

07 September 2018

Health and Care Professions Council response to the draft Forensic Gait Analysis Code of Practice

1. About us

We welcome the opportunity to respond to this consultation.

The Health and Care Professions Council (HCPC) is a statutory regulator of health, social work and psychological professions governed by the Health and Social Work Professions Order 2001. We regulate the members of 16 professions, including chiropodists / podiatrists and physiotherapists. We maintain a register of professionals, set standards for entry to our register, approve education and training programmes for registration and deal with concerns where a professional may not be fit to practise. Our role is to protect the public.

2. Comments on the draft

General comments:

The formatting of the code of conduct at present makes it difficult to read. Indented paragraph numbers, and spaces between paragraphs and headings would benefit the reader experience and boost accessibility.

Paragraph specific comments:

Page	Paragraph number / table / footnote	Comment (justification for change)	Proposed change
3	1.1.2	This does not reference the full standards registrants are required to comply with as a condition of HCPC registration. We have suggested an amendment to reference these.	<p>Instead of 'Practitioners registered with the HCPC are required by them to comply with the HCPC document Standards of conduct, performance and ethics' - this should be changed to read as follows:</p> <p>Practitioners registered with the HCPC are required to comply with the HCPC's standards and guidance at all times. This includes the Standards of</p>

			conduct, performance and ethics, the standards of proficiency for safe and effective practice specific to their profession, and the Standards for continuing professional development. This is in addition to our expectation that they will "act in accordance ...
7	6.4.2	<p>Our standards require that registrants be open and honest, report concerns, support and encourage others to report concerns, and not prevent anyone from raising concerns. Registrants should also support those raising concerns and give a helpful and honest response to anyone who complains about the care, treatment or other services they have received. We would therefore expect complaints procedures to not conflict with this.</p> <p>In addition, the paragraph refers to complaints coming in from the HCPC to a Forensic Unit. It goes on to explain when concerns should be escalated to the Forensic Science Regulator. We would like this section to also reference when concerns should be escalated to other bodies, including ourselves. Complaints about registrants should be emailed to ftp@hcpc-uk.org.</p>	<p>Consider including a more explicit reference to when complaints should be escalated to relevant bodies, such as HCPC or the Forensic Science Regulator</p> <p>Consider additional information on how complaints procedures should address complainants, and how Forensic Units should respond and provide support</p>
7	6.5	Our standards require that registrants be open and honest when things go wrong. As part of this, registrants should inform service users that something has gone wrong,	Consider inclusion of a statement around when the commissioning agency should be informed of any non-conforming work (as well as any other bodies which may

		<p>apologise, take action to put matters right (if possible) and make sure that service users, where appropriate, receive a full and prompt explanation of what has happened and any likely effects.</p> <p>We therefore suggest that there should be additional clarity over when non-conforming work will be shared with the commissioning agency (and any other body who has relied upon the work), making it clear that in all instances they should be informed.</p>	<p>be affected) and what action should be taken to put this right</p>
8	8.1.2	<p>We expect registrants to declare issues that might create conflicts of interest and ensure that they do not influence their judgement. Therefore we would suggest referencing this within this section, and what the Regulator would expect from a Forensic Unit to ensure that any conflicts of interest do not influence the judgement of staff.</p>	<p>Address how Forensic Units should address conflicts of interest, and ensure that they do not affect the judgement of staff</p>
10	10.1.4	<p>Our standards require registrants to treat information about service users as confidential, and only disclose this with permission, if legally permissible, or in the best interests of the service user.</p> <p>We would therefore expect any means of identifying documentation to be done in such a way that it does not compromise the security of documents, or the</p>	<p>Address confidentiality within the section</p>

