



Department  
of Health

Steve Barclay MP  
Minister of State for Health

39 Victoria Street  
London  
SW1H 0EU

020 7210 4850

PO-1118960

Mark Menzies MP  
House of Commons  
Westminster  
London SW1A 0AA

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Thank you for your further letter of 24 January to Jeremy Hunt on behalf of your constituent Mr Mark Russell of 94 Woodlands Road, Lytham St Annes FY8 1DA about the Health Care Professions Council (HCPC).

I appreciate Mr Russell's continuing concerns about the role of the HCPC.

The HCPC's governing legislation, the *Health and Social Work Professions Order 2001*, is a freely available document. A copy of the consolidated order, reflecting the latest changes to HCPC's legislation is available on the HCPC website at [www.hcpc-uk](http://www.hcpc-uk).

Under Article 39(1) of the *Health and Social Work Professions Order 2001*, it is a criminal offence for a person with intent to deceive (whether clearly or by implication) to:

- claim that they are on the HCPC Register;
- use a designated title protected by the Order to which they are not entitled; or
- claim falsely that they have qualifications in a profession regulated by the HCPC.

The words 'by implication' may mean that an offence is committed even if the designated title is not used directly, such as when an unregistered person describes the service they provide as 'chiropody' or 'podiatry'. Ultimately, it is the responsibility of the courts to determine whether such an offence has been committed.

With regard to a Memorandum of understanding, this is an agreement by two or more organisations committing them to work together to support common goals. By contrast, the definition of the offences relating to protected titles is set out in legislation. The HCPC holds a number of Memoranda of understandings with external organisations, including the Care Quality Commission and the Care Councils of Scotland, Wales and Northern Ireland. These are also available on the HCPC website by searching for the name.

Mr Russell rightly states that the HCPC is the statutory regulator of chiropodists and podiatrists in the UK. However, the HCPC is also independent from Government. Like all regulators of health and care professionals, the HCPC is accountable for its performance to Parliament and is overseen by the Professional Standards Authority, whose role includes assessing the performance of the regulators against its Standards of Good Regulation.

With regard to Mr Russell's prosecution by the HCPC, I hope you will understand that I am unable to comment on an individual fitness to practise case.

I hope that this response is helpful.

A handwritten signature in black ink, appearing to read 'Steve Barclay', with a long horizontal stroke extending to the right.

**STEVE BARCLAY**