



Nomination Procedure for Election of Members to the Occupational Therapists Registration Board 2021

Introduction

This briefing note sets out the procedure for the nomination of candidates for Election of Members to the Occupational Therapists Registration Board in 2021.

- The system of election will be that of proportional representation by the single transferrable vote.
- The election will be by postal ballot.
- If the number of candidates is greater than the number of vacancies in an electoral category, then a poll will be held in respect of that electoral category.

Only persons whose names are on the Occupational Therapists Registration Board Register are eligible to be nominated for election. Proposers and supporters must also be registrants.

Completed Nomination Papers must be returned to:

P. Byrne, Returning Officer, CORU, Infinity Building, George's Court, George's Lane, Smithfield, Dublin 7, D07 E98Y.

The closing date for receipt of nominations is 12 noon on Tuesday 17 November 2020. If a poll is to be held, the closing date for receipt of ballot papers is 5pm on Friday 08 January 2021.

The Electoral Categories

Vacancies arise in the following Electoral Categories

- **Category 1:** One vacancy for a registrant who is engaged in the practice of the profession
- **Category 2:** One vacancy for a registrant who is engaged in the management of services provided by the profession
- **Category 3:** One vacancy for a registrant who is engaged in the education and training of persons in the practice of the profession

The register of electors will be established at 12 noon on Tuesday 17 November 2020. You will only be eligible to vote in the election if your name is on the register of electors.



The ballot papers and voting instructions will be issued to persons on the electoral register no later than Tuesday 24 November 2020. The ballot papers must be returned to the Returning Officer before **5pm on Friday 08 January 2021**.

Nomination Procedure

Registrants should note the following in relation to Paragraphs 8 and 9 of the Bye-Law on the Nomination of candidates:

Par 8. (1) Any person nominated for Election shall be a registrant.
(2) No registrant may be nominated, and no registrant may be a Candidate for Election, in respect of more than one electoral category.

Par 9. (1) To be nominated for Election, a registrant must submit to the Returning Officer:

(a) A nomination form containing:

- (i) His or her full name and registration number (as it appears on the Occupational Therapists Registration Board Register)
- (ii) The signatures and registration numbers of the person (who must also be a registrant) proposing the Nominee and 4 further registrants who also support the nomination of the Nominee; and
- (iii) The electoral category in respect of which he or she wishes to stand;

(b) An appropriate passport size photo of the Nominee for inclusion on the ballot paper (if the Nominee wants to have a photograph included on the ballot paper);

(c) A signed declaration confirming his or her eligibility to be nominated in the chosen Electoral category; and

(d) A signed declaration confirming that if he or she is elected:

- (i) There is no reason, having regard to the provisions of paragraph 5 of Schedule 2 of the Act (<http://www.irishstatutebook.ie/eli/2005/act/27/enacted/en/pdf>), for the Minister to remove that person as a member of a Registration Board; and
- (ii) He or she will serve the interests of the Registration Board and abide by the Code of Conduct (see <https://coru.ie/files-council/code-of-conduct-for-council-and-registration-board-members.pdf>) for members of the Registration Board.

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Validity of Nominations

The Returning Officer will review and rule on the validity of the nomination papers and the eligibility of nominated persons within 2 working days following the closing date for receipt of the nomination papers. Where the Returning Officer deems any nominations to be valid and the nominated persons to be eligible for election, the Returning Officer shall formally declare the nominated persons as candidates.

The Returning Officer will rule a nomination invalid if they are of the opinion that any of the following apply:-

- (a) the nomination form has been completed incorrectly,
- (b) the Nominee has not been proposed and supported in accordance with the provisions of paragraph 9(1)(a)(ii),
- (c) where the declaration of eligibility required under paragraph 9(1)(c) has not been provided, or
- (d) where any of the other nomination requirements set out at paragraph 9 have not been met.

Withdrawal of Nomination

A Nominee may withdraw his or her nomination at any time prior to the declaration of Election of Candidates by the Returning Officer by providing the Returning Officer with written notice of his or her withdrawal signed by the Nominee.

Publication

The Returning Officer after ruling on the validity of a nomination paper will publish in the manner they consider appropriate, notice of each candidate validly nominated and the names of the registrants who proposed and supported the nomination.



Term of Office of Members

Under paragraph 3 (1) of Schedule 2 to the Act, a member of a Registration Board holds office for a term of not more than 4 years specified by the Minister at the time of appointment.

Remuneration of Members

Membership of the Registration Board is on a voluntary basis and no remuneration is payable to members. Travel and subsistence will be paid on the basis of attendance at meetings.