		confidentiality of the information. We would also expect access of documents to be limited to only those necessary.	
11	11.1.5	As with the above, would need to ensure that whilst clearly identifiable, documentation is stored securely and access only limited to appropriate persons so that confidentiality is protected.	Address confidentiality within the section
11	11.1.8	We would expect the Forensic Units to have an adequate process in place in the event that records are inappropriately accessed. Whilst the code of practice currently addresses the fact that a mechanism should be in place to prevent this happening, in the event that it does we would expect Units to be able to have a clear approach to minimise risk.	Address what Forensic Units should do in the event that records are inappropriately accessed
11	11.1.9	We would expect non-electronic records to be stored securely, e.g. locked. Whilst this is made clear at 11.2.2 we think it should also be included here.	Following 'secure casefile system', include (e.g. lockable cabinet in lockable room) as with 11.2.2
11	11.2.1	Whilst HCPC does not set any requirements around retention periods, we would expect registrants to follow guidance available. Therefore you may wish to refer Forensic Units to the ICO website or the IGA retention schedule , both which reference legal retention requirements as well as guidance. Forensic Units should also be aware of any	Consider a more explicit reference to external retention schedule resources.

		impact on retention following GDPR.	
12	12	<p>As with section 8, we would expect anyone undertaking peer review to have taken similar steps to ensure that any conflicts of interest do not affect their judgement.</p> <p>We would also expect those undertaking a peer review to also be open and honest about their skills, knowledge and experience.</p>	<p>Consider a cross reference to section 8</p> <p>Consider whether there needs to be any requirements around the knowledge and experience of those undertaking peer review</p>
13	12.1.5	<p>Where a peer reviewer is subcontracted or working on external premises, we would expect steps to be taken to ensure that records remain secure and are not inappropriately accessed or otherwise compromised, as well as any other requirements.</p>	<p>Include a statement around what the Regulator would expect of a peer reviewer to ensure that documents remain secure</p>
13	13.1.2	<p>We expect registrants to only act within their scope of practice, and therefore if they were to undertake a new role they should only do so where they have the training and support to do so.</p> <p>For staff undertaking internal audits, we would therefore expect formal training and on-going support. This new role would also need to form part of a registrants' CPD.</p>	<p>Consider an explicit reference to on-going support and CPD in this area</p>
15	15.1.1	<p>We have suggested a minor amendment to reference that there are more standards than just the Standards of conduct, performance and ethics.</p>	<p>Suggest amendment to last line to:</p> <p>For example, registrants with the HCPC shall also abide by <u>the HCPC guidance and standards.</u></p>

			<u>such as</u> the Standards of conduct, performance and ethics, which the Regulator's code of conduct and this current document support.
19	16.2.2	<p>Our standards require registrants to keep their knowledge and skills up to date and relevant to their scope of practice through CPD, and that where delegating work registrants continue to provide appropriate supervision and support to those they have delegated work to. We also expect registrants to ask for feedback and use it to improve their practice.</p> <p>We suggest this paragraph includes clarification that CPD is an ongoing process and that we would expect adequate reflection of any training on a continued basis, as well as support from employers.</p>	<p>Would add references to 'on an ongoing basis' to the paragraph, such as 'Records shall be sufficiently detailed to provide evidence that each member of staff has been properly trained and their competence to perform a task or test has been formally assessed <u>on an ongoing basis.</u>'</p> <p>We would also expect Forensic Units to support their staff in CPD and for this to be explicit in the code, so that staff receive feedback and can adequately reflect on their practice.</p>
19	17	We just wanted to clarify whether this would be updated in light of best practice, and whether in that case this should be referenced within the section.	Reference this being updated in light of best practice
24	18.2	Where records are shared with the commissioning agency, we would expect these to be appropriately secure, such as being encrypted or password protected. We would expect the format that footage is shared to support this.	Include a reference to the format is which footage is shared ensuring records remain secure and are not inappropriately accessed
29	18.7.1	As with section 8 and 12, we would expect anyone undertaking peer review to	Consider a cross reference to section 8 and 12

		have taken steps to ensure that any conflicts of interest do not affect their judgement and be open and honest about their skills, knowledge and experience.	
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