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STATUTORY INSTRUMENTS

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**2002 No. 254**

**The Health Professions Order 2001**

**PART II**

**THE COUNCIL AND ITS COMMITTEES**

**The Health Professions Council and its Committees**

3.—(1) There shall be a body corporate known as the Health Professions Council (referred to in this Order as “the Council”).

(2) The principal functions of the Council shall be to establish from time to time standards of education, training, conduct and performance for members of the relevant professions and to ensure the maintenance of those standards.

(3) The Council shall have such other functions as are conferred on it by this Order or as may be provided by the Privy Council by order.

(4) The main objective of the Council in exercising its functions shall be to safeguard the health and well-being of persons using or needing the services of registrants.

(5) In exercising its functions, the Council shall—

- (a) have proper regard to the interests of all registrants and prospective registrants and persons referred to in paragraph (4) in each of the countries of the United Kingdom and to any differing considerations applying to the professions to which this Order applies and to groups within them; and
- (b) cooperate wherever reasonably practicable with—
  - (i) employers and prospective employers of registrants,
  - (ii) persons who provide, assess or fund education or training for registrants or prospective registrants, or who propose to do so,
  - (iii) persons who are responsible for regulating or coordinating the regulation of other health or social care professions, or of those who carry out activities in connection with the services provided by those professions or the professions regulated under this Order,
  - (iv) persons responsible for regulating services in the provision of which registrants are engaged.

(6) Before making any order under paragraph (3), the Privy Council shall consult the Council.

(7) The Council shall consult the Privy Council, or such person as the Privy Council may designate, at least once in each calendar year on the way in which it proposes to exercise its functions in respect of such period as the Privy Council or the designated person, as the case may be, may specify.

(8) Part I of Schedule 1 shall have effect with respect to the constitution of the Council.

(9) There shall be four committees of the Council, to be known as—

- (a) the Education and Training Committee;

- (b) the Investigating Committee;
  - (c) the Conduct and Competence Committee; and
  - (d) the Health Committee.
- (10) The four committees are referred to in this Order as “the statutory committees”.
- (11) Each of the statutory committees shall have the functions conferred on it by this Order.
- (12) The Council—
- (a) may establish such other committees as it considers appropriate in connection with the discharge of its functions; and
  - (b) may, in particular, establish professional advisory committees whose function is to advise the Council and its statutory committees (whether on the request of the Council or otherwise) on matters affecting any relevant profession, and
- may delegate any of its functions to them, other than any power to make rules.
- (13) The Council shall inform and educate registrants, and shall inform the public, about its work.
- (14) Before establishing any standards or giving any guidance under this Order the Council shall consult representatives of any group of persons it considers appropriate including, as it sees fit, representatives of—
- (a) registrants or classes of registrant;
  - (b) employers of registrants;
  - (c) users of the services of registrants; and
  - (d) persons providing, assessing or funding education or training for registrants or prospective registrants.
- (15) The Council shall publish any standards it establishes and any guidance it gives.
- (16) Paragraphs (14) and (15) do not apply to guidance given to an individual which is particular to him.
- (17) The Council may—
- (a) make recommendations to the Secretary of State concerning any profession which in its opinion should be regulated pursuant to section 60(1)(b) of the Health Act 1999; and
  - (b) give such guidance as it sees fit, to such persons as seem to it to have an interest in such regulation, on the criteria to be taken into account in determining whether a profession should be so regulated.
- (18) Part II of Schedule 1 shall have effect with respect to the statutory committees.
- (19) Nothing in this Order shall require or permit any disclosure of information which is prohibited by or under any other enactment.