

# HFEA Executive Licence Panel Meeting

1 June 2012

Finsbury Tower, 103-105 Bunhill Row, London, EC1Y 8HF

## Minutes – Item 10

### Centre 0149 – (Royal Derby Hospital) – Variation of Licence to Change Person Responsible

Members of the Panel: Juliet Tizzard, Head of Policy & Communications (Chair) Mark Bennett, Director of Finance & Facilities Paula Robinson, Head of Business Planning	Committee Secretary: Joanne McAlpine
---	---

Declarations of Interest: members of the Panel declared that they had no conflicts of interest in relation to this item.

#### The Panel also had before it:

- HFEA Protocol for the Conduct of Meetings of Executive Licensing Panel
- 8th edition of the HFEA Code of Practice
- Human Fertilisation and Embryology Act 1990 (as amended)
- Decision trees for granting and renewing licences and considering requests to vary a licence (including the PGD decision tree)
- Guidance for members of Authority and Committees on the handling of conflicts of interest approved by the Authority on 21 January 2009.
- Guidance on periods for which new or renewed licences should be granted
- Standing Orders and Instrument of Delegation
- Indicative Sanctions Guidance
- HFEA Direction 0008 (where relevant), and any other relevant Directions issued by the Authority
- Guide to Licensing
- Compliance and Enforcement Policy
- Policy on Publication of Authority and Committee Papers

## Consideration of Application

1. The Panel considered the papers, which included an executive summary, an application to change the Person Responsible (PR), a resignation letter from the outgoing PR, an acceptance letter from the proposed PR, a CV and one reference for the proposed PR.
2. The Panel noted that an application was received by the HFEA to change the PR at centre 0149 (Royal Derby Hospital). This included a letter from the current PR, Mr Joe Darne, confirming his resignation and proposing Dr Jayaprakasan as the replacement PR.
3. The Panel noted that during the recent renewal inspection (on 10 May 2012) the centre's inspector was advised that the PR would be resigning from his post and would be leaving the centre on 22 May 2012.
4. The Panel noted that the proposed PR is not available to assume the role of PR until 18 June 2012 and an application to appoint a new PR was not received by the HFEA until 24 May 2012.
5. The Panel noted that the Inspectorate informed the centre that no further treatment of patients should take place until this was resolved since it is unlawful under Section 12(1)(a) of the HF&E Act 1990 (as amended) for an HFEA licensed centre to undertake licensed activity without a PR in place.
6. The Panel noted that the proposed PR, Dr Jayaprakasan, has confirmed that he was willing to assume responsibility as the PR if the Panel approves the application.
7. The Panel noted that Dr Jayaprakasan's CV demonstrates that he possesses the appropriate academic qualifications and has more than two years practical experience.
8. The Panel noted that the application has one reference in support of the appointment of Dr Jayaprakasan, with the other one yet to be received.
9. The Panel had no concerns regarding the character and qualifications of the proposed PR, or his ability to carry out his duties under section 17 of the HFE Act 1990 (as amended).
10. The Panel noted the Inspectorate's recommendation to vary the centre's licence to approve Dr Jayaprakasan as the Person Responsible.

## Decision

11. The Panel agreed it was in receipt of the supporting documentation as required by the HFE Act 1990 (as amended) in relation to section 16(2), which sets out the requirements of a PR.
12. The Panel approved the Inspectorate's recommendation to appoint Dr Jayaprakasan as the Person Responsible for Royal Derby Hospital (Centre 0149) with immediate effect, in accordance with section 18A of the HFE Act 1990 (as amended).
13. The Panel required the Inspectorate to ensure the second reference was received, within three months of the date of the meeting, and to take action as appropriate if either the reference is not received or the reference seems unsatisfactory in any way.
14. The Panel also endorsed the Inspectorate's recommendation that the centre be required to review procedures to ensure that in future, sufficient notification is provided to the HFEA to prevent the centre acting in breach of the conditions of the Act. The centre should investigate the circumstances that led to this situation arising and submit a summary report to the HFEA documenting the findings of the investigation, any proposed corrective action and the timescale for implementation of any corrective actions. The Panel asked that this summary report be provided to the HFEA within 3 months (by 1 September 2012).
15. The Panel would like to remind the centre of the seriousness of operating without a PR. It is the duty of the existing PR to ensure that they comply with the requirements of the HFE Act 1990 (as amended) by ensuring that the proposed PR is in place before they leave the centre.
16. The Panel confirmed that it is the responsibility of the newly-appointed PR to act on any recommendations outstanding from the last inspection within the timescales prescribed in the inspection report.

Signed:   
Juliet Tizzard (Chair)

Date: 6/6/2012

