

A Memorandum of Understanding between the Joint Council for Cosmetic Practitioners (JCCP) and the General Dental Council (GDC) – November 2018

Purpose

1. The purpose of this Memorandum of Understanding is to set out a framework between the General Dental Council (GDC) and the Joint Council for Cosmetic Practitioners (JCCP) to ensure that:
 - effective channels of communication and information sharing are established and maintained between the GDC and the JCCP, to promote patient safety and high quality services for patients receiving non-surgical aesthetic treatments.
 - where appropriate and necessary, the processes and procedures adopted by the JCCP and the GDC, with regard to matters of 'fitness to practise' for dental professionals involved in the provision of non-surgical aesthetic treatments, are aligned to promote patient safety and public protection.
2. This memorandum relates to the areas of interface between the GDC and the JCCP, it clarifies respective roles and responsibilities and outlines mechanisms in place to promote effective liaison.
3. The agreement does not affect existing statutory functions or amend any other policies or agreements relating to the activities of the GDC and the JCCP.
4. This Memorandum of Understanding does not override the statutory responsibilities and functions of the GDC and is not enforceable in law. However, the GDC and the JCCP agree to cooperate to deliver and (wherever practicably possible) adhere to the principles set out in this Memorandum of Understanding.
5. This Memorandum of Understanding pursues its purpose by setting out a framework to support a productive working relationship between the JCCP and the GDC.

Functions of the GDC and the JCCP

6. The General Dental Council (GDC) is the UK-wide statutory regulator of just over 100,000 members of the dental team, including approximately 40,000 dentists and 60,000 dental care professionals. Its primary purpose is to protect patient safety and maintain public confidence in dental services. The Dentists Act (1984) provides the legislative framework for the GDC's work, currently giving powers to:
 - Grant registration only to those dental professionals who meet our requirements on education and training, health and good character. Only those who are registered with the GDC can practise dentistry in the in the UK.
 - Set standards for providers of dental education and training in the UK.
 - Set standards of conduct, performance and ethics for the dental team.
 - Investigate complaints against dental professionals and where appropriate take action through fitness to practise processes.
 - Require dental professionals to keep their skills up to date through continuing professional development requirements.

7. The JCCP is a recognised self-regulator of the non-surgical aesthetic industry in the U.K. and acts as a point of access for the public seeking information about this area of practice and, where appropriate, for raising issues of concern about practitioners. The JCCP places public protection and patient safety as the focus of its activities.
8. JCCP practitioner registrants and associated education and training providers will be accredited and endorsed by the JCCP as meeting the highest standards of quality by ensuring that all parties who have been admitted to the JCCP's Registers have met the agreed industry qualifications and benchmarks and abide by the standards of practice and behaviour as determined by the Cosmetic Practice Standards Authority (CPSA) and the JCCP.
9. The JCCP will operate two registers which relate to cosmetic-related practice and education and training. The two registers will consider the following:
 - the accreditation of practitioners who deliver non-surgical aesthetic and hair restoration surgical treatments against an agreed set of national educational, clinical and practice based standards
 - the approval of education and training providers who deliver education and training programmes, accreditation and services for practitioners that accord with JCCP standards.
10. These registers are voluntary and not mandatory. The JCCP Practitioner Register has been approved by the Professional Standards Authority under its accreditation of registers procedure. JCCP have powers to conduct fitness to practise examinations in respect of their own register.

Principles of cooperation

11. The JCCP and the GDC intend that their working relationship will relate to those registrants who are registered with both the GDC and the JCCP and will be characterized by the following principles:
 - the need to promote patient safety and public protection in the non-surgical treatment sector.
 - respect for each other's independent status
 - the need to maintain public confidence in the GDC and the JCCP
 - openness and transparency between the two organisations as to when cooperation is and is not considered necessary or appropriate
 - the need to use resources effectively and efficiently.
12. The JCCP and the GDC are committed to the principles of patient safety and public protection and as such share their commitment to ensure that all aesthetic non-surgical practitioners practise and work to an agreed Code of Practice and best practice guidelines.

Confidentiality

13. The GDC has a statutory duty under Section 35B(4) of the Dental Act 1983 to publish, in such a manner as it sees fit, a range of decisions by Dental Practitioner Tribunals, Interim Orders Tribunals, warnings given by the Investigation Committee, and undertakings agreed with dental professionals. However, it has a discretionary power to withhold any information concerning the physical or mental health of a person which it considers to be confidential. The JCCP agrees to this principle and to align its practices and decisions on fitness to practise with those of the GDC and to recognise the primacy of the GDC on all matters with regard to GDC registered practitioners in its capacity as a statutory regulator.

Areas of cooperation

14. The working relationship between the JCCP and the GDC involves cooperation in the following areas.

Referral of concerns – JCCP to GDC

15. Where the JCCP encounters any concern which it believes falls within the remit of the GDC, they will, at the earliest opportunity, convey the concern and relevant information to a named individual with relevant responsibility at the GDC. In the interests of patient safety, the referring organisation will not wait to share concerns until its own investigation into registrant-related complaints has concluded.
16. In particular, the JCCP will refer to the GDC:
 - concerns and relevant information arising from non-surgical cosmetic practice which may call into question the fitness to practise of a dental professional.

