

Executive Summary and Recommendations

Introduction

The Health Professions Order 2001 (the Order) is very specific about the composition of Council and the criteria for candidates putting themselves forward for election to Council. These can only be altered by Parliament.

(The relevant provisions of the Order are set out in Schedule I to the Order, a copy of which is attached at appendix II)

However the Order allows the Council to develop its own rules regarding the following;

- (1) Nomination procedure for candidates
- (2) Voting method to be used
- (3) Means by which the Council will ensure that at least one member from each home country will be appointed.

As a result of the 2002 consultation the Council took the following decisions with regard to the Council Election Rules.

- (1) Each candidate to have at least six nominators from the same part of the Register
- (2) Candidates will be able to stand for election either as Registrant Members or Alternate Members but not both
- (3) The election scheme will be 'first past the post'
- (4) The Council will ask Electoral Reform Services to run elections on its behalf
- (5) Method for dealing with the home country representation requirement
- (6) In the rolling annual elections to Council post 2005 professions should be grouped together such that each year, the total electorate is roughly the same size (when the three electorates voting are added together).

The attached Health Professions Council (draft Election Scheme) Rules 2004 have been drafted in accordance with the above decisions. (Appendix I)

Following discussion and agreement by Council there will be a public consultation on the Rules in June and July 2004. As the Rules have already been consulted upon it is likely that the consultation period will be reduced to six weeks (as against the three month period set down in Cabinet Office guidelines). The Rules will be debated in Parliament in the autumn of 2004.

Under the terms of the Order the Election Scheme Rules must be in place by 8 January 2005.

Other issues to be considered

Electronic Voting

The draft Rules allow for both postal and electronic voting.

The use of internet voting is increasing and is widely recognized as having the following benefits;

- (1) voters can vote from anywhere with an internet connection
- (2) votes can be cast 24 hours a day, 7 days a week
- (3) the risk of spoiled votes is lessened
- (4) there is improved access to voting, which encourages increased participation.

Our voting system would aim to eliminate multiple voting and hacking.

Council Elections Post 2005

The Health Professions Order requires a rolling election cycle. After the first election in July 2005, which will see all members stand down, every year one quarter of Council will stand down and there will be an election for the registrant and alternate members and appointment for lay members. As a result of the 2002 consultation the Council decided to group professions together such that each year the total electorate is roughly the same size (when the three electorates voting are added together).

However further advice has been taken on this issue, as a result of which Council is advised to consider grouping similar sized professions together for example as follows;

July 2006	Profession	Physiotherapists	Occupational Therapists	Radiographers	Biomedical Scientists
	Number in Profession	36,465	25,852	22,707	22,197
July 2007	Profession	Applied Psychologists	Paramedics	Speech & Language Therapists	Chiropodists & Podiatrists
	Number in Profession	10,600 (approx)	9,986	9,458	9,097
July 2008	Profession	Operating Department Practitioners	Dietitians	Clinical Scientists	
	Number in Profession	7,500 (approx)	5,919	3,471	

July 2009	Profession	Arts Therapy	Orthoptists	Prosthetists & Orthotists	
	Number in Profession	1,966	1,336	788	

Communications

Results of elections held under CPSM indicated that electoral turnout varied between professions, with the larger professions which have been in regulation for some time having a lower number of candidates standing and a lower turnout. The HPC would need to plan a communications strategy in order to encourage a greater diversity of people to stand for election and greater home country representation.

Electoral Reform Services

Electoral Reform Services (ERS) is an independent ‘not for profit’ organization whose role is to see the fair and impartial conduct of ballots and elections. They carry out elections for, among others, the Law Society, the General Medical Council, the General Dental Council, the Bar Council and the Nursing and Midwifery Council. They have a reputation for accuracy and integrity. The outsourcing of the elections would underline the Council’s commitment to running an independent and fair process. A breakdown of the costs is attached (Appendix IV)

Decisions

The Council is requested to make the following decisions;

- (1) to approve the Rules including the use of electronic voting and the method for dealing with the home country requirement
- (2) To make a recommendation to the Privy Council regarding the order in which members stand down post 2005.

(The relevant provisions of the Order are set out in schedule II of the Order – a copy of which is attached at Appendix III)

- (3) To request the Executive to develop a communications strategy for approval by the Communications Committee by November 2004.

Appendix II

The Order says:

Schedule 1 Part 1, 1 – (1) The Council shall consist of-

- a) 12 members who are appointed by the Council on being elected under the election scheme made under paragraph 2 (referred to in this Order as “registrant members”);
 - b) 11 members who are appointed by the Privy Council (referred to in this Order as “lay members”); and
 - c) 12 members appointed by the Council on being elected under the election scheme made under paragraph 2 (referred to in this Order as “alternate members”).
- (1) The Council shall appoint an alternate member for each registrant member.
 - (2) An alternate member has the same functions as a registrant member but he may attend a Council meeting in his capacity as an alternate member and vote, only if his corresponding registrant member is unable to do so.
 - (3) The Council shall appoint an elected candidate to be a registrant member or alternate member in accordance with criteria set out in the election scheme made under paragraph 2.

2. –

- (1) The Council shall provide in rules for an election scheme to elect the registrant members and alternate members and may provide in the rules for by-elections.

The election scheme shall provide that –

- (a) a person seeking election -
 - (i) shall be registered in the past of the register for which he seeks election but no person may be elected for more than one part of the register at a time;
 - (ii) lives or works wholly or mainly in the United Kingdom;
 - (iii) is not the subject of any allegation, investigation or proceedings concerning his fitness to practise; and
 - (iv) is wholly or mainly engaged in the practice, teaching or management of the profession in respect of which he is registered and seeks election or in research in those fields;

- (b) at least one registrant member and one alternate member shall be appointed from each part of the register and the number of members from each part shall be equal;
 - (c) of the registrant and alternate members, at least one member shall be elected from each of the countries of the United Kingdom and that member shall live or work wholly or mainly in the country concerned;
 - (d) a person may only vote -
 - (i) in respect of one part of the register;
 - (ii) for candidates who represent a part of the register in which he is registered at the time of the election;
 - (e) a person may vote even if he lives or works outside the United Kingdom;
 - (f) where someone ceases to be a registrant member or alternate member a replacement shall, subject to paragraph 8(3), be appointed by the Council.
- (3) The Council shall provide such information and advice for voters and candidates about the purpose and conduct of the election as it considers appropriate.

Appendix III

The Privy Council shall determine the duration, which may not exceed four years, of the first term of office for members whose appointments take effect on the ending of the second transitional period and shall ensure that:-

- a) the terms of office of equal proportions of registrant and lay members, being one quarter (or the nearest whole even number above one quarter) of the Council membership, expire at the end of one, two and three years respectively beginning with the day after the end of the second transitional period, and
- b) the terms of office of the remaining members expire at the end of four years beginning with the day after the end of the second transitional period.”