Removal from Office

Paragraph 5 of Schedule 2 of the Health and Social Care Professionals Act states that:-

- (1) The Minister may at any time remove a member of a Registration Board from office if-
 - (a) In the Minister's opinion, the member has become incapable through ill-health of performing his or her functions,
 - (b) The member has committed stated misbehaviour, or
 - (c) The removal of the member appears to the Minister to be necessary for the Board to perform its functions effectively.
- (2) Subparagraph (1) is not to be taken to limit the Minister's power under section 34 to remove from office any or all of the members of a registration board.



Functions of the Occupational Therapists Registration Board

The Occupational Therapists Registration Board meets on average six times per annum and the meetings normally take place at CORU's offices.

The time commitment involved as a board member is attendance at an average of six board meetings per annum (these last for approximately 3 hours). The preparation for registration board meetings may include reading a large volume of paperwork.

Protecting the public is central to the Registration Board's object. The object of the Occupational Therapists Registration Board is to protect the public by fostering high standards of professional conduct and professional education, training and competence amongst registrants of that profession. The Registration Board does all things necessary and reasonable to further its object and exercises its powers and performs its functions in the public interest.

As a member of the board you will contribute to decision making on the regulation of the profession. This will include:

- Establishing and maintaining the register of members of the profession
- Issuing certificates of registration to registrants
- Setting the standards of performance and the code of professional conduct and ethics expected of registrants
- Giving guidance to registrants concerning
 - ethical conduct
 - practice of the profession
 - continuing professional development
- Approving of education programmes suitable for the education and training of candidates for registration in the Occupational Therapists Registration Board Register
- Monitoring the continuing suitability of programmes approved by the Occupational Therapists Registration Board for the education and training of applicants for registration
- Making recommendations under Part 6 of the Health and Social Care Professionals Act with respect to sanctions to be imposed on registrants
- Carrying out the duties and responsibilities of the Board in respect of the recognition of qualifications gained outside the state.

The Registration Board has collective responsibility to the public in the performance of its duties.



Role of Members of the Registration Board

The collective responsibilities of the members of the Registration Board

- Acting in good faith and in the best interests of the Registration Board and in the interest of the public.
- Ensuring that the Registration Board complies with all the statutory and administrative requirements for the use of public funds, allocated by Council.
- Contributing to any committee/working party of the Registration Board.
- Sharing corporate responsibility for all Registration Board decisions.
- Being objective in their work on behalf of the Registration Board.
- Ensuring full compliance with Conflict of Interest Policy and Procedures and Codes of Governance, Conduct and Ethics.
- Treating papers marked for non-disclosure as confidential to themselves, not to discuss them with other outside the Council Registration Board, not to leave them unattended and where others may obtain access to them and disposing of them appropriately.
- Providing an annual report to Council.
- On appointment to the Registration Board furnishing to the Secretary 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 Registration Board. This should be read in conjunction with Appendix II of the Code of Corporate Governance (Disclosure provisions/statements of interest).
- Complying with all aspects of the [Code of Corporate Governance](#), which includes their declaration of all relevant interests.
- Informing Registration Board, via the Chairperson, of any new appointments he/she accepts which may impinge on, or conflict with, his/her duties as a member of the Registration Board.
- Not disclosing, without the consent of the Registration Board, save in accordance with law, any information obtained by him/her while performing duties as a member of the Board.
- Not using information gained in the course of their public service for personal gain or political purpose.

Members are provided with technology to access meetings packs and must ensure that the information is securely stored and used in a secure manner.

Important Data Protection Information

CORU is committed to the principles of Data Protection.

To conduct an election, personal data is required. The personal data required is clearly requested on the Nomination Paper for the Election.

CORU's processing of personal data in this instance is necessary "for the performance of a task carried out in the public interest and in the exercise of official authority" as provided for in Article 6 (e) of the General Data Protection Regulation (GDPR). The GDPR is available on the website of the Data Protection Commissioner, www.dataprotection.ie.

The Health and Social Care Professionals Act, 2005 (as amended) is our primary governing legislation. Each Registration Board makes its Bye-Law dealing with the Elections of Members for Appointment the Registration Board. The Bye-Laws are available on the CORU website, www.coru.ie. CORU also processes personal data in compliance with the Data Protection Act, 2018 and the Data Sharing and Governance Act 2019. That legislation is available on the [Irish Statute book website](#).

CORU's own [privacy statement](#) is available on the CORU website, www.coru.ie.

