

From time-to-time it is anticipated that the Health Professions Council will be requested by other organisations to sign Memorandums of Understanding, (MOUs).

To date no MOUs have been entered into by HPC because it would be inappropriate until after the Privy Council approves the HPC's new Rules. It is estimated that over 20 organisations may request HPC to sign MOUs.

MOUs are normally a precursor to a formal contract between two or more parties. However, it is apparent that it has become the practise in the UK Health Care arena for organisations to agree MOUs with one another without the intention of entering into a contractual relationship. The reason for this may be in part because the organisations concerned are all integral parts of the NHS or one of the numerous branches of government that deal exclusively with the NHS.

The Executive is concerned that some of the MOUs presented to HPC may incorporate some or all of the following potential problems. They are as follows:

- i. By referring to financial obligations the MOUs are in effect contracts.
- ii. By setting standards of working relationships the MOUs are in effect contracts.
- iii. Selectively refer to the HPC Order in Council, (OIC).
- iv. Are not drafted by HPC.
- v. Do not make reference to HPC's position as an independent self governing healthcare Regulator.
- vi. Are poorly drafted, in particular making references to vague concepts and ideas.

To assist the Executive, the Council is requested to review and approve the following Memorandum Of Understanding Policy to be used if and when we are requested to sign MOUs.

- i. Where HPC is establishing a financial or operational relationship with another organisation a formal contract will be agreed.
- ii. HPC will in general not sign MOUs.
- iii. If an MOU is imperative it should in the first instance be drafted by the HPC Executive based on a generic model.
- iv. Before signing a MOU they will be reviewed and approved at a meeting of the Health Professions Council.

**The Council is requested to review and approve the HPC Policy for Memorandums of Understanding.**