

Pre-Hospital
Emergency Care
Council



Standing Orders relating to
the Council and Council Meetings
of the Pre-Hospital Emergency Care
Council (PHECC)

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Version History

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5	02 Apr 2020	Pandemic Amendment Council Meeting 02 Apr 2020
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Standing Orders Relating to the Council and Council Meetings of the Pre-Hospital Emergency Care Council (PHECC)

1. Introduction

- 1.1. These standing orders have been compiled to clearly outline the proceedings of all meetings conducted by the Council and to ensure that the procedural workings of the Council, its committees and other groups established by the Council, are consistent with best practice.
- 1.2. Paragraph 21 of S.I. No. 109 of 2000, The Pre-Hospital Emergency Care Council (Establishment) Order, 2000 provides:
- 1.3. *“Save as is otherwise provided for by any order, including this Order, the Council may make standing orders for the regulation of its proceedings and may amend or revoke such standing orders. ”*
- 1.4. The Council can change, or in exceptional circumstances suspend, its standing orders at any properly quorate meeting of the Council. As a matter of best practice, the Council should review its standing orders from time to time as necessary, but at least once at the beginning of every four-year term of office. Any amendments must be agreed and recorded at a properly quorate meeting of the Council. An updated version of the standing orders should be signed and dated by the Chairperson.
- 1.5. No provision of the standing orders may be suspended unless two thirds of the members of the Council, present and voting, are in favour of such suspension. In the event of an equality of votes, the Chairperson of Council shall have a second or casting vote.
- 1.6. The definitions associated with these Standing Orders are;
 - “The Council” means the appointed Council, from time to time, of the Pre-Hospital Emergency Care Council.
 - “Chairperson” means the Chairperson for the time being of the Council. “Director” means the Chief Officer of the Council.
 - “Disqualified” as defined in S.36 (3) in the Establishment Order (SI 109 of 2000) “Establishment Order” means the Pre-Hospital Emergency Care Council (Establishment) Order 2000 (SI 109 of 2000).
 - “Minister” means the Minister for Health.
 - “Special Meetings” means all meetings of the Council, where Special Motions are to be considered.
 - “Special Motions” means those motions specified in Paragraph 5.
- 1.7. These Standing Orders are drawn up so as also to comply with the Guidelines for Governance for State Bodies (Department of Public Expenditure & Reform, August 2016).
- 1.8. At the Council meeting of April 2nd, 2020, Council, in the light of the COVID-19 Pandemic, approved a decision model for the duration of the Pandemic Crisis. Given

the number of clinicians and practitioners on Council it was felt that the emergency decision provision in S.18.6, herein, was too unwieldy, given present circumstances. Accordingly decisions, including those reserved to Council, should be made by a Committee, made up of the Chair (in the absence of the Chair, the Vice-Chair), the Director and the Chairpersons of the following Council Committees, for the time being, Medical Advisory, Education Standards, Quality & Safety, Priority Dispatch, Fitness to Practice and Compliance & Audit. Decisions arrived at by this Committee will be made by a simple majority and shall be communicated to all Council members as soon as practicable and will be affirmed, or otherwise, by Council, at the next scheduled Council meeting. This arrangement will be reviewed by Council not later than 30th June 2020.

2. Council Tenure of Office

Subject to the provisions of paragraph 8 of the Establishment Order in relation to the filling of casual vacancies every member of the Council shall hold office, unless the member sooner dies, resigns or becomes disqualified, for a period not exceeding four years, and no person shall hold office as a member of the Council for more than two consecutive terms of four years.

3. Council Member Attendance Requirements

In accordance with paragraph 10 of the Establishment Order the Council shall hold at least six meetings in every year and may hold such other meetings as may be necessary for the performance of its duties.

4. Attendance requirements and Council meetings

The Code of Practice for Governance for State Bodies (DPER, Aug 2016) states that 100% attendance of members is to be expected. The Council directs that the minimum number of meetings which the members are required to attend each year is six. Should a member fail to meet the minimum requirement of 6 meetings per annum the Chairperson shall notify the Minister of the unsatisfactory attendance record of that member.

