



Ag Rialáil Gairmithe Sláinte
agus Cúraim Shóisialaigh

Regulating Health +
Social Care Professionals

Public Consultation Report

Council Rule Regarding the Receiving and Recording
of Evidence by a Committee of Inquiry

June 2016



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Introduction

About CORU

CORU is responsible for regulating health and social care professions. It comprises the Health and Social Care Professionals Council and the registration boards established under the Health and Social Care Professionals Act 2005 (as amended).

CORU's role is to protect the public by promoting high standards of professional conduct, professional education, training and competence amongst the designated professions.

The designated professions under the Act are social workers, clinical biochemists, optometrists, dispensing opticians, medical scientists, occupational therapists, orthoptists, physiotherapists, podiatrists, psychologists, radiographers, radiation therapists, social care workers and speech and language therapists.

About the Health and Social Care Professionals Council

The object of the Health and Social Care Professionals Council (Council) is to protect the public by promoting high standards of professional conduct, professional education, training and competence among registrants of the designated professions.

Council must do all things necessary and reasonable to further its object and must exercise its powers and perform its functions in the public interest. One specified function of Council is establishing Committees of Inquiry into complaints relating to registrants of the designated professions.



The Public Consultation Process

Background

In May 2016 CORU launched a public consultation seeking feedback on the Council Rule regarding the Receiving and Recording of Evidence by a Committee of Inquiry 2016.

When finalised, the Rule will specify the process by which evidence may be received or recorded. This Rule relates to the receipt of evidence of witnesses by the Committee of Inquiry by means of live video link, a video recording, a sound recording or any other mode of transmission.

Publicising the Consultation Process

A public consultation on the draft Council Rule was held between 23 May 2016 and 23 June 2016. A number of channels were used to publicise the consultation process and invite the submission of observations. These included:

- An advertisement was placed in the The Irish Times on 26 May 2016. (See appendix 1)
- Information on the consultation along with a link to the online feedback form was hosted on the CORU website. (See appendix 2)
- An online survey was developed. An email with a link was also sent to a targeted list of over 1200 stakeholders, including the Professional Bodies, Trade Unions, educators and other interested parties who have previously corresponded with CORU. (See appendix 3 for a copy of the survey)

People were invited to participate in the consultation process in a number of ways:

- They could ring CORU to request a copy of the draft Bye-Law, and to offer feedback
- They could visit CORU's office to view the draft Bye-Law, and give their feedback in person.
- They could visit www.coru.ie and choose to complete an online feedback form, to print a copy of the form and post it, or email it to CORU.
- They could email submissions to consultation@coru.ie



Overview of responses to consultation

Online Feedback Form

There was 1 response to the online survey:

Respondents were asked to identify if they were offering feedback on their own behalf or on behalf of an institution or organisation.

| | |
|---------------------------|---|
| Individual | 1 |
| Professional Organisation | 0 |
| Unknown | 0 |

Acknowledgements

CORU would like to extend its appreciation and thanks to all those that participated in the consultation process. The report from the consultation process was reviewed by the Health and Social Care Professionals Council.

Issues emerging from the consultation process

Of the one submission to the public consultation received, two issues were raised:

1. Expenses – It was the feeling of the survey respondent that expenses should be the responsibility of the registrant if the case is found against the registrant. If however, the case is found for the registrant, the cost should be borne by CORU as the registrant should not be out of pocket on the basis of having to defend themselves when no case has been found.
2. Audio Evidence: Where audio evidence only is presented, the identity of the person giving this evidence must be independently verified.

Proposed Council Response:

1. The object of CORU is to protect the public by promoting high standards of professional conduct and professional education, training and competence among registrants of the designated profession. Part 6 of the Act provides for the furtherance of CORU's object through the complaint, inquiry and disciplinary process. It is a matter for the registrant to bear the costs associated with the manner in which they choose to conduct their defence. Council must have regard to its primary objective which is to protect the public, but must have regard also to its finite funding and it should not incur costs which are not its responsibility. The manner in which it is proposed to deal with the expense incurred in this way is in line with the practise of other Regulators in this jurisdiction.



