

Terms of Reference

AHCS Registration Council

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Establishment and operation of the Registration Council

The Registration Council (hereafter referred to as ‘the Council’) is hereby established by the Academy for Healthcare Science, hereafter referred to as ‘the Academy’, as a standing body which must operate within the Academy’s Corporate Governance and Regulatory Frameworks and which is ultimately accountable to the Regulation Board of the Academy

The Council must always operate in furtherance of its core objective in order to fulfil the functions set out below.

Core Objective and Functions of the Registration Council

The core objective of the Council is to protect service users and the public by mitigating risks posed by members of the healthcare science workforce that are not regulated by statute. These risks may arise because of the highly specialised, scientific nature of diagnosis, investigations and treatment provided by the healthcare science workforce and because of the potential impact on the health and wellbeing of service users if diagnoses, investigations and treatment provided by the healthcare science workforce are not of the highest possible standard.

To meet its core objective, the Council shall have the following functions:

- establish and maintain a register of suitably qualified members of the healthcare science workforce;
- determine the eligibility of individuals for inclusion on the register;
- set and maintain standards to ensure that registrants meet appropriate standards of ethics, conduct and

performance as members of the healthcare science workforce;

- set and maintain standards to ensure that registrants continue to develop and maintain their skills and knowledge of healthcare science;
- take appropriate action where registrants are identified as falling below the standards required of them and thereby pose unacceptable risks to service users and the public;
- maintain the Professional Standards Authority for Health and Social Care (PSA) standards for accreditation; and
- support and inform the Academy Regulation Board on statutory registration of healthcare scientists.

Membership

Initially, the Council shall comprise of seven members, of whom:

- three shall be members of the healthcare science workforce, registered with the Council or the Health and Care Professions Council as Clinical Scientists or Biomedical Scientists); and
- four shall be lay members (including the Chair), who shall not be members of the healthcare science workforce.

The Council shall take all reasonable steps to ensure there is always a lay majority in its membership.

The Council may co-opt up to two additional members, provided that:

- in making such appointments, a lay majority is maintained;
- such appointments shall be for a period of no more than one year;
- no co-opted member of the Council shall have a vote at meetings of the Council or any committees appointed under these terms of reference; and

- such appointments are necessary to ensure the Council can protect the public by mitigating the risks posed to service users / the public by the work of the healthcare science workforce.

Appointment of chair and members

The Chair of the Council shall be appointed by the Academy for a term of not more than four years. The Chair may be reappointed once only.

Members of the Council shall be appointed on the recommendation of an Appointments Panel for a term of no more than four years. Members may be reappointed, provided that no person shall serve as a member for a total period of longer than eight years. A Member (other than the Chair) may not hold concurrent appointments to the Academy for Healthcare Science Board or its constituted committees, and the Council.

Delegation of powers

Subject to any applicable provision of law, the restrictions set out in the Academy for Healthcare Science Standing Financial Instruments and the Academy Corporate Governance Framework, the powers delegated to the Council by the Academy Management Board and agreement by the Academy Regulation Board, the Council may make arrangements for the exercise of any of its functions, on its behalf, by another body or individual as defined in these terms of reference. In each case, the Council may make such delegation subject to such restrictions and conditions as it sees fit.

The delegation of powers by the Council to a suitable body or individual can be made at any quorate meeting of the Council.

Powers residing in the Council may be delegated to any one of the following bodies or individuals:

- a standing committee of the Council;

- an officer of the Council; or
- a regulatory body established by statute to replace the Council or its register.

Officers of the Council

The Council shall have the power to appoint such officers and servants it may determine to facilitate the proper discharge of its functions. In doing so, the Council must:

- comply with the requirements of the Academy Standing Financial Instructions;
- act within the delegated authority given by the Academy Board and the Regulation Board;
- make decisions with knowledge of the full cost implications of any such appointment;
- make decisions within the budget allocated by the Academy Board.

In particular, the Council will consider the appointment of the officers and servants as set out in the following sections.

The Chair

The Council shall have a Chair, appointed by the Academy for Healthcare Science Board.

