. We are an independent body, accountable to the UK Parliament.
- 1.2 As part of our work we oversee nine health and care professional regulators (including the HCPC) and report annually to Parliament on their performance. More information about our work and the approach we take is available at [www.professionalstandards.org.uk](http://www.professionalstandards.org.uk).
- 1.3 We welcome the opportunity to respond to this consultation about HCPC's draft *Standards of conduct, performance and ethics*<sup>1</sup> for the 16 professions it regulates. We do not propose to respond to each of the consultation questions, but to make a few general observations as we believe that this is the way in which we can add most value as an oversight body.

### 2. Comments on the draft standards

#### *Candour*

- 2.1 We welcome the inclusion of a 'duty of candour' within draft standard 8. However we consider this should be strengthened by including a requirement for registrants to play an active role in creating a climate where colleagues feel able and supported to be open when things go wrong and raise safety concerns. Such an obligation features in the joint statement on candour made by the other regulatory bodies we oversee in October 2014. Its inclusion would help secure the broadly consistent approach to candour the HCPC assured us that it is committed to achieve through this standards review.<sup>2</sup>

#### *Sharing confidential information with carers*

- 2.2 We note that draft standards 8.1 and 8.2 refer to being open with and apologising to both service users and carers. To avoid breaches of

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<sup>1</sup> Available at <http://www.hpc-uk.org/aboutus/consultations/index.asp?id=188>

<sup>2</sup> Professional Standards Authority, November 2014. *Progress on strengthening professional regulation's approach to candour and error reporting: Advice to the Secretary of State for Health*, paras 2.8 to 2.9 <http://www.professionalstandards.org.uk/docs/default-source/psa-library/141127-candour-common-approach-progress-advice-final.pdf?sfvrsn=0>

confidentiality, we consider this standard should be rephrased so that it is clear that carers should only be informed if the service user consents or if the service user lacks capacity or has died and the carer has parental responsibility or is their legal personal representative. Draft standard 2.3, which says registrants should give both service users and carers information they want, would benefit from similar clarification.

### ***Professional boundaries***

- 2.3 We note that draft standard 1.7 states 'You must maintain appropriate professional boundaries in your relationships with service users and carers'. We agree that this is an improvement on the current narrower requirement 'not to abuse the relationship you have with a service user'. However we consider this standard may need to be clarified. In particular the term 'professional boundaries' may be unfamiliar to members of the public. Perhaps the language of the accessible version of the draft standards could be used instead: 'You must keep relationships with service users and carers professional.'

### ***Criminal offences***

- 2.4 Draft standard 9.5 will require a registrant to tell the HCPC when they accept a caution from the police or are charged with, or found guilty of, a criminal offence. We understand from Crown Prosecution Service guidance<sup>3</sup> that in addition to cautions the police can offer other alternatives to prosecution. Furthermore the range of alternatives may well develop in the future and vary across the UK. In light of this we suggest the HCPC considers amending this standard so it refers to cautions and other alternatives to prosecution.

## **3. Further information**

- 3.1 We hope these comments have been helpful and look forward to seeing the final version of the standards. Please get in touch with Douglas Bilton our Assistant Director of Standards and Policy if you would like to discuss any aspect of this response in further detail.

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<sup>3</sup> Available at [http://www.cps.gov.uk/legal/a\\_to\\_c/cautioning\\_and\\_diversion/#a02](http://www.cps.gov.uk/legal/a_to_c/cautioning_and_diversion/#a02)