2. The Rule provides that the registrant and/or the registrar is entitled to make submissions to the Committee of Inquiry as to the appropriateness of receiving evidence by means of sound recording. The Committee of Inquiry is obliged to observe fair procedures in making a decision on whether to receive evidence by means of sound recording. Subject to that requirement, any decision in relation to the receipt of such evidence is solely a matter for the Committee of Inquiry.

Conclusion

The Health and Social Care Professionals Council considered the issues emerging from the consultation process in detail. It was agreed that the views received were noteworthy but would not directly affect the content of the Council Rule.



Appendix 1: Copy of Advertisement

Appendix 2: Notice of Public Consultation on CORU's website

Appendix 3: Copy of Online Feedback Form

Appendix 4: Copy of Draft Rule

Appendix 1: Copy of Advertisement

THE IRISH TIMES
Thursday, May 26, 2016

World News

Editor: Chris Dooley
for@irishtimes.com
Phone: 01-4757000

Top Shia cleric calls for civilians to be spared in Iraqi army assault on Falluja

Large civilian death toll in mainly Sunni city could aggravate sectarian tensions in Iraq

Since launch of offensive on Monday, 26 civilians and 17 militants reported killed

Iraq's leading Shia Muslim cleric has urged government forces battling to retake Falluja from Islamic State militants to spare civilians trapped in the city on Baghdad's western approach.

Grand Ayatollah Ali al-Sistani's appeal reflected concern that a large civilian death toll in the battle for the mainly Sunni Muslim city could aggravate sectarian tensions in Iraq.

"Sayyid Sistani reaffirms his recommendations that the ethics of jihad (Islamic holy war or struggle) be respected," his representative, Sheikh Abdul-Mahdi al-Karbalai, said in a statement. "Don't be excessive. Don't kill an old man, nor a boy, nor a woman. Don't cut a tree unless you have to," he said, citing sayings of the prophet Muhammad.

The Baghdad government has been led by Shia since the 2003 fall of Saddam Hussein, a member of the Sunni minority. Sistani added his voice to many calls for restraint in the battle to retake Falluja, the first Iraqi city to fall under the control of the ultra-hardline Sunni Islamic State, also known as Isis, in January 2014.

northern neighbourhoods, according to a resident contacted via the internet.

A Falluja hospital source said six civilians were killed and 11 wounded yesterday morning. It said the overall death toll since Monday's launch of the government offensive had risen to 43 - 26 civilians and 17 militants.

Afghan Taliban name veteran activist as leader

The Afghan Taliban yesterday named an Islamic legal scholar as their new leader after a disputed election.

Senior members of the insurgent group had been keeping a list of names to appoint a candidate who could bring disparate factions together and repair the splits that emerged last year when Mansour was appointed.



Habibullah Akhundzada named Taliban chief after leadership meeting.

Baghdad cannot put off Falluja offensive any longer

Michael Jansen Analysis

Iraq's prime minister needs to retake the city to maintain the support of Shias

Iraqi forces are going slow while advancing on Islamic State fighters controlling the iconic city of Falluja in a battle long postponed by Baghdad.

A conservative Sunni city before the takeover by Islamic State - also known as Isis - in early 2014, Falluja is iconic because it resisted post-first World War British rule and the 2003 US occupation.



Baghdad cannot procrastinate further. Falluja is of strategic importance and is the last major city to be held by Islamic State in the Sunni-majority western Anbar province, the largest in Iraq with borders to Syria, Jordan and Saudi Arabia.

66 Regarded as weak, Abadi has no choice but to secure Falluja or lose support among Shias angered over his failure to tackle corruption and provide water and electricity ahead of Iraq's elections next year.

