

Audit Committee 26 September 2008

HPC's status

Executive summary and recommendations

Introduction

At 24 June meeting of the Audit Committee the Executive agreed to update the Committee regarding progress on determining the status of the HPC as an organisation.

Decision

The Committee is asked to note the two attached letters which clarify this matter. No decision is required.

Background information

none

Resource implications

none

Financial implications

none

Appendices

none

Date of paper

24 July 2008

25 February 2008

Duncan Rudkin
Chief Executive and Registrar
General Dental Council
37 Wimpole Street
London
W1G 8DQ

Richmond House
79 Whitehall
London
SW1A 2NS

Tel: 020 7210 3000

25 FEB 2008

Dear Duncan

Subject: Status of the General Dental Council

Following your letter I have looked into the possibility of the General Dental Council being classified as a Non-Departmental Public Body.

Although, as you mention in your letter, ONS is responsible for the classification of bodies for the purposes of the national accounts, the Cabinet Office is responsible for the classification of organisations as Non-Departmental Public Bodies. At my request, colleagues in the Cabinet Office have reviewed the classification of the General Dental Council in order to provide us with a definitive view about its classification. They have assured me that they do not believe the GDC should currently be classified as a Non-Departmental Public Body, nor that the move to appointment of council members by the Privy Council would result in reclassification of the GDC as a Non-Departmental Public Body.

All Non-Departmental Public Bodies are, by nature, governmental. The constitutional and governance arrangements for the GDC, however, are intended to underline the Council's independence from Government. For example, appointments are made by the Privy Council not by Ministers, and the GDC's reports and accounts are laid before Parliament by the Privy Council not Government. As such, it does not have the characteristics normally associated with a Non-Departmental Public Body. Furthermore, it is our stated policy intention that the GDC, along with the other health regulatory bodies, should be operationally independent of the Department of Health.

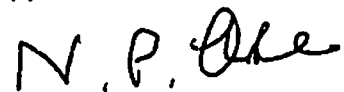
I have also looked at the Directgov website and the GDC and GMC were indeed listed on an A-Z of central government bodies (though the other regulators were not mentioned). I imagine that they were originally included because, as the competent authorities under European Directive 2005/36/EC, both the GDC and GMC undertake functions on behalf of the United Kingdom Government for purposes related to the recognition of professional qualifications. That said, neither the GDC nor the GMC are part of central government and I believe that it would be misleading for either organisation to be included on a list of central government bodies.

I have contacted colleagues with responsibility for administering the Directgov website and raised your concerns with them. Following a discussion, they agreed that it was misleading for the GDC and GMC to be included on the A-Z of central government and they have now removed references to the two organisations from that particular directory.

I am grateful to you for having raised this issue with me and I hope that this letter will serve to reassure you that we remain committed to the operational independence of the GDC from the Department of Health and that there is no intention to reclassify the GDC as an Non-Departmental Public Body.

Yours Sincerely

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A handwritten signature in black ink, appearing to read 'N. P. Larner', written in a cursive style.

Gavin Larner

Director of Professional Regulation
Workforce Division
Department of Health

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From the Deputy Clerk of the Council

- 8 AUG 2008

Marc Seale
Chief Executive and Registrar
HPC
Park House
184 Kennington Park Road
London SE11 4BU

6th August 2008

Dear Marc

HEALTH PROFESSIONS COUNCIL – FINANCIAL MATTERS

Following discussions between ourselves and the National Audit Office, I am writing to formally record our agreement that the Privy Council Office would take responsibility for negotiation with HM-Treasury over any novel or contentious matters arising from the HPC Accounts, advising the Lord President of the Council, as appropriate.

I am copying this letter to Steve Ackroyd at NAO.

Yours sincerely,

Ceri King

Ceri King



INVESTOR IN PEOPLE