26 November 2020

The Health and Care Professions Council's response to the Committee on Standards in Public Life's survey on how regulators are adapting to the challenges posed by AI

1. Introduction

1.1. The HCPC is a statutory UK-wide regulator of healthcare and psychological professions governed by the Health Professions Order 2001. We regulate the members of 15 professions. 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 main role is to protect the public.

2. Response to the survey questions

Question 1: Do you know where to go for guidance and advice on the use of AI in the public sector (yes or no)? If yes, please provide details.

2.1. Yes.

2.2. In the first instance, we would look for guidance via gov.uk and then using other specialist consultancies and system integrators available through government frameworks such as the G -Cloud 12.

Question 2: To what extent are you ensuring that you are equipped to deal with the regulatory challenges posed by AI technology? How are you adapting your practices accordingly?

2.3. We are currently in the process of implementing a new Digital Transformation Strategy. As part of this implementation, we are ensuring we are getting the infrastructure and data in place to exploit AI in future phases.

Question 3: To what extent are you ensuring that the bodies for which you have responsibility have in place robust controls and mechanisms for mitigating potential risks associated with AI?

For example, ensuring that bodies for which you have responsibility are:

- **using AI in ways that are legal and legitimate – i.e. is the use of AI justified and does it comply with relevant laws and regulations?;**
- **setting clear responsibility for the use of AI – establishing who is responsible for which part of the AI system/process and where overall accountability lies (i.e. senior leadership);**
- **establishing monitoring systems and processes to identify and evaluate issues relating to the performance of the technology;**

- **establishing proper oversight mechanisms for the use of AI;**
- **enabling members of the public to challenge decisions and seek redress using procedures that are fair and transparent, whether AI is used or not.**

2.4.   The HCPC does not currently provide specific guidance or standards for our registrants on the use of AI, or the potential risks associated. This is because the extent in which our registrants will engage with AI will vary considerably depending on their profession and their individual scope of practice. Our guidance is therefore intended to be broad/general in application, so that it remains relevant to all 15 HCPC registered profession, regardless of their area of practice.

2.5.   While we do not currently have specific guidance on using AI, we do understand the importance that our registrants remain up to date with technological advances, including developments made in AI. Our existing standards and guidance therefore set broad expectations for registrants to keep up to date with developments relevant to their scope of practice, which would include advances made with new and emerging technologies.

2.6.   For example, [our standards of conduct, performance and ethics](#) set an overarching expectation that registrants maintain and develop their knowledge and skills (standard 3), and keep their skills up to date and relevant to their scope of practice (standard 3.3). We would therefore expect registrants to remain up to date with technological advances such as AI, as relate to their scope of practice. Standard 3.4 also requires registrants to keep up to date and follow the law, which would include following the law relevant to data governance and protection.

2.7.   Our [standards of proficiency](#) also state that registrants must be able to draw on appropriate knowledge and skills to inform practice (standard 14), which includes being able to 'change [their] practice as needed to take account of new developments or changing practices'. Our standards of proficiency are set at the minimum threshold necessary for safe and effective practice, and are drafted in language which should enable them to stay relevant if there are changes in technology or working practice, and would therefore apply to any registrant when using emerging technologies and AI.

2.8.   We keep our standards under continual review to ensure that they are working and that the continue to reflect current practice. We recently [consulted on changes to our standards of proficiency](#) for our registrants, and specifically asked whether our generic standards adequately address the importance of keeping up to date with technology and digital skills.

2.9.   As part of this consultation, we also sought feedback on our proposal to amend standard 14 (listed above) so that it refers specifically to the need for professions to take account of new technologies. Once again, the language proposed for standard 14 is broad in order to remain relevant and to

encompass any future developments in technology. However, we believe that this would provide registrants with greater clarity about our expectation that they remain up to date with technological advances, which may include AI depending on their scope of practice and developments made.

2.10. Our consultation closed in October and we are currently in the process of analysing responses to understand whether changes to our standards are required. We will be reporting on the findings in the new year.