

**THE HEALTHCARE CHAPLAINCY REGULATORY COUNCIL, ITS SUPPORTING
COMMITTEES AND THE ARRANGEMENT FOR ASSESSORS**

THE REGULATORY COUNCIL AND ITS COMMITTEES

Regulatory Council¹

1. There shall be a body corporate known as the Healthcare Chaplaincy Regulatory Council (the Council). Until statutory regulation is applied to healthcare chaplaincy, the form of this body is likely to be that of a company limited by guarantee as suggested in document K.
2. The Council will be comprised of fifteen lay members and fifteen registrant members with the addition of a lay chair. All members of Council will be selected by the Appointments Commission in open competition. Set out in annex A are the main elements of personal specification for Council members.
3. All committees of the Council will be comprised of equal numbers of lay members and registrant members as nominated by Council. The Chair of the committee shall be elected from amongst the members on a simple show of hands.
4. Set out in annex B is a small diagram showing the Council and its committees.
5. The principal functions of the Council are to establish from time to time standards of education, training, conduct and performance for healthcare chaplains and to ensure the maintenance of those standards.
6. The main objective of the Council in exercising its functions is to safeguard the health and well-being of persons using or needing the services of registrants.
7. In exercising its function, the Council has proper regard for the interests of persons using or needing the services of registrants in the United Kingdom; and any differing interests of different categories of registrants.
8. In exercising its function, the Council co-operates, in so far as is appropriate and reasonably practicable, with public bodies or other persons concerned with:
 - (i) the employment (whether or not under a contract of service) of registrants,
 - (ii) the education or training of registrants or other health care professionals²,

¹ In all these papers, use of the word 'he' should be taken also to include 'she'. Similarly, use of the word chaplain should be taken to include spiritual care-giver.

- (iii) the regulation of, or the co-ordination of the regulation of, other health or social care professionals,
 - (iv) the regulation of health services, and
 - (v) the provision, supervision or management of health or education services.
9. In carrying out its duty to co-operate, the Council has regard to any differing considerations relating to practising as a registrant which apply in England, Scotland, Wales or Northern Ireland.
10. There are three committees of the Council concerned with fitness to practise and appeals, to be known as—
- (i) the Investigating Committee which considers allegations that a registrant’s fitness to practise is impaired and decides whether to refer a case to the Fitness to Practice Committee for a full enquiry;
 - (ii) the Fitness to Practise Committee which makes decisions in cases where a registrant’s fitness to practice may be impaired, for reasons concerning their conduct, professional performance or health; and
 - (iii) the Appeals Committee which considers appeals of certain types of decision relating to application for registration and registration status.
11. The Council has one other committee (the Professional Advisory Committee) whose function is to advise the Council and its other committees (whether on the request of the Council or otherwise) on matters affecting the healthcare chaplaincy profession with particular reference to education and standards.
12. The Council informs and educates registrants, and informs the public, about its work.
13. Before establishing any standards or giving any guidance about its work the Council consults with representatives of any group of persons it considers appropriate including, as it sees fit, representatives of—
- (i) registrants or classes of registrant;
 - (ii) employers of registrants;
 - (iii) users of the services of registrants; and
 - (iv) persons providing, assessing or funding education or training for registrants or prospective registrants.

² Persons regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002 (which relates to the Council for Healthcare Regulatory Excellence) other than the Council

14. The Council publishes any standards it establishes and any guidance it gives.

The Professional Advisory Committee

15. The Professional Advisory Committee advises the Council (whether on the request of the Council or otherwise) on the performance of the Council's functions in relation to—

- (i) the establishing of standards of proficiency and its other functions under that article;
- (ii) the establishing of standards and requirements in respect of education and training or continuing professional development, as the case may be;
- (iii) the giving of guidance.

16. The Council from time to time establishes—

- (i) the standards of education and training necessary to achieve the standards of proficiency it has established; and
- (ii) the requirements to be satisfied for admission to, and continued participation in, such education and training which may include requirements as to good health and good character.