At the invitation of the Chairperson. The following may attend Council meetings;

- The Chairperson of the Compliance and Audit Committee
- A representative from the Office of the Comptroller and Auditor General
- The Internal Auditor
- Members of the Executive from time to time

5. Termination of Council Membership

5.1. Pursuant to paragraph 7 of the Establishment Order;

“The Minister may at any time terminate the appointment of a member of the Council who was appointed by him.”

6. Resignation of Council Membership

A member of the Council may resign his or her membership by giving notice in writing signed by him/her to the Council, but the resignation shall not become effective until the meeting of the Council next held after receipt of the notice of resignation.

7. Casual Vacancies

Pursuant to paragraph 8 of the Establishment Order whenever a casual vacancy occurs among the members of the Council, the Council shall forthwith notify the Minister who, following consultations as he or she considers suitable to advise him or her, shall, as soon as is convenient, appoint a person to fill such vacancy and any person so appointed shall serve as a member of the Council for such period as is unexpired of the term of office of the person whom he or she replaces.

8. Meetings

- 8.1. The Council shall hold at least six meetings in every year and may hold such other meetings as may be necessary for the performance of its duties. Meeting papers may be circulated in advance.
- 8.2. Participation by teleconference, video link or such other technologies as appropriate may also take place.
- 8.3. Participation by electronic means (teleconference, video or other technologies) is not permitted when reports of the Fitness to Practice Committee of Inquiry are being considered. In addition, any other factors which the Council considers relevant should be taken into account when considering participation by electronic or other means and a decision made appropriate to the particular circumstances of the proceedings.
- 8.4. A member of the Council or committee given a notice in writing shall take all necessary steps to comply with such notice.
- 8.5. The Council should from time to time meet without members of the executive present to discuss any matters deemed relevant.
- 8.6. Where an Executive is invited to join the Council meeting, a notice inviting said Executive to join the Council Meeting shall be issued not less than 7 days before the Council Meeting together with a description of the item to be discussed and any other matters relevant to same, if such matter is not on the Agenda for that meeting.

9. Order of Business

The Order of Business, at all but Special Meetings, shall be as follows:

1. Chairperson's Business
2. Confirmation of Minutes

3. Director's Report
4. Reports from Chairs of Council Sub-Committees
5. Items for consideration by or information of Council
6. Any other business

10. Quorum and Voting Rights

- 10.1. Section 9 of the Establishment Order sets the quorum for a meeting of the Council at five persons. Best practice is that, in the case of a meeting of the Council where the matter of the imposition of a sanction on a PHECC registered practitioner is on the agenda, the quorum for that meeting should be nine.
- 10.2. Subject to articles 9 and 11(4) of the Establishment Order, all acts of the Council and all questions coming or arising before the Council may be done and decided by a majority of such members of the Council as are present and vote in relation to the act or matter at a meeting of the Council duly convened according to law.
- 10.3. In the case of an equality of votes on any question arising at a meeting of the Council (other than the election of the Vice-Chairperson) the Chairperson of that meeting shall have a second or casting vote.

11. Chairperson and Vice-Chairperson

- 11.1. Pursuant to the provisions of the Establishment Order, the Chairperson of the Council shall be appointed by the Minister from among the membership of that Council.
- 11.2. Pursuant to the provisions of the Establishment Order the Council shall, from time to time, elect one of its members to be Vice Chairperson of the Council. A Vice Chairperson of the Council shall hold office for such term as may be specified by the Council at the time of his or her appointment unless –
 - 11.2.1. he or she ceases to be, or becomes disqualified from being, a member of the Council,
 - 11.2.2. he or she resigns the office of Vice-Chairperson and his or her resignation becomes effective under this paragraph,
 - 11.2.3. the Council by a resolution for which not less than two thirds of the members of the Council vote, and of the intention to propose which not less than seven day's notice is given to every member of the Council, terminates his or her appointment as Vice- Chairperson.

