



# Life Science Industry Registration Council Terms of Reference

**Date: 10 March 2020**

**Version 2.3**

**Review Date: 10 Mar 2021**

**Doc ref: #LSI005**

This document is one of a suite of policies and procedures which are part of the Academy for Healthcare Science



**AHCS**  
Academy for Healthcare Science

## **Establishment and operation of the Registration Council**

The Registration Council (hereafter referred to as 'the Council') is hereby established by the Life Science Industry

Project Steering Group and the AHCS (Academy for Healthcare Science, hereafter referred to as 'the Academy') as a standing body independent of the Academy.

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

The Council must always operate within the AHCS Regulatory Framework (as agreed by PSA).

## **Functions of the Registration Council**

### **Core objective**

The core objective of the Council is to protect the public by mitigating the risks posed to service users / the public by the Life Science Industry that is not regulated by statute.

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

- establish and maintain a credentialing register of suitably proficient members of the Life Science Industry who have received appropriate education and training;
- determine the eligibility of individuals for inclusion on the registers;
- set standards to ensure that registrants meet appropriate standards of conduct and proficiency as members of the Life Science Industry;
- set standards to ensure that registrants continue to develop and maintain their skills and knowledge of the Life Science Industry;
- take appropriate action where registrants are identified as falling below the standards required of them and as a result may lead to a contravention of industry procedures and practice or may pose unacceptable risks to service users and the public;

- meet and maintain the Professional Standards Authority for Health and Social Care (PSA) standards for accreditation;

## **Membership**

The Council shall comprise a number of Members, of whom:

- one shall be a Chair, appointed by nomination;
- one shall be a Deputy Chair, appointed by nomination;
- one shall be the Registrar who manages the Register, appointed by the Council;
- the remaining Members shall be nominated by representative life science industry organisations, e.g. trade associations. These individuals shall be registered with the Life Science Industry Credentialing Register;

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

- 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 is able to protect the public by mitigating the risks posed to service users/the public by the work of the Life Science Industry;

The Council will also have a Secretary provided by the Academy.

## **Appointment of Chair and Members**

The Chair of the Council shall be appointed by nomination for a term of not more than one year. The Chair may not hold concurrent appointments to the Academy Board or its constituted committees, and the Council other than by invitation to become a member of the Regulatory Board.

The early termination of the Chair may be enacted if there is a vote of no confidence by the Members or other reasons why it is not deemed appropriate for the Chair to remain in office.

A Member may not hold concurrent appointments to the Academy 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 Standing Financial Instruments and the Academy Corporate Governance Framework, and the powers delegated to the Council by the Regulatory Board, the Registration 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. The power to delegate does not reside with any committee of the Council or any officer 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, the Academy or any of its registers;

### **The Chair**

The Council shall have a Chair, appointed by nomination from within the Life Science Industry.

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 or in other circumstances with the consent of the Chair, another Member designated by the Registration Council 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 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.

### **Establishment of Task and Finishing Groups**

The Council shall establish a Task and Finishing Group to provide detailed work as required. The Task and Finishing Groups could cover a number of subjects as they arise such as:

- proposed changes to standards;
- administrative processes;
- strategic plans

Task and Finishing Groups shall comprise one or more Members of the Council plus Academy staff and co-opted individuals as required.

Task and finishing Groups shall report to the Council.

### **Establishment of Panels**

The Council shall establish a number of standing 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;
- 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 Regulation Board;
- make decisions taking into account the full costs of any such appointment;
- make decisions within the budget allocated by the Regulation Board.

The Council shall have the following standing Panels, the terms of reference for which are summarised in the appendix to this document:

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

No Panel may take decisions on behalf of the Council unless the Council has expressly granted that power under that body's 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 Chair.

Panels may appoint their own Chair who shall be a standing Member of that Panel.

### **Quorum**

The quorum of any meeting of the Council shall be fifty percent of the Council plus one, provided that at all times the Chair or Deputy Chair is present.

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 is 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 on occasion be held by video conference or tele-conference.

The Registrar or nominated other will be present at all meetings

### **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 of 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.

In the absence of the appointed Secretary, the Chair will appoint one of the Members to take the minutes.

### **Duration**

A meeting shall start at the time set out in the notice of meeting and shall continue until all of 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, attend a meeting of the Council and vote shall be as valid as if it had been passed at such a meeting.

### **Relationship with the Regulation Board**

The Chair shall attend the Regulation Board and agree with the Registrar the content of the report of the activities of the Council.

## 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 LSI (Registration Council) Fitness to Practise Rules 2018 (Summary)

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 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 three Panels, namely:
  - a. an Investigating Panel;
  - b. an Interim Order Panel;
  - 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

### When an appeal is made, it will be managed by the Regulation Board who will appoint an Appeal Panel

13. The Appeal Panel shall consider appeals made:
  - a. against a decision by the Registrar to refuse to enter the Applicant's name in the Register(s); or
  - b. against the decision by the Registrar to refuse to renew the registration of a Registrant; or
  - c. concerning the failure of the Registrar to come to a decision; or

- d. against a determination of the Interim Order Panel to impose an Interim Order to restrict the practice of, or suspend the registration of, a Registrant; or
  - e. against determinations of the Fitness to Practise Panel that a Registrant's fitness to practise is impaired and/or any sanction imposed.
14. Hearings of the Panel shall be held in public unless the Chair of the Regulation Board considers that it is necessary to hold some or all the hearing in private:
- a. to protect the private life of the Registrant, Complainant or any person giving evidence or of any patient or client; and
  - b. that the public interest would be furthered by holding the hearing in private.