

# **Memorandum of Understanding between the Joint Council for Cosmetic Practitioners and the Nursing and Midwifery Council**

## **Introduction**

1. The purpose of this Memorandum of Understanding (MoU) is to set out the framework to support the working relationship between the Joint Council for Cosmetic Practitioners (JCCP) and the Nursing and Midwifery Council (NMC).
2. The JCCP is a voluntary regulator of registered nurses, midwives, doctors, dentists and prescribing pharmacists practising in aesthetic medicine. The JCCP register is accredited by The Professional Standards Authority.
3. The NMC is the regulator for nurses and midwives in the UK and nursing associates in England. The detailed responsibilities and the functions of the JCCP and the NMC are set out in Annexe 1.
4. This MoU does not override the responsibilities and functions of the JCCP and the NMC and is not enforceable in law. However, the JCCP and the NMC are committed to working in ways that are consistent with the content of this MoU.

## **Principles of cooperation**

5. The JCCP and the NMC intend that their working relationship will be characterised by the following principles:
  - a. The need to make decisions which promote people's safety and high quality health and social care.
  - b. Respect for each organisation's independent status.
  - c. The need to maintain public and professional confidence in the two organisations and the regulatory process.
  - d. Openness and transparency between the two organisations as to when cooperation is and is not considered necessary or appropriate.
  - e. The need to use resources effectively and efficiently.

## **Confidentiality**

6. The NMC has a statutory duty under 22(9) of the Nursing and Midwifery Order, 2001 to publish orders and decisions made by its FtP Practice Committees. It also has the power to share these decisions. 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 will align its practices and decisions on fitness to practise with those of the NMC and to recognise the primacy of the NMC on all matters with regard to NMC registered professionals in its capacity as a statutory regulator.

## **Areas of cooperation**

7. The working relationship between the JCCP and the NMC involves cooperation in the following areas. A named contact with responsibility for each area is identified in Annexe 2.

## **Joint working**

8. The JCCP and NMC may, by agreement, undertake joint regulatory work. Throughout such work the JCCP and the NMC will retain and act in accordance with the NMC's statutory powers and the accountability to the voluntary standards required of JCCP registrants, in the interests of best practice and public safety.
9. The JCCP and the NMC are committed to the principles of patient safety and public protection. The JCCP and the NMC share their commitment to ensure that all NMC registrants who undertake aesthetic non- surgical procedures practise and work at all times in accordance with the NMC Code (2018). They also recognise that those registered with the JCCP follow also the voluntary standards set the JCCP for its registrants.

## **Referral of concerns – JCCP to NMC**

10. Where the JCCP encounters any concern which it believes falls within the remit of the NMC, they will, at the earliest opportunity, convey the concern and relevant information to a named individual with relevant responsibility at the NMC. 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.

11. In particular, the JCCP will refer to the NMC:

- concerns and relevant information about an NMC registered professional which may call into question their fitness to practise in the applied area of non-surgical cosmetic practice.

## **Exchange of information**

12. The cooperation outlined in paragraph 5 will occasionally require the JCCP to provide information to the NMC. 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 (2018), the General Data Protection Regulation and other relevant data protection legislation in force. It will also take into account and accommodate any provisions cited in the Health and Social Care Act (2012), the Nursing and Midwifery Order (2001), and work at all times to the NMC Code for Nurses, Midwives and Nursing Associates (2018) and frameworks or other policies relating to confidential personal information.
13. The JCCP acknowledges that the NMC Code for Nurses, Midwives and Nursing Associates (2018) must be regarded as the overriding standard for all nurses, midwives and nursing associates registered with the NMC.
14. Both the NMC and the JCCP are subject to the Freedom of Information Act 2000. They are both responsible for their own FOI requests, however depending on the request one organisation may inform the other.

## **Potential areas of communication**

15. Communication between the JCCP and the NMC is based on an overriding duty to protect patients while being fair to nursing and midwifery professionals and protecting confidential health information about individual NMC registered professionals. Areas of potential communication between the JCCP and NMC operational leads identified in Annex 2 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 NMC registered professional and whether or not the NMC 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 nurse, midwife or nursing associate, on a named person basis.

- the NMC has Fitness to Practise information handling guidance to inform these discussions.<sup>1</sup>
- Post-referral discussion – to coordinate activity where appropriate.

### **Pre-referral discussions ‘in principle’ or about named NMC registered professionals**

16. Both the JCCP and the NMC are approached for advice by organisations and members of the public with potential fitness to practise concerns. The purpose of these discussions is to determine whether the organisation should take further steps locally (for example with the registrant professional’s employer), refer to the NMC, 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 NMC and the JCCP to liaise in order to clarify the issues raised. In these cases, the NMC or the 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 NMC registered professionals**

17. The NMC and the 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 NMC registered professional. In such instances they may work together through the operational contacts identified in Annex 2.

### **Media**

18. The JCCP and the NMC will, where possible, seek to give each other adequate warning (at least two working days) and sufficient information about any planned press releases, announcements to the public and disclosure of information in response to any FOI request that is relevant to or likely to affect the work of the other organisation.

19. Subject to their respective obligations under the Freedom of Information Act 2000, the JCCP and the NMC will respect the confidentiality of any documents disclosed by the other organisation in advance of publication and will not act in any way that would cause the content of those documents to be made public ahead of the planned publication date.

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<sup>1</sup> [https://www.nmc.org.uk/globalassets/sitedocuments/ftp\\_information/ftp-information-handling-guidance.pdf](https://www.nmc.org.uk/globalassets/sitedocuments/ftp_information/ftp-information-handling-guidance.pdf)

## Resolution of disagreement

20. Any disagreement between the JCCP and the NMC this should be resolved at working level. If this is not possible, it may be referred through those responsible for the management of this MoU, up to and including the lead contacts for both organisations who will then jointly be responsible for ensuring a mutually satisfactory resolution.