12. Procedure for Election of Vice-Chairperson

The procedure for the election of Vice-Chairperson shall be as follows:-

- 12.1. A member, or members, of the Council may be proposed by another member of Council for the role of Vice-Chairperson. If the proposed member is seconded by a different member of the Council the proposed member shall be a candidate;
- 12.2. where there is only one candidate, such candidate shall be elected;

- 12.3. where there are two or more than two candidates, a poll shall be taken; two tellers who are not Council members shall be appointed to conduct the poll;
- 12.4. if at such a poll, a majority of the members present vote for any particular candidate, such candidate shall be elected;
- 12.5. if at such poll no candidate receives the votes of a majority of the members present, the candidate receiving the least number of votes shall be eliminated and, subject to the provision of sub-paragraph (12.7) and (12.8), one or more further polls (as may be necessary) shall be taken;
- 12.6. Sub-paragraphs (12.4) and (12.5) shall apply in relation to such further poll or polls;
- 12.7. where there are only two candidates or where, as a result of one or more polls, all the candidates except two have been eliminated, the members may vote for either candidate and whichever of such candidates receives the greater number of votes on such question shall be elected;
- 12.8. in the event of a vote in respect of two candidates where both receive the same number of votes, the candidate whose name is drawn first by lot shall be elected.
- 12.9. Council shall, at the time of the election, specify the term of office of the Vice-Chairperson.

13. Proceedings at Council Meetings

- 13.1. The proceedings of the Council shall not be invalidated by any vacancy or vacancies amongst its members or by any defect in the appointments to the Council or in the qualifications of any member thereof.
- 13.2. The Chairperson, or in her/his absence, the vice-Chairperson of the Council may make a decision to convene a meeting of the Council or, shall convene a meeting of the Council when requested to do so by a requisition signed by not less than ten members of the Council.
- 13.3. Where the Chairperson, or in her/his absence the vice-Chairperson, of the Council refuses to convene a meeting of the Council after a requisition for that purpose signed by not less than ten members of the Council has been presented to her/him, any five members of the Council may forthwith convene a meeting of the Council.
- 13.4. If the Chairperson, or in her/his absence the vice-Chairperson, of the Council, without so refusing, does not, within seven days after the presentation of a requisition for that purpose signed by not less than ten members of the Council, convene a meeting of the Council, any five members of the Council may, on the expiration of those seven days, convene a meeting of the Council.
- 13.5. At least three days before every meeting of the Council, a notice in writing, signed by the Chairperson or vice-Chairperson of the Council, as the case may be or, if the meeting is convened by members of the Council, by such members, of the time and place of the meeting shall be sent to every member of the Council. If the meeting is convened by members of the Council, the notice convening the meeting shall specify the business to be transacted there at.
- 13.6. At any meeting of the Council, the Chairperson of Council shall, if she or he is present be Chairperson and if and for so long as the Chairperson of the Council is not present, or if the office of Chairperson is vacant, the Vice-Chairperson of the Council shall, if he or she is present, be the Chairperson, if and so long as the Chairperson of the Council is not present or the office of the Chairperson is vacant and the Vice-Chairperson of the Council is not present or the office of Vice-Chairperson is vacant the members of the

Council who are present shall elect one of their number to be Chairperson of that meeting.

- 13.7. For all meetings of the Council, the Director, where necessary, in consultation with the Chairperson, or in her/his absence the vice-Chairperson, shall post or otherwise deliver the agenda and all relevant documentation to each member at least seven days in advance of the meeting. The Director shall also circulate at the meeting, all further relevant documentation which may come into his possession subsequent to the agenda being sent out.
- 13.8. Unless otherwise decided by the Council at its meeting, only items included in the agenda shall be considered at the meeting. Additional items which may arise shall be deferred until the following meeting unless they are regarded by the Chairperson or in her/his absence the vice-Chairperson as being of sufficient urgency to warrant consideration at the meeting.
- 13.9. The Secretary to the Council shall ensure that Draft minutes of each meeting of the Council are prepared and circulated within ten days after a Council Meeting. These shall also be submitted for confirmation as an accurate record at the next meeting of the Council. When confirmed with, or without amendment, the minutes of the meeting shall be signed by the Chairperson. The names of the members present at a meeting of the Council shall be recorded in the minutes of the proceedings of the meeting. The minutes shall also include the items discussed and the decisions reached. Specific members should not normally be identified in the minutes as having expressed a particular viewpoint
- 13.10. The dates of meetings and a list of agenda items to be considered by the Council's Sub- Committees shall be circulated to all Council Members at least seven days in advance of all such meetings.

