
**6a - Response to the Department of Health (England) Consultation on the
Office of the Health Professions Adjudicator Regulations - Annex B**

The Office of the Health Professions Adjudicator Regulations 2009

Consultation Questions

Please fill in and/or tick the appropriate response.

Response form

Name

Contact address

General Medical Council, Regent's Place, 350 Euston Road, London

Postcode NW1 3JN

Contact Telephone 020 7189 5168

E-mail mcotton@gmc-uk.org

Freedom of Information

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes. The relevant legislation in this context is the Freedom of Information Act 2000 (FOIA) and the Data Protection Act 1998 (DPA).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals amongst other things, with obligations of confidence. In view of this, it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data in accordance with the DPA and in most circumstances this will mean that your personal data will not be disclosed to third parties. However, the information you send us may need to be passed on to colleagues within the UK Health Departments and/or published alongside other responses to this consultation, either in summary form or complete.

I do not wish my response to be passed to other UK Health Departments

I do not wish my response to be published in a summary of responses

Please indicate all the countries to which your comments relate:

UK-wide *and/or*
England **Northern Ireland**
Scotland **Wales**

Are you responding: - *as a member of the public*
- *as a health or social care professional*
- *on behalf of an organisation* ✓

If you are responding as a member of the public, please supply the following details:

Profession

If you are responding as a health or social care professional, please supply the following details:

Profession

Country of qualification
Please indicate as appropriate:

UK **Other EEA** **Rest of World**

Area of work

NHS
Social Care
Private Health

Voluntary
Regulatory Body
Professional Body
Education
Union
Local Authority
Trade Body
Other (please give details)

If you are responding on behalf of an organisation, please supply the following details:

NHS
Social Care
Private Health
Voluntary
Regulatory Body ✓
Professional Body
Education
Union
Local Authority
Trade Body
Other (please give details)

The Office of the Health Professions Adjudicator Regulations 2009

Consultation Questions

Composition of the Council

Q1 Do you agree that the initial board of OHPA should be three in number?

It is the Council's view that the OHPA board should comprise as small a number of members as is consistent with delivering its functions effectively. However, we question whether a board of three members is sufficiently large for it to execute its functions as effectively as it might during the early stages of OHPA's existence. We would suggest, therefore, that further consideration should be given to the possibility that during the early stages of the organisation's existence, particularly during the period it is being established, a larger number of board members may be desirable in

order to ensure that OHPA can cope with the demands being placed upon it during what it likely to be a very challenging period. Our view is that a board of only three members appears to be small given the task facing the organisation during the implementation phase.

Q2 Will proper governance and accountability require an increase in members? If so, what size board will provide this and at what point should the larger board be in place?

Our view is that it will be essential for OHPA to have in place, from the outset, measures to ensure that there is proper governance and accountability. This should be reflected in the size of OHPA's board. As suggested above, we believe that further consideration should be given to the size of its initial membership.

Terms of office

Q3 Do you agree that no member should hold office for more than an aggregate of 8 years during any period of 20 years?

Agree (✓)

Disagree ()

Unsure ()

Comments

We agree that it is desirable that OHPA's board arrangements should allow for both continuity and change. We therefore agree that it desirable the board's arrangements should place a limit on the periods for which non-executive board members may serve. The proposed restrictions are consistent with the provisions for membership of the General Medical Council which state that no member may hold office for more than an aggregate of 8 years during a period of 20 years.

Disqualification from appointment as a member of OHPA

Q4 Do you agree with the reasons for disqualifying a person from appointment as a member of the OHPA? If not, please specify which reasons you disagree with and explain why.

Agree (✓)

Disagree ()

Unsure ()

Comments

We recognise that a number of the proposed disqualifying provisions, particularly those in Rule 3(4) of the draft regulations are concerned with ensuring the independence of OHPA and with addressing any potential perception of any conflict of interest. We would not, therefore, have any objection to the inclusion of these disqualifying provisions. We agree with the other proposed disqualifying provisions contained in the draft regulations.