Rutbah, which straddles the Amman-Baghdad highway 40km from Baghdad, keeps the highway - Iraq's main trade route - open.

Dozens of women vanish on Canada's Highway of Tears

Dan Levin in Smithers, British Columbia

Failure to investigate disappearances of aboriginal women is a political scandal

snakes past thick forests, logging roads and impoverished Indian reserves on its way to the Pacific Ocean.

and disappearances constituted "grave violations" of the women's human rights. Failures by law enforcement, it said, had "resulted in impunity".

"Girls Don't Hitchhike on the Highway of Tears," reads a large yellow billboard along the road farther north. "Killers on the Loose!"



Teachers evacuated in Australia after attacks

Teachers in the community of Queensland are being evacuated after the school principal was twice carried by teenagers allegedly armed with knives and as young as six tried to steal a car.

Police commissioner Ian Stewart said several children were involved in the latest incident in the early hours of yesterday.

CORU
Public Consultation

The role of the Health and Social Care Professionals Council is to protect the public by promoting high standards of professional conduct, education, training and competence through statutory registration of health and social care professionals.

The Council seeks the views of the public, the professions, representative bodies and other interested parties on the following:

- Recalling and Recording of Evidence by a Committee of Inquiry

Further information on the consultation is available on www.coru.ie

The closing date for receipt of comments and submissions is 5pm Thursday 23 June 2016.

Submissions received after this time and date will not be considered.

CORU, Joyce House, 8-11 Central Street, Dublin 2, D02 Y720
T: 01 722 0000 E: info@coru.ie W: www.coru.ie



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The role of the Health and Social Care Professionals Council is to protect the public by promoting high standards of professional conduct, education, training and competence through statutory registration of health and social care professionals.

The Council seeks the views of the public, the professions, representative bodies and other interested parties on the following Rule:

- **The Receiving and Recording of Evidence by a Committee of Inquiry**

Further information on the consultation is available on www.coru.ie

The closing date for receipt of comments and submissions is 5pm Thursday 23 June 2016.

Submissions received after this time and date will not be considered.

CORU, Joyce House, 8-11 Lombard Street, Dublin 2, D02 Y729.
T: 01 2933160 E: info@coru.ie W: www.coru.ie



Appendix 2: Notice of Public Consultation on CORU's website

CORU Public Consultation

The role of the Health and Social Care Professionals Council (Council) is to protect the public by promoting high standards of professional conduct and professional education, training and competence among registrants of the designated professions. Council must do all things necessary and reasonable to further its object and must exercise its powers and perform its functions in the public interest. One specified function of Council is establishing committees of inquiry into complaints relating to registrants of the designated professions. Part 6 of the Health and Social Care Professionals Act 2005, dealing with Complaints, Inquiries and Discipline, commenced on 31 December 2014.

Section 22(1)(f) of the Act provides that Council may make Rules providing for the receiving and recording of evidence by a Committee established under Part 6 of the Act. Section 59(4) of the Act provides, subject to any rules in force and having regard to the necessity of observing fair procedures, that “a Committee of Inquiry may receive evidence given—

- (a) orally before the committee,***
- (b) by affidavit, or***
- (c) as otherwise allowed by those rules, including by means of a live-video link, a video recording, a sound recording or any other mode of transmission.”***

The [draft Rule](#) provides that a Committee of Inquiry may receive evidence of witnesses given by means of live video link, a video recording, sound recording or any other mode of transmission.

The Rule also addresses the question of expenses which will be incurred if evidence is given, at the request of the registrant, in a way other than in person or by way of affidavit.

In the future, Council intends to conduct a review of the provisions of this Rule in order to identify any areas in which updates or improvements can be made. This Rule may be revised at that stage.

Your views are invited on this Rule. You can provide your feedback by completing the online feedback survey – [please click here](#). If you have any queries about the consultation process or completing the survey, please contact CORU on 01 2933160 or email consultation@coru.ie.