14. Notice of Motion

- 14.1. A notice of motion affords Council members the facility to propose exceptional matters to the Council for consideration. A written copy of the terms of every notice of motion, dated and signed by the member giving it, shall be delivered to the Council Director and must be delivered at least fifteen days before the date of such meeting.
- 14.2. When a notice of motion is deemed unacceptable by the Chairperson, the proposer of the motion should be afforded the opportunity to review/revise the wording for resubmission in so far as possible to the same or subsequent meeting.
- 14.3. The Council agenda shall not contain more than three notices of motion, to include adjourned motions, for consideration at any Council meeting.

15. In Council consideration of a notice of motion:

- 15.1. A motion or an amendment when not seconded is dropped
- 15.2. A motion, or an amendment, may be withdrawn on leave obtained from the Council by the member in whose name it stands or if she/he be absent, by any member authorised by her/him in writing to do so

- 15.3. A motion may be proposed either by the member in whose name it stands, or if she/he be absent, by any member authorised by her/him in writing to propose it on her/his behalf, but unless so proposed it shall be dropped
- 15.4. When a motion and an amendment remain before the meeting, the amendment shall be first put to the Council
- 15.5. When an amendment is agreed, the original motion disappears
- 15.6. When an amendment is lost another amendment to the original motion may be proposed
- 15.7. No amendment which is equivalent to a direct negative shall be accepted.
- 15.8. A motion to rescind or amend a resolution of the Council can only be made on notice, and such notice shall specify the resolution to be rescinded or amended, and furnish the terms of the motion to be made. No motion to rescind any resolution of the Council within six months of the date of its adoption shall be allowed, except with the written assent of not less than ten members of the Council.

16. During Council consideration of a notice of motion:

- 16.1. Except with the permission of the Chairperson, or in her/his absence the vice-Chairperson, the proposer of a motion shall not address the Council for more than ten minutes and the seconder and other speakers shall be limited to five minutes.
- 16.2. A member may speak once upon any motion (except a motion which is to be put without debate)
- 16.3. The proposer of a motion has the right to speak for a period not exceeding five minutes in reply to the debate and when she/he replies the debate on the motion is closed. After a debate has continued for not less than half an hour, a member may ask leave to move "that the question be now put", and if such leave be given by the assent of not fewer than five members the proposer of the original motion may speak for not more than five minutes and then the motion shall be forthwith put to the Council. A motion "That the question be now put" shall not be moved a second time during the debate on any question unless that debate has continued for at least one hour.
- 16.4. Provision for a motion in the form of an emergency motion may be presented up to one day prior to a Council meeting and allowed to be discussed if presented with written assent of not less than five members of the Council and if accepted by a majority vote of the Council.

17. Special Motions

- 17.1. Special Motions will include any proposal to;
 - Remove the Director from his/her post or
 - Pass a vote of no confidence in the Chairperson or
 - Revoke, amend (at any time other than a formal review) or replace these Standing Orders.

