

# Proposed Rules for the Operation of the Academy Register

## Response from the Institute of Biomedical Science

The Institute of Biomedical Science (IBMS) is the professional body for biomedical scientists working in the United Kingdom. It represents approximately 20,000 members employed mainly in NHS laboratories, NHS Blood and Transplant, Public Health services, private laboratories, research, industry and higher education. The biomedical scientist workforce, which the Institute represents, is regulated by statute by the Health and Care Professions Council (HCPC). In its capacity as an HCPC approved education provider the Institute welcomes the opportunity to contribute to this consultation on the operation of the Academy's voluntary registers.

### **Process governance**

The Institute regards registration as an essential means of setting and maintaining professional standards and appreciates that the successful operation of a register depends upon clear and comprehensive rules for operation. It is therefore very disappointing that the AHCS is running this key consultation for only three weeks during the main holiday period. While the rules are generally very comprehensive and unlikely to require any major revision, it is still surprising that following closure of the consultation the planned date for the launch of the rules is one week later. There is concern as to whether this allows sufficient time for the review of comments, evaluation of recommendations and the incorporation of any changes in to the documents.

In the light of these observations regarding timing it would be helpful to understand the governance process in place within the AHCS for review of the feedback and approval of the final version. How will constituent bodies be involved and informed of the outcome?

### **Registration Rules**

#### **Nomenclature**

In order not to unintentionally mislead and to ensure greater clarity on the status of the registers, the Institute feels it is important to differentiate the voluntary nature of these registers from statutory registers so that the public is not misled. We would therefore suggest that the word 'voluntary' should preface the words 'register' and 'registration'. This suggestion is motivated by a desire to protect the public and not mislead them as to the nature of the registers.

Where the documents refer to 'Council' the name of the 'Academy for Healthcare Science Regulation Council' should be in full so as to avoid any potential confusion with the Council of Professional Bodies which forms part of the AHCS governance structure and is also shortened to 'Council'

It is helpful that the consultation documents have drawn on best practice including that for statutory regulation. However, it may require further consideration whether this degree of rules/regulation are totally necessary for voluntary registration arrangements as they are very costly to operate both in terms of time commitment and money.

It would be helpful to clarify if the charges proposed actually cover the cost of application assessment and register maintenance as this will give confidence around the sustainability of the registers and future charging for potential applicants

## **Interpretation**

'Register(s)'                      '... shall mean any register or directory. ...'  
What is the nature of the 'directories' referred to in the interpretation of the rules?

## **Rules**

Rule 3                                The stated intention is to establish voluntary registers of the HCS workforce.

Is it the intention to establish these registers for those in the HCS workforce already covered statutorily? If not then it should explicitly state that this applies to those individual not already regulated by statute.

The statement should qualify that this applies to the UK workforce only.

Rule 5(a)                            Will the voluntary registers also record the statutory registration status of any registrant also regulated by statute? If so how will this align with HCPC.

Rule 9(a)                            The registrar should also ensure that the information held meets the requirements of current data protection legislation in the UK.

Rule 10                                This rule should make clear whether the information recorded against the name of each Registrant will appear in full in the public domain.

Rule 12(c)                            It would be helpful to make provision for applications and signatures to be delivered electronically

Rule 14(d)                            This rule should make clear the barred lists that would apply to those applying for voluntary registration i.e. Disclosure and

Barring Service (DBS) lists of those who are unsuitable for work with children and/or adults.

- Rule 17(c) It would be helpful to confirm who will bear the cost of any such examination. Will this be included in any supplementary information?
- Rule 20 How will the AHCS ensure the competence of the Registrar given the breadth of professions that potential candidates may be drawn from?
- If there is a sub-system to provide the assurance then it would be helpful for it to be detailed.
- Rule 36&37 In order to ensure consistency of approach and to be clear about the degree to which the public is protected it would be helpful to understand the circumstances under which the Registrar **may** choose **not** to remove the name of the registrant who has not met the requirements of R34 or R35.
- Alternatively, if the intention is to remove from the register any registrant who does not meet R34 or R35 the wording of these rules should be changed to more clearly reflect the action.
- Schedule 1 The Institute recommends that applicants should also be required to demonstrate a commitment to CPD, as is required for the Science Council voluntary registers.

## **Fitness to Practise Rules**

### **Interpretation**

- 'Registers' ' . . . shall mean any register or directory. . . .'  
What is the nature of the 'directories' referred to in the interpretation of the rules?

### **Rules**

- Rule 3 Is the word "also" missing from this rule? As it currently reads it excludes UK applicants and registrants and applies only to overseas individuals. This contradicts the interpretation of 'complaint', which refers to **ANY** information concerning the conduct of a registrant; not just overseas individuals.

- Rule 7 It would be helpful to have sight of the realistic prospect test that will be in place from 28 August.
- Rule 16 (b) Does the casting vote always get cast in favour of the appellant? What is the reason for this?
- Rule 36 Does the registrant need to give permission for the appointment of a medical advisor?  
Would the AHCS draw such an individual from an approved list to give public confidence?
- Rule 43 (v) Who will make a judgement whether a complaint or allegation amounts to a Formal allegation and what criteria will be used?
- Rule 43 (x) As with the registration Rules, the Fitness to practice Rules should make clear the barred lists that would apply to those applying for voluntary registration i.e. Disclosure and Barring Service (DBS) lists of those who are unsuitable for work with children and/or adults.
- Rule 86 It would be helpful to define 'agent of the Academy'
- Rule 132 Why is removal not an option for removal from the register on ground of physical or mental health impairment?
- General** It would be helpful to have it specified within these documents the mechanism (by whom) and timing (when) of the physical act of removal takes place.
- What happens to any outstanding amount of fee paid over for registration when a registrant is removed from a register?
- Is the only communication of removal via the AHCS website?  
Would not the AHCS be obliged to inform the (former) registrant's employer?

### **Appeal Rules**

No additional comments

This concludes the comments from the Institute of Biomedical Science.