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Dear committee members,

We would like to thank the committee for its consideration of our response. We would also like to record our thanks to Departmental staff for taking the time to meet with us regarding the progress of the Adult Protection Bill.

We have included brief comments below which I hope will be of use to the committee.

Listed professions for inclusion

The listing of our individual professions within the proposed Clause 4 (among others concerned with the delivery of health and care in Northern Ireland) makes sense in principle, and will help to achieve the objectives of the Bill. From our perspective, it would be useful for these to be based on our standard protected/designated titles. Misuse of the titles constitutes an offence under Article 39(1) of the Health Professions Order 2001

This would ensure consistency of use and preventing potential loopholes in applying the legislation. The source of the protected titles is found within the Health Professions (Parts of and Entries in the Register) Order of Council 2003 (SI 2003/1571) – a link is available here: <https://www.hcpc-uk.org/globalassets/resources/legislation/hcpc---health-and-care-professions-parts-of-and-entries-in-the-register-order-of-council-2003-dec-2023.pdf?v=638400713800000000>

As you will see, the professions are listed in Schedule 1, on Page 4. The actual titles are listed in column 2, whereas column 1 relates to parts of the register under which titles are enumerated. As you will see, column one is shorter and pluralises “Arts Therapists”, which we tend to break down into the constituent professions in practical usage.

In drafting, the Department could list the titles from column 2 in full, or could reference them obliquely by referring to the parts of the register in which they are contained. Listing the titles from column 2 would be simple, but if the column one option is chosen, the legislation would need to make clear that it refers to parts of the register rather than the titles themselves.

Further to this, the Department may also wish to consider the future regulation of NHS managers, in which HCPC is expected to have a role. Further information is available

here: [Leading the NHS: proposals to regulate NHS managers consultation response - GOV.UK](#)

Complementing existing requirements

Our professionals are obliged to comply with the law in their work and our starting place on the provisions of the Bill, as you would expect, is in line with this.

Our [Standards of Conduct, Performance and Ethics](#) also contain three sections which are of relevance to the Bill's provisions and would require compliance from our registrants:

Report concerns

7.1 You must report any concerns about the safety or wellbeing of service users promptly and appropriately.

7.2 You must support and encourage others to report concerns and not prevent anyone from raising concerns.

7.3 You must take appropriate action if you have concerns about the safety or wellbeing of children or vulnerable adults.

7.4 You must make sure that the safety and wellbeing of service users always comes before any professional or other loyalties.

7.5 You must raise concerns regarding colleagues if you witness bullying, harassment or intimidation of a service user, carer or another colleague. This should be done following the relevant procedures within your practice or organisation and maintaining the safety of all involved.

Follow up concerns

7.6 You must follow up concerns you have reported and, if necessary, escalate them.

7.7 You must acknowledge and act on concerns raised to you, investigating, escalating or dealing with those concerns where it is appropriate for you to do so.

Openness with service users and carers

8.1 You must be open, honest and candid when something has gone wrong with the care, treatment or other services that you provide, by:

- where applicable, alerting your employer of what has gone wrong and following the relevant internal procedures;
- informing service users and where appropriate carers, or where you do not have direct

access to these individuals the lead clinician, that something has gone wrong;
- providing service users and carers with a detailed explanation of the circumstances in which things have gone wrong and the likely impact; and
- taking action to correct the mistake if possible and detailing this action to the service user and where appropriate, their carer.

8.2 You must apologise to a service user and their carer when something has gone wrong with the care, treatment or other services that you provide.

Deal with concerns and complaints

8.3 You must support service users and carers who want to raise concerns about the care, treatment or other services they have received.

8.4 You must give a helpful and honest response to anyone who complains about the care, treatment or other services they have received.

Important information about your conduct and competence

9.1 You must make sure that your conduct justifies the public's trust and confidence in you and your profession.

9.6 You must co-operate with any investigation into your conduct or competence, the conduct or competence of others, or the care, treatment or other services provided to service users.

We would like to thank the committee and the Department of Health for the opportunity to engage with the development of the Bill. Please do not hesitate to contact me if further information may be of use.

Warm regards,

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