18. Decisions of the Council

- 18.1. If, in the opinion of the Chairperson or in her/his absence the vice-Chairperson, a consensus decision has emerged from discussion on any particular item, the Chairperson or in her/his absence the vice-Chairperson shall indicate this to the meeting. If any member disagrees or is doubtful as to the existence of a consensus she/he shall have the right to request the Chairperson or in her/his absence the vice-Chairperson to ask for a show of hands on the matter.
- 18.2. The Chairperson or in her/his absence the vice-Chairperson on her/his own initiative or if requested by any member may hold a formal vote on any matter under discussion.
- 18.3. Any member who disagrees with a decision reached by the Council shall have the right, if she/he so wishes to have her/his dissent recorded in the minutes of the meeting.
- 18.4. Decisions of the Council shall be reached only at meetings of the Council which all members are entitled to attend.
- 18.5. The Director shall convey, in writing, decisions of the Council to interested parties as soon as possible after the meeting of the Council at which the decisions were reached unless otherwise decided by the Council.
- 18.6. The Chairperson or, in her/his absence, the vice-Chairperson shall decide when an issue is of a sufficiently urgent nature to warrant the taking of a decision by the Council by written procedure in the interval between scheduled meetings of Council. The Council may also decide that an issue is of a sufficiently urgent nature to warrant the taking of a decision by the Council by written procedure in the interval between scheduled meetings of Council.
- 18.7. The above procedures for taking decisions between meetings of the Council do not interfere with the rights of the Chairperson or, in her/his absence, the vice-Chairperson, or Council members to call a meeting of the Council as set out under paragraph 15 of the Establishment Order.

19. Confidentiality of Council Business

- 19.1. All meetings of the Council, shall be held in private and only Council members and designated staff of the Council shall be entitled to attend Council meetings.
- 19.2. Save as otherwise provided for in these standing orders, all proceedings of the Council and all documentation relating to such proceedings shall be confidential and may not be divulged to any person who is not a member of the Council or its staff, who have been designated to attend Council meetings, except to such extent as may be expressly indicated by the Council.
- 19.3. Each member of the Council shall be responsible for the safe custody of the confidential documentation which she/he may receive as a member. Each member shall be expected to ensure that no unauthorised person has access to such Council documents as may be in her/his possession.
- 19.4. All of the above will be subject to the provisions for the time being of the Freedom of Information Act 2014.

20. Conflict of Interest

20.1. The Council Conflict of Interest Policy POL048, approved in April 2021, will govern the procedures in the event of a conflict of interest. Council members are expected to be familiar with the policy and practices set out in the Policy. The Policy Guidelines (Appendix 4, PHECC Code of Corporate Governance, to POL048) is reproduced in full as Appendix 1 to this document.

21. Relations with the Media

21.1. The Director, in consultation with the Chairperson, or in her/his absence the vice-Chairperson, shall be responsible for dealing with all media enquiries related to the activity of the Council. Members who may be approached by persons connected with the media for information related to the activities of the Council shall refer all such enquiries to the Director.

21.2. Whenever a request is received from the media for a representative of the Council to participate on a radio or television programme the Chairperson, or in her/his absence the vice-Chairperson, with the Director, shall decide whether to accede to such request and if so, to identify who will represent the Council.

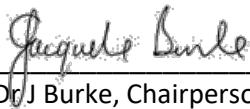
22. Miscellaneous

In the computation of time for the purposes of any of these Standing Orders, Sundays and holidays shall be reckoned as included – i.e. all notice periods shall be interpreted as calendar days.

23. Reviewing the Council's Performance

The Council will review its own performance and that of its committees from time to time and normally at yearly intervals as per the DPER Code of Practice for Governance of State Bodies (Aug 2016). A summary of its findings will be included in the Council's annual report and accounts.

Approved by the Council on 22 April 2021.



Dr J Burke, Chairperson

Appendix 1 – PHECC Code of Corporate Governance

The PHECC Code of Corporate Governance

The PHECC Code of Corporate Governance provides that each Council member on appointment to the Council is individually responsible for (amongst other things):

- Furnishing to the Secretary of Council details relating to his/her employment and all other business interests including shareholdings, professional relationships, etc, which could involve a conflict of interest or could materially influence the member in relation to the performance of his/her functions as a member of the Council. This is done by way of completing a Declaration of Interests, from time to time.
- Complying with all aspects of this Code of Governance, which includes the Code of Conduct, which includes, inter alia, a requirement to submit a declaration of all relevant interests to ensure that conflicts of interest/loyalty will not arise;
- Informing the Council, via the Chairperson, of any new appointments he/she accepts which may impinge on, or conflict with, his/her duties as a Council member;
- Acting in good faith and in the best interests of the Council;
- Not disclosing, without the consent of the Council, save in accordance with law, any information obtained by him/her while performing duties as a member of the Council and
- Not using information gained in the course of their public service for personal gain or third-party advantage.