17. The standards mentioned in paragraph 15 shall include such matters as the outcomes to be achieved by that education and training.

18. Before establishing the standards or requirements referred to in paragraph (1) the Council shall consult such persons as it considers appropriate and the Professional Advisory Committee.

19. The Professional Advisory Committee shall—

- (i) ensure that universities and other bodies in the United Kingdom concerned with such education and training are notified of the standards and requirements established under paragraph 15; and
- (ii) take appropriate steps to satisfy itself that those standards and requirements are met.

20. In performing the functions mentioned above the committee may in particular, approve, or arrange with others to approve—
- (i) a course of education or training which the Committee is satisfied confers or would confer on persons completing it successfully the standards of proficiency mentioned above;
 - (ii) qualifications which are granted following success in an examination, or some other appropriate assessment, taken as part of an approved course of education or training;
 - (iii) institutions which the Committee considers to be properly organised and equipped for conducting the whole or part of an approved course of education or training;
 - (iv) such tests of competence or knowledge of English as it may require.
21. In connection with paragraph (5), the Committee may approve or arrange with others to approve a course of education or training run outside the United Kingdom by an institution to which paragraph 5(c) applies.
22. The Council shall from time to time publish a statement of the criteria which will be taken into account in deciding whether to give approval to education and training standards.
23. The Council shall maintain and publish a list of the courses of education or training, qualifications and institutions—
- (i) which are for the time being approved under this section; or
 - (ii) which have been approved under this section but which are no longer so approved, together with a record of the periods in respect of which they were approved.
24. In this section a reference to education or training includes any course of education or training or test referred to in paragraph 57.
25. The Council makes rules requiring registrants to undertake such continuing professional development as it shall specify in standards.
26. The rules may, in particular, make provision with respect to registrants who fail to comply with any requirements of the rules, including making provision for their registration to cease to have effect.
27. The Council may by rules require persons who have not practised or who have not practised for or during a prescribed period, to undertake such education or training or to gain such experience as it shall specify in standards.

The Investigating Committee

28. The Investigating Committee shall investigate any allegation which is referred to it by the Council.
29. Where an allegation is referred to the Investigating Committee, it shall—
- (i) notify without delay the person concerned of the allegation and invite him to submit written representations within a prescribed period;
 - (ii) where it sees fit, notify the person making the allegation of the representations mentioned and invite him to deal within a specified period with any points raised by the Committee in respect of those representations;
 - (iii) take such other steps as are reasonably practicable to obtain as much information as possible about the case;
 - (iv) consider, in the light of the information which it has been able to obtain and any representations or other observations made to it whether in its opinion—
 - (i) in respect of an allegation of the kind mentioned above, there is a case to answer, and
 - (ii) in respect of an allegation of the kind mentioned above, whether the entry concerned has been fraudulently procured or incorrectly made.
30. The Council shall by rules make provision as to the procedure to be followed by the Investigating Committee in any investigation carried out by it under this article.

The Fitness to Practice Committee

31. The Fitness to Practice Committee shall consider—
- (i) any allegation referred to it by the Council or the Investigating Committee and
 - (ii) any application for restoration referred to it by the Registrar.
32. If, having considered an allegation, the Fitness to Practice Committee concludes that it is not well founded—
- (i) where requested to do so by the person concerned, it shall make a declaration to that effect giving its reasons; and
 - (ii) in any other case and with the consent of the person concerned, may make such a declaration.
33. The publication of the decision mentioned above and the reasons for it may constitute such a declaration.
34. If, having considered an allegation, the Fitness to Practice Committee concludes that it is well founded, it shall proceed in accordance with the remaining provisions of this article.

Appeals Committee

35. The Council forms an Appeal Committee to undertake appeals hearings in accordance with that laid out in document I.
36. The Appeals Committee is comprised of three members of Council appointed for that purpose and is not a standing committee. The Council will ask one of the nominated members to chair the committee.