The Chair will chair all meetings of the Council, if present. In the absence of the Chair, meetings will be chaired by the Deputy Chair (if appointed) or by another Member chosen by a simple majority of Members present.

If a Deputy Chair is presiding at the meeting in the absence of the Chair, the Deputy Chair may exercise any power or duty of the Chair of the Council. In the absence of the Chair or Deputy Chair (if appointed) or in other circumstances with the consent of the Chair, another Member designated by the Academy may act as Chair in every capacity, both at Council meetings and at other times. In these circumstances, that Member may exercise any power or duty of the Chair of the Council.

The Chair should ensure that the Council meets at appropriate intervals and that the minutes of meetings accurately record the decisions taken and, where appropriate, the views of the individual Council members.

The Chair is not normally responsible for representing the views of the Council to the public (this is a function of the Registrar alone).

The Chair should ensure that new Members are briefed on appointment (and their training needs considered on an ongoing basis), and should provide an assessment of their performance, on request, when members are considered for re-appointment to the Council.

The Registrar

The Academy Board, with the consent of the Regulation Board and informed by the Registration Council, shall appoint a Registrar. The Registrar shall establish and maintain a register of the healthcare science workforce.

The Council may delegate additional responsibilities to the Registrar as it sees fit and in accordance with these terms of reference, the authority delegated to it by the Regulation Board and the Academy Board, the Academy Standing Financial Instructions and the Academy Corporate Governance Framework.

The Academy Board shall ensure that appropriate mechanisms for the remuneration and management of the performance of the Registrar are established and maintained and shall nominate a member of the Academy's staff who can deputise for the Registrar as and when required.

Establishment of panels

The Council shall establish a number of panels to discharge its functions.

The Council, when establishing a panel, will:

- agree the remit of the panel;
- agree the terms of reference for the panel;
- appoint the Chair of the panel
- agree the number of members to be appointed to the panel;
- agree the powers of the Council delegated to the panel;
- comply with the requirements of the Academy Standing Financial Instructions;
- act within the delegated authority given by the Academy Board;
- make decisions taking into account the full costs of any such appointment;
- make decisions within the budget allocated by the Academy Board.

The Council shall establish the following panels, the terms of reference for which are summarised in the appendix to this document:

- an Investigating Panel;
- an Interim Order Panel; and
- a Fitness to Practise Panel;

Appeals against actions or decisions taken by the Registrar or by an Interim Order Panel or a Fitness to Practise Panel shall be made to an Appeals Panel established by the Academy Regulation Board.

No panel may take decisions on behalf of the Council unless the Council has expressly granted that power under its terms of reference.

Notwithstanding the quorum of panels, casual vacancies arising in the membership of a panel may be filled and substitute panel Members may be appointed by the Council Chair.

Quorum

The quorum of any meeting of the Council shall be at least four members, provided that always the Chair or Deputy Chair is present and that a majority of those present are lay members of the Council.

If a quorum is not present within 15 minutes of the time appointed for a meeting to commence, all business which should have been transacted at that meeting shall be held over until the next meeting of the Council.

If, during a meeting of the Council, it appears to the Chair that a quorum has ceased to exist, business will be suspended and the number of Members present counted and, if: (a) a quorum exists, the business will proceed; or (b) a quorum does not exist, the meeting will be dissolved and all remaining business will be adjourned to the next meeting of the Council.

Conduct of Meetings

In this section, any reference to the Chair shall include Deputy Chair or designated Member, acting as the Chair in their absence.

The order of business at a meeting shall follow that set out in the agenda unless it is varied by the Chair with the consent of the members present. All motions must relate to matters that are within or related to the functions of the Council.

A Member must speak to the subject under discussion. The Chair may call attention to any irrelevance, repetition, unbecoming language or other improper conduct on the part of a Member and, where the Member persists in that conduct, may direct that Member to cease speaking.

All meetings will be conducted in public, unless the Council believes that there is a public or commercial interest that the meeting or part of the meeting should be held in private.

A ruling by the Chair on any question of order, whether or not provided for by the Standing Orders, shall be final and shall not be open to debate.

At the discretion of the Chair meetings may be held by video conference or tele-conference.

