

**From:** David Martin <REDACTED>

**Subject: RE: HCPC fails its legal public sector equality duty under the Equality Act**

**Date:** 8 September 2020 at 17:41:15 BST

**To:** minh alexander <REDACTED>

**Cc:** Alan Clamp <REDACTED>

Dear Dr Alexander

**The Health and Care Professions Council (the HCPC)**

Thank you for your further email to Alan Clamp, Chief Executive of the Professional Standards Authority (the Authority). I hope it is helpful for me to reply once more on Alan's behalf.

I note the *Freedom of Information* request that you draw our attention to and the HCPC's response, which indicates that it does not hold information on the ethnicity or disability of its registrants. You explained that you believe this represents a failure of the HCPC to fulfil its *Public Sector Equality Duty*.

As you are aware, the Authority considers the performance of the regulatory bodies that we oversee against our [Standards of Good Regulation](#). We report on the performance of the regulators against our Standards annually and this is how we comment publicly on their performance.

Our Standards have recently been revised and a new Standard concerning how well the regulators approach matters of equality and diversity has been introduced. This Standard requires that,

*The regulator understands the diversity of its registrants and their patients and service users and of others who interact with the regulator and ensures that its processes do not impose inappropriate barriers or otherwise disadvantage people with protected characteristics.*

When we review a regulator's performance against this Standard, we take account of a range of information, including the collection and analysis of equality and diversity data. Our current performance review of the HCPC is in its latter stages and we expect to publish this on our website later in the autumn. In the meantime our current [performance reviews](#) are available to read on our website.

We take into account all the feedback we receive from both professionals and the public. I therefore thank you for bringing to our attention your concerns.

Please do not hesitate to let me know if you have any further questions about our performance reviews or any other aspect of our work with regulators.

Yours sincerely

**David Martin**  
**Concerns and Appointments Officer**

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[https://www.professionalstandards.org.uk/docs/default-source/publications/privacy-notice.pdf?sfvrsn=ee1f7220\\_2](https://www.professionalstandards.org.uk/docs/default-source/publications/privacy-notice.pdf?sfvrsn=ee1f7220_2)

**From:** minh alexander <REDACTED>

**Sent:** 06 September 2020 09:25

**To:** Alan Clamp <REDACTED>

**Cc:** David Martin <REDACTED>

**Subject:** HCPC fails its legal public sector equality duty under the Equality Act

BY EMAIL

Alan Clamp

CEO Professional Standards Authority

Dear Alan,

### **HCPC fails its legal public sector equality duty under the Equality Act**

Thanks again to David and the Professional Standards Authority for its helpful response to my concerns about professional regulators' management of vexatious referrals of frontline staff by employers.

I write to ask PSA to look into the Health and Care Professions Council's failure to properly discharge its public sector equality duty.

The HCPC advised in an FOI response last year that it only holds data on registrants' age and gender, and does not hold data on other protected characteristics:

*"Please find attached an analysis of the social workers that have been removed from the Register by age and gender.*

*We do not hold any other protected characteristics data for our registrants."*

<https://www.whatdotheyknow.com/request/statistics-relating-to-the-prote#incoming-1428923>

HCPC's website generally confirms this impression.

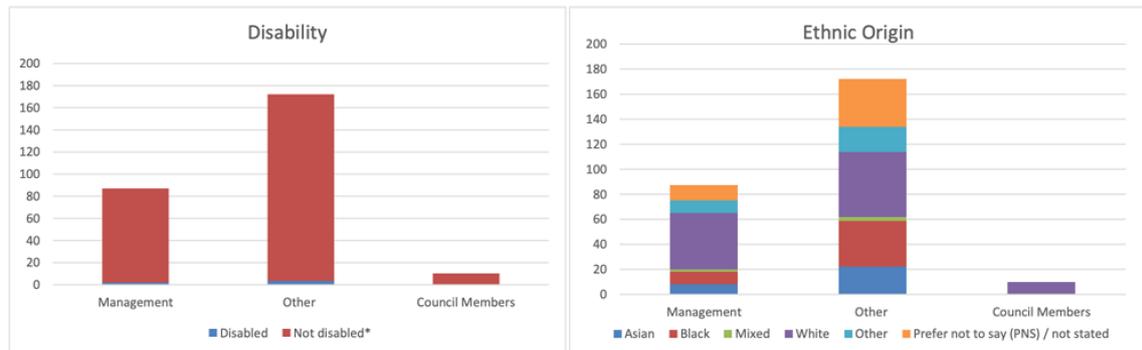
HCPC's form for application to its register indeed does not ask for registrants' details such as Race and Disability status:

<https://www.hcpc-uk.org/registration/getting-on-the-register/uk-applications/uk-application-forms/>

It seems astounding that a public body which sits in judgment over others and exercises legal powers should fail to comply with something so basic as the public sector equality duty.

It does not seem to be out of ignorance, as in contrast to its lack of diligence with registrants, the HCPC collates better diversity data about its own workforce:

Accountability report: Remuneration and staff report



\* Data for employees includes prefer not to say and not stated.

<https://www.hcpc-uk.org/globalassets/resources/reports/hcpc-annual-report/annual-report-and-accounts-2018-19.pdf?v=636988678530000000>

The specific failure to comply with the public sector equality duty apart, I am concerned that a failure on such a basic matter speaks volumes about HCPC's wider governance.

With best wishes,

Dr Minh Alexander