CORU will take all appropriate technical and organisational measures to ensure the security of your data.

What personal data is required?

The Nominations process is an integral part of the Elections Process.

A Nominee is asked to provide:

- Name (as it appears on the online register)
- Registration Number (as it appears on the online register)
- Tel/Mobile No.
- Email Address
- Postal Address
- Electoral Category
- Photograph (optional)

A Proposer is asked to provide:

- Name
- Registration Number



A Supporter is asked to provide:

- Name
- Registration Number

CORU will use the personal data provided by a Nominee to communicate with the Nominee throughout the Elections process. The data will also be used to rule on the validity of the Nomination. A photograph if the Nominee chooses to provide one will be printed on the ballot paper distributed to the Register of Electors.

CORU will use the personal data provided by a Proposer or Supporter to rule on the validity of the Nomination.

Sharing the personal data you provide during this process

CORU will release personal data when we are required to do so by law.

CORU may also share information with necessary third parties on occasion, namely government departments and government bodies that provide funding to CORU or have an interest in CORU's activities. Information may be passed to government departments and government bodies for research, statistical or analysis purposes.

Personal Data will not be transferred outside of the EEA as part of this process.

Data processors

CORU uses external service providers in some instances to carry out certain activities or services on our behalf. These can include Scrutineers, Alternate Scrutineers, providers of ICT support services, providers of graphic design services for creation of ballot papers, providers of postal services for distribution of ballot papers and providers of legal advisory services and auditors. Sometimes in order to perform these services our suppliers require access to some of the personal data CORU holds.

Data Protection Rights

Some of these rights do not apply or may be limited where CORU uses personal data to enable us undertake a task in the exercise of our official authority or in the public interests. For example, rights may be subject to restrictions in the following ways:

- Individuals rights may be limited by the legal requirements in the Health and Social Care Professionals Act 2005 (as amended) which can include CORU's



obligation to protect the titles designated in our Act or process complaints under Part 6 of the Act.

- CORU is using personal data to carry out our statutory functions, because there are strong public interest and patient/service user safety grounds for us to process personal information in order to carry out our role.
- Individuals data protection rights may be restricted by the rights and freedoms of third parties.
- CORU has another legal or regulatory requirement to use personal information in a particular way.

Right of access

An Individual can make a subject access request by writing to the Data Protection Officer using the [details given here](#) or by contacting DPO@coru.ie.

Right to rectification

An Individual can request that CORU correct their personal data if they believe the data in a nomination form that CORU holds is inaccurate. However this request must be made in writing and must explain the reason for the inaccurate information contained in the original submission to CORU.

Right to erasure

Please note that the right to erasure under GDPR does not apply if the use of personal data is necessary to enable CORU undertake a task carried out in the exercise of our official authority or in the public interest.

Please note that the right to erasure is not an absolute right and CORU may decline a request where we have a lawful basis to do so. In the event that this occurs, we will explain our legal basis for so doing.

Right to restrict processing

If an Individual raises a concern about our processing of their personal data, they can ask to restrict the way that CORU uses their data while we consider their concern. An Individual must explain the reason for their concern in writing. Please be aware that if our processing of personal data is restricted, CORU may still be able to store personal data if we have a lawful basis to do so. Please note that the right to restrict processing is not an absolute right and we may decline an Individual's request where we have a lawful basis to do so. In the event that this occurs, we will explain our legal basis for so doing.



Right to object

CORU is required by law to undertake certain tasks in the public interest. If processing personal data is needed to perform these tasks it is likely that CORU will be unable to agree to stop processing the personal data. CORU may also refuse to stop processing personal data if we can demonstrate that our reasons for processing personal data are more compelling than the Individual's reasons for wanting CORU to stop.

Right to data portability

This right only applies when data processing is carried out by automated means. As CORU does not process personal data in this way, this right does not apply to the data CORU holds.

Rights in relation to automated decision making and profiling

CORU does not use personal data to carry out any personal profiling or automated decision-making.

Our response

If an individual chooses to exercise any of their rights as a Data Subject, CORU will respond to that request within one calendar month. If their request is particularly complex or large, CORU may extend this timeframe by a further two months. CORU will inform the Individual if we need to extend our response time.

If CORU cannot comply with the request of an Individual, we will let them know why.

The Data Protection Commission

An Individual has a right as an Individual to lodge a complaint with the [Data Protection Commissioner](#) if they think that CORU has not processed their data in accordance with data protection legislation.

Retention of Data

Election materials are retained in accordance with the periods set out in CORU's Records Management Schedule.