Exchange of information

17. The cooperation outlined in paragraphs 14-16 will occasionally require the JCCP to provide information to the GDC. All arrangements for collaboration and exchange of information set out in the Memorandum of Understanding and any supplementary agreements will take account of and comply with the Data Protection Act (1998), the General Data Protection regulation (GDPR) (2018) and any relevant data protection legislation in force, Health and Social Care Act (2012), the Dentists Act (1984) and any current and approved JCCP and GDC codes of practice, frameworks or other policies relating to confidential personal information.
18. Both the GDC and the JCCP are subject to the Freedom of Information Act 2000. If either party receives a request for information that involves activities with the other party, they agree to discuss the request as appropriate before responding.

Potential areas of communication

19. Communication between the JCCP and the GDC is based on an overriding duty to protect patients while, as far as possible, being fair to dental professionals and protecting confidential health information about individual dental professionals. Areas of potential communication between the JCCP and GDC operational leads identified in Annex A include the following (the list is not intended to be exhaustive):
 - Pre-referral discussion:
 - ‘in principle’ about how best to manage concerns about an anonymised dental professional and whether or not the GDC would need to be informed on an anonymised basis, or
 - discussions about individuals who have been referred to either organisation, where there are concerns about public protection or the safety of patients under the care of the dental professional.
 - Post-referral discussion – to coordinate activity where appropriate.
 - Each of these areas is further explored in the following paragraphs.

Pre-referral discussions ‘in principle’ or about named dental professionals

20. Both the JCCP and the GDC are approached for advice by organisations and members of the public with potential fitness to practise concerns about particular dental professionals. The purpose of these discussions is to determine whether the organisation should take further steps locally, refer to the GDC, or refer to the JCCP. Although in most cases it will be clear what advice should be given to the enquiring organisation or individual member of the public at this stage, it may sometimes be appropriate for the GDC and JCCP to liaise in order to clarify the issues raised. In these cases, the GDC or JCCP may discuss the matters raised by the enquiring organisation or member of the public, but the disclosing body should ensure that any disclosures are in the public interest and comply with relevant data protection legislation and the common law.

Post-referral discussions about individual dental professionals

21. The GDC and JCCP recognise that there will be times where they both have a case open regarding enquiries relating to the fitness to practise of a named dental professional. In such instances they may work together through the operational contacts identified in Annex A.

Lawful exchange

22. The GDC and JCCP are subject to a range of legal duties including those arising from the Data Protection Act 1998, Human Rights Act 1998, the Freedom of Information Act 2000, General Data Protection regulation (GDPR) (2018) and related legislation, and additionally specific information may be subject to the duty of confidentiality. This document sets out the approach to the exchange of information between the two organisations within this legal framework, but the obligation is on the disclosing body to satisfy itself that they have a lawful basis for sharing any information

Resolution of disagreement

23. Where any issues arise which cannot be resolved at an operational level, the matter will be referred to the policy leads identified at Annex A to ensure a satisfactory resolution.

Review and governance arrangements

24. This MOU will be effective from 1 November 2018 It is time limited for one year and will be subject to formal review within the last three months of that initial year of operation.
25. The appendices to this MOU may be reviewed and amended without amendment to this MOU.
26. The MOU and its appendices may be reviewed at any time at the request of either party. Additionally, the appendix will be reviewed every six months, to ensure that it remains accurate and relevant. Details of who is responsible for carrying out the review are set out in the key contacts information at Annex A.

On behalf of GDC

Name: Ian Brack



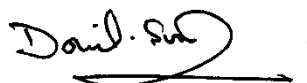
Signature

Chief Executive, GDC

Date: 1 November 2018

On behalf of JCCP

Name: Professor David Sines, CBE



Signature

JCCP Chair

Date: 1 November 2018

Annex A

The Memorandum of Understanding will be managed on behalf of the two bodies by the following contacts:

Managers for the MOU

The General Dental Council

Patrick Kavanagh
Policy Manager
Email: pkavanagh@gdc-uk.org
Telephone: (0)20 7167 6054

The Joint Council for Cosmetic Practitioners

Professor David Sines, CBE
Chair – JCCP
Email: david.sines@jccp.org.uk
Telephone: 07787 002297

Operational Contacts

The General Dental Council

John Cullinane
Head of FTP Case Progression
Email: jcullinane@gdc-uk.org
Telephone: 020 7167 6267

Alison Jones
Initial Assessment Team Manager, FTP Triage Team
Email: ajones@gdc-uk.org
Telephone: 020 7167 6368

The Joint Council for Cosmetic Practitioners

Paul Burgess, MBE
Executive Support Officer – JCCP
Email: paul.burgess@jccp.org.uk
Telephone: 07971 476312