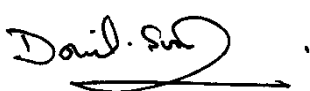

## Duration and review of this MoU

21. This MoU commences on the date of the signatures below. It is not time limited and will continue to have effect unless the principles described need to be altered or cease to be relevant.

22. The MoU may be reviewed at any time at the request of either party. Changes to the MoU will, however, require both parties to agree.

23. Both organisations have identified a person responsible for the management of this MoU (contact details are provided at Annexe 2). They will liaise as required to ensure this MoU is kept up to date; identify any emerging issues in the working relationship between the two organisations; and resolve any questions that arise as to the interpretation of this MoU.

## Signatures

 <b>Professor David Sines FRCN PhD CBE RN Chair The Joint Council for Cosmetic Practitioners (JCCP)</b>	 <b>Matthew McClelland Director of Fitness to Practise Nursing and Midwifery Council</b>
<b>Date: 14<sup>th</sup> February 2020</b>	<b>Date: 19 February 2020</b>

## Annexe 1

### Responsibilities and functions

1. The JCCP and the NMC acknowledge the responsibilities and functions of each other and will take account of these when working together.

#### **The Joint Council for Cosmetic Practitioners**

2. **The Joint Council for Cosmetic Practitioners (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.
3. 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.
4. The JCCP operates two registers which relate to cosmetic-related practice and education and training. The two registers consider the following:
  - The accreditation of practitioners who deliver non-surgical aesthetic and hair restoration surgical treatments against an agreed set of JCCP/CPSA 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 competency standards.
5. These registers are voluntary and not mandatory. The JCCP Practitioner Register has been approved by the Professional Standards Authority (PSA) under its accreditation of registers procedure. The JCCP has powers to conduct fitness to practise investigations and to apply sanctions in respect of their practitioner register as determined by the Council's published Fitness to Practise Rules.
6. The JCCP Council sets standards of practice for regulated professionals who are included on its register, specific to aesthetic practice. These specific standards are in addition to the standards required by the healthcare professional statutory

registers. In its Standards for Accredited Registers, the PSA expects organisations to recognise decisions regarding professional conduct made by professional statutory regulatory bodies and other registers accredited by the PSA when deciding whether a person should be admitted, kept on or removed from their register.

7. The JCCP registrants are required to demonstrate, and be held accountable to, the standards of practice and education/training competencies set by the JCCP in addition to the standards required of their statutory regulatory body (for health care professionals only).
8. The JCCP provides information, guidelines, advice and support to registrants to ensure best practice standards and compliance with regulations to support public safety.
9. The JCCP supports members of the public to make complaints and raise concerns to appropriate authorities; the JCCP follows a published policy and procedure when complaints are made about practitioners on its register.
10. The JCCP collects data to identify risks in order to inform standards and regulation.
11. The JCCP acts as a resource for members of the public, press and media, the police and regulators.

## **The Nursing and Midwifery Council**

### **Better, safer care for people is at the heart of what we do**

Nurses, midwives and nursing associates are highly skilled, compassionate and caring professionals. They strive to deliver the best care possible for people but all too often workforce pressures hold them back.

As the professional regulator of nurses, midwives and nursing associates, we work with these dedicated practitioners to ensure they have the knowledge and skills to deliver consistent, quality care that keep people safe.

### **Better, safer care today: working with professionals to drive up standards of care**

We set the education standards that nurses, midwives and, in England, nursing associates, must achieve to practise. When they have shown both clinical excellence and a commitment to kindness, compassion and respect, we welcome them onto our register of nearly 700,000 professionals.

Once registered, professionals must uphold day in, day out the standards and behaviours set out in our code so that people can have confidence that they will consistently receive quality, safe care wherever they're treated.

We operate a revalidation process that encourages nurses, midwives and nursing associates to promote lifelong learning. It's a journey that asks professionals to reflect on their practice and how the code applies to their day-to-day work.

Professional regulation enables better care and keeps people safe. But on the rare occasions when care goes wrong or falls short of people's expectations, we step in to investigate and take action when needed.

We promote a culture that encourages professionals to be open and learn from mistakes, gives the public an equal voice, and where everyone involved is treated with kindness and understanding.

### **Better, safer care together: working with partners and the public to improve the health and social care system**

When demand from the public for health and social care is increasing across the UK, it is vital there are enough professionals to deliver world class care and keep the public safe.

We work with partners to influence policy and decision-making that supports and develops the future health and social care workforce.

We're also delving deeper into the data we hold on our register and from other activities to shine a light on the many different environments nurses, midwives and nursing associates provide care.

Using our influence and data effectively has a positive impact on the recruitment and retention of nurses, midwives and nursing associates across the UK.

When the health and social care system fails we engage with the public and work closely with partners to learn from these mistakes and ensure appropriate action is taken to prevent this happening again.

### **A better NMC: improving how we operate for everyone's benefit**

To enable professionals to deliver better, safer care and improve the system nurses, midwives and nursing associates work in, we are committed to becoming a better regulator.

We are changing our culture to be kinder to each other, and everyone else we engage and interact with. We are adopting new ways of working to become smarter at



pinpointing opportunities for and barriers to enabling consistent, quality care that keeps people safe. We are investing in our people to become a great place to work, delivering a high quality, value for money service.

To demonstrate our commitment to change, we are working with people, partners, professionals and employees to co-produce a new long-term strategy. Join us today, and together we'll develop an ambitious new plan for the next five years – one that helps us become the best NMC possible, supporting nurses, midwives and nursing associates to deliver even better, safer care for people.

# Annexe 2

Contact details [redacted]