Voting

Any question at a meeting shall be decided by a majority of the Members present voting by a show of hands. If there is an equality of votes, the Chair shall be entitled to an additional casting vote.

Minutes of meetings

The Secretary shall keep minutes agreed at each meeting, which shall include a record of the Members present at that meeting. At each meeting, the minutes of the preceding meeting shall be confirmed (or confirmed as amended) and be signed by the Chair as a true record of that meeting. The signed minutes of a meeting shall, unless the contrary is proved, be conclusive proof of the proceedings of that meeting. The Registration Council minutes will be used at Regulation Board meetings to support the Registration Council Chair.

Duration

A meeting shall start at the time set out in the notice of meeting and shall continue until all the business on the agenda has been disposed of, but the duration of a meeting may only exceed four hours with the consent of all the Members present.

If there is an interruption to the proceedings of any meeting, the Chair may order that people are removed or may order the part of the room which is open to the public to be cleared.

Interests of members

Members shall make a declaration of their personal interests in accordance with the requirements set by the Academy and shall be under a duty to ensure that the details of their interests set out in the Register of Interests maintained are accurate and up to date.

The agenda for every meeting shall include as an item of business the declaration of interests. A member who has a personal interest in any matter under consideration at that meeting, whether or not declared in the Register of Interests, shall promptly disclose that interest to the meeting. If the interest is a prejudicial interest (or may be considered prejudicial by the public), the member shall withdraw from the meeting during the Council's consideration of that matter. In the event of a disagreement about the nature of the interest, the Chair shall have the ultimate decision and may exclude a member if they consider that a Member has a prejudicial interest.

Approval of resolutions without meeting

A resolution which, with the consent of the Chair, is circulated to, and approved in writing or electronic form by not less than three quarters of the Members entitled to receive notice of and attend a meeting of the Council and vote shall be as valid as if it had been passed at such a meeting.

Secretariat

The Chief Executive of the Academy shall appoint appropriate administrative support to ensure the effective running of meetings including staff to attend and service meetings.

Appendix

The following Rules are also available in full in separate documentation. They are summarised here so that Members of the Registration Council are clear as to the function and constitution of the Council's panels.

Application of the Academy for Healthcare Science (Registration Council) Fitness to Practise Rules

1. These rules shall apply when the Academy receives a Complaint or Information about a person registered with the Council (a Registrant). These rules shall also apply when the conduct referred to in the Complaint or Information occurred outside the United Kingdom or took place at a time when the Registrant was not registered with the Council.
2. Unless the Registrar considers that it is in the public interest to do so, Information or a Complaint received by the Council about a Registrant will not be considered under these rules if over five years have elapsed since the conduct occurred.

Function and constitution of panels

3. The Council will establish four panels, namely:
 - a. an Investigating Panel;
 - b. an Interim Order Panel; and
 - c. a Fitness to Practise Panel;

Investigating Panel

4. The Investigating Panel will consider in respect of each Formal Allegation referred to it whether there is a case to answer.
5. In considering whether there is a case to answer, the panel will consider the evidence before it and decide whether there is a realistic prospect that

the Council will be able to demonstrate that the Registrant's fitness to practise is impaired.

6. The Council will, from time to time, publish guidance on the realistic prospect test to be applied by the panel.
7. Hearings of the panel shall be in private session.

Interim Order Panel

8. The Interim Order Panel will consider any application by the Council for an Interim Order and will only make such an order if it determines that it is:
 - a. necessary for the protection of members of the public; or
 - b. otherwise in the public interest; or
 - c. in the interests of the Registrant concerned.
9. Hearings of the panel shall be held in private.
10. Where the panel decides that it should impose an Interim Order on a Registrant's registration, the duration of such an order shall not exceed twelve months.

Fitness to Practise Panel

11. The Fitness to Practise Panel shall consider any Formal Allegation against a Registrant referred to it by the Investigating Panel and decide whether a Registrant's fitness to practise is impaired.
12. Hearings of the panel shall be held in public unless the Chair considers that it is necessary to hold some or all of the hearing in private:
 - a. in order to protect the private life of the Registrant, Complainant or any person giving evidence or any patient or client; and
 - b. that the public interest would be furthered by holding the hearing in private.