The closing date for receipt of submissions is **5pm on Thursday 23 June 2016**. Any submissions received after that time will not be considered. A report on the consultation process will be published on www.coru.ie.



Appendix 3: Copy of Online Feedback Form

Thank you for taking the time to participate in CORU's consultation process on this Council Rule.

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Your views are invited on this Rule. You can provide your feedback by completing this survey. If you have any queries about the consultation process or completing the survey, please contact CORU on 01 2933160 or email consultation@coru.ie. The closing date for receipt of submissions is 5pm on Thursday 23 June 2016. Any submissions received after that time will not be considered. A report on the consultation process will be published on www.coru.ie.



1. Personal Information (optional)

First name:

Surname:

Email:

Telephone number:

2. Are you contributing to this survey in (please tick one)

- a personal capacity?
- on behalf of an organisation?

If on behalf of an organisation, please specify:

3. Please indicate if you would like your name and/or organisation to be kept confidential and excluded from the consultation report.

- Include in consultation report
- Exclude from consultation report

It would be helpful if you could explain if you regard the information you have provided as confidential.

4. How did you hear about this consultation? (please tick as many as apply)

- In the newspaper
- On www.coru.ie
- On another website
- By email

Other (please specify)



5. Bearing in mind the purpose of this Rule and the object of Council as outlined in the introductory text above, please provide any comments you have on the draft Rule.

A large, empty rectangular text box with a light gray border and a dotted background. It has a vertical scrollbar on the right side and horizontal scrollbars at the top and bottom, indicating it is a scrollable area for entering text.

6. In view of the purpose of this Rule and the object of Council as outlined in the introductory text above, is there anything you believe should be added to this Rule?

- No
- Yes (please provide further details in the comment box below)

A smaller, empty rectangular text box with a light gray border and a dotted background. It has a vertical scrollbar on the right side and horizontal scrollbars at the top and bottom, indicating it is a scrollable area for providing further details.

Thank you for participating in this consultation process. Your views will be taken into consideration. If you have any queries please contact CORU on 01 2933160 or email consultation@coru.ie



Appendix 4: Copy of Draft Rule

HEALTH AND SOCIAL CARE PROFESSIONALS COUNCIL RULE REGARDING THE RECEIVING AND RECORDING OF EVIDENCE BY A COMMITTEE OF INQUIRY 2016

The Health and Social Care Professionals Council, in exercise of the powers conferred on it by section 22 and section 59(4) of the Health and Social Care Professionals Act 2005, hereby makes the following rule:

1. 1. This rule may be cited as the Rule Regarding the Receiving and Recording of Evidence by a Committee of Inquiry 2016
2. This rule comes into operation on [INSERT DATE] and remains effective until revoked or revised by the Health and Social Care Professionals Council.
2. The Health and Social Care Professionals Council hereby sets out that:
 1. Pursuant to the provisions of section 22 and section 59(4)(c) of the Health and Social Care Professionals Act 2005, a Committee of Inquiry may receive evidence of witnesses given by means of live video link, a video recording, sound recording or any other mode of transmission.
 2. Any expenses incurred in respect of live video link evidence of witnesses called by or on behalf of the registrant, the subject of the inquiry, shall be the responsibility of the registrant.
 3. The registrant and/or the registrar is entitled to make submissions to the Committee of Inquiry as to the appropriateness of receiving evidence by means of live video link, video recording, sound recording or any other mode of transmission. The Committee of Inquiry will make a ruling on any such submissions.

GIVEN under the Seal of the Health and Social Care Professionals Council,
[DATE]

Chairperson
Health and Social Care Professionals Council

and

Chief Executive Officer
Health and Social Care Professionals Council



EXPLANATORY NOTE

(This is not part of the rule and does not purport to be a legal interpretation).

This Rule relates to the receipt of evidence of witnesses by the Committee of Inquiry by means of live video link, a video recording, a sound recording or any other mode of transmission.