Procedure for Council Meetings and all Committee of Council Meetings

The Chairperson will review, in advance, together with the Executive and the Secretary to Council, the Agenda for a Council meeting and confirm that there are no matters of conflict of interest in any of the Agenda items. The Chairperson may engage with individual members in advance of a Council meeting in the event that a perceived conflict may arise.

The Chairperson, supported by the Secretary, will review the Council meeting agenda in advance to determine if any potential conflicts of interest arise, relating to any item on the agenda. The Chairperson/Secretary may engage with individual members in advance of a Council meeting in the event that a potential conflict of interest has been identified.

In any event, members are reminded of their obligation, first and foremost, to identify and raise a conflict of interest, whether real, potential or reasonably perceived, and to do so in accordance with Conflicts of Interest Policy and guidance below.

Conflicts of Interest

In respect of agenda items, each member must consider the matter to be considered and the information provided by the Secretariat and whether he or she could have a conflict of interest. The term “conflict of interest” includes where a member could be reasonably perceived to have a conflict of interest. This might also include a conflict of loyalty (perceived or real) as between the loyalty due to member’s employer (whether explicit [through a Contract of Employment] or implicit) and that due to Council under the Code of Governance.

Potential conflicts of interest or loyalty may arise in a variety of circumstances and it is not possible to list every scenario where such conflicts may arise. Examples of where conflicts of interest or loyalty could arise include, but are not limited, to the following:

- ***Where a member has a real interest in, a potential interest in, or could reasonably be perceived to have an interest in the outcome of the matter, either personally, through a connected person, or through their employer or any other organisation to which they are affiliated;***
- ***Where a member is related to an applicant/registrant;***
- ***Where a member knows an applicant/registrant in a personal, social or professional capacity;***
- ***Where a member is related to a witness or knows a witness in a personal, social or professional capacity;***
- ***Where a member has prior knowledge of the matter.***

If a member believes that he or she may have a conflict of interest in relation to a matter, the following procedure should be followed:

The member shall:

- Consider the information provided and disclose any conflicts of interest and the nature of the interest to the Secretary or the Chairperson;**
- Complete and submit a Declaration of Interest form and confirm it and the matter during item 1 on the agenda, which will be 'Declarations of Interest';**
- Absent oneself from the meeting room for the duration of the item in question, with the absence and reason for same formally recorded in the minutes;**
- If a member becomes aware of a conflict of interest during the course of a meeting, the member must disclose the conflict of interest to the Secretary and Chairperson as soon as he or she becomes aware of the conflict of interest;**
- As above, in this instance, the member must withdraw from the meeting, if the conflict of interest is such that it would not allow the member to continue to consider the matter. And in this instance, a Declaration of Interest form should be completed and submitted to the Secretary, and the member's actions will be formally recorded in the minutes.**

If a member is not sure whether an interest is or could be perceived to be a conflict of interest, the member must still raise the interest with the Chairperson. If the Chairperson may also have a conflict of interest in the particular matter, the Vice-Chairperson should be referred to for the purposes of determining the issue of the conflict of interest.

As a basic principle, if any member has a conflict of interest, that member shall not influence nor seek to influence any decision, be it directly or indirectly.

For avoidance of doubt, if any matter of conflict of interest (or loyalty) remains unresolved, the matter involved may be removed from a Council Agenda and considered at a later meeting, the matter of the conflict having been resolved. All Council members shall submit to the binding decision of the Arbitrator/Legal Advisor, having been consulted, as part of the resolution of the matter of the conflict.

Members should also be familiar with Section 36 of SI 109 of 2000 (the enabling Statute) which relates to a member having a material interest in a specified matter.

Members can also refer to the Guidelines on Compliance with the provisions of Ethics in Public Office Act 1995 and 2001 (Tenth Edition). A copy of which can be found

<http://www.sipo.gov.ie/en/Guidelines/EthicsActs/PublicServants/Text/>



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