Legal assessors

37. The Council shall appoint legal assessors.
38. Legal assessors shall have the general function of giving advice to—
- (i) the committees;
 - (ii) the Registrar; or
 - (iii) the Council,
- on questions of law arising in connection with any matter which any of those persons is considering.
39. They may at the request of the person mentioned in paragraph 116 assist in the drafting of any decision required by this Order to be issued under any of the provisions mentioned in that paragraph.
40. They shall have such other functions as may be conferred on them by rules made by the Council.
41. To be qualified for appointment as a legal assessor, a person must—
- (i) have a 10 year general qualification (within the meaning of section 71 of the Courts and Legal Services Act 1990); or
 - (ii) be an advocate or solicitor in Scotland of at least 10 years' standing; or
 - (iii) be a member of the Bar of Northern Ireland of at least 10 years' standing.
42. No person shall be a legal assessor if he is—
- (i) a member of the Council;
 - (ii) a member of a committee;
 - (iii) employed by the Council.
43. The Council may make such provision in respect of legal assessors as it may determine—
- (i) for the payment of fees and allowances, including the payment of allowances to employers of legal assessors for the purposes of enabling legal assessors to perform functions under this article;
 - (ii) for the reimbursement of such expenses as the legal assessors may reasonably have incurred in the course of carrying out their functions under this Order.

Medical assessors

44. The Council may appoint registered medical practitioners to be medical assessors.

45. Medical advisers shall have the general function of giving advice to—
- (b) the committees;
 - (c) the Registrar; or
 - (d) the Council,

on matters within their professional competence in connection with any matter which any of those persons is considering.

46. They shall also have such other functions as may be conferred on them by rules made by the Council.

47. No person shall be a medical assessor if he is—
- (a) a member of the Council;
 - (b) a member of a statutory committee;
 - (c) a Screener, visitor or legal or registrant assessor; or
 - (d) employed by the Council.

48. The Council may make such provision in respect of medical assessors as it may determine—

- (i) for the payment of fees and allowances, including the payment of allowances to employers of medical assessors for the purposes of enabling medical assessors to perform functions under this article;
- (ii) for the reimbursement of such expenses as the medical assessors may reasonably have incurred in the course of carrying out their functions under this Order.

Registrant assessors

49. The Council may appoint registered professionals as registrant assessors.

50. They shall have the general function of giving advice to—
- (i) the Council;
 - (ii) the committees of the Council;
 - (iii) the Registrar,

on matters of professional practice arising in connection with any matter which any of those persons is considering.

51. The assessors shall also have such other functions as may be conferred on them by rules made by the Council.

52. No person shall be a registrant assessor if he is—
- (i) a member of the Council;
 - (ii) a member of a statutory committee;
 - (iii) a Screener, visitor or legal or medical assessor; or
 - (iv) employed by the Council.
53. The Council may make such provision in respect of registrant assessors as it may determine—
- (i) for the payment of fees and allowances, including the payment of allowances to employers of registrant assessors for the purposes of enabling registrant assessors to perform functions under this article;
 - (ii) for the reimbursement of such expenses as the registrant assessors may reasonably have incurred in the course of carrying out their functions under this Order.

Outline person specification for Council members

The Council will identify the range of skills and experience required by members in order to make for effective team-working and efficient decision-making.

Collectively, the Council is likely to have senior level experience in finance, governance, the commercial and private sector, the voluntary sector or community service experience, and specific expertise relating to the work of the healthcare chaplain. In making an appointment to Council, it will be necessary to fill any possible gap in the “expertise” of those already appointed.

In addition to any “specific requirements”, all candidates interviewed will need to show that they have the competencies required to be effective in this board level role. They are:

- Patient and community focus - A high level of commitment to patients, staff and other users.
- Strategic direction - The ability to think and plan ahead, balancing needs and constraints.
- Holding to account - The ability to accept accountability and probe and challenge constructively.
- Effective influencing and communication - Be able to influence and persuade others.
- Team working - Be committed to working as a team member.
- Self belief and drive - The motivation to improve NHS performance and confidence to take on challenges.
- Intellectual flexibility - The ability to think clearly and creatively.

Diagram of the Council and its committees

