

JCCP Fitness to Practise Rules

1. Introduction

- 1.1 These Rules are effective from the 1st March, 2018 and shall be known as The JCCP Fitness to Practise Rules 2018.
- 1.2 The Rules set out the JCCP's procedures for dealing with complaints which allege that the fitness to practise of a JCCP Registrant is impaired.

2. The JCCP/CPSA Code of Practice

- 2.1 A person who applies for and accepts registration with the JCCP thereby undertakes that he or she will practise in compliance with the JCCP/CPSA Code of Practice.
- 2.2 Any breach of the JCCP/CPSA Code of Practice shall be taken into account when considering a complaint against a Registrant.

3. The over-arching objectives

- 3.1 The over-arching objective of the JCCP in exercising its functions is the protection of the public.
- 3.2 The pursuit by the JCCP of its over-arching objective involves the pursuit of the following objectives –
 - a) to protect, promote and maintain the health, safety and well-being of the public
 - b) to promote and maintain public confidence in the practitioners regulated by the JCCP; and



- c) to promote and maintain proper professional standards and conduct in the practitioners regulated by the JCCP

4. Interpretation

In these Rules:

"Appellant" means a person who has lodged an appeal against a Panel decision.

"Applicant" refers to a person who has appealed against a decision refusing them membership of the JCCP or a person applying to be restored as a Registrant of the JCCP.

"Case Examiners" means two persons, one registrant and one lay, appointed from the Panel Member Pool for the purpose of considering a complaint referred to them under Rule 29.1 of Part 4;

A "complaint" means information received by the Council which the Registrar considers raises a complaint that the Registrant's fitness to practise is impaired;

"Complainant" means a person or an organisation which refers information to the Council about a JCCP Registrant which the Registrar decides amounts to a complaint;

"the Council" means the Joint Council for Cosmetic Practitioners, also known as "the JCCP"

"Formal Allegation" means the formal allegation arising from a "complaint" which has been referred by the Case Examiners or the Investigating Panel to be considered by the Fitness to Practise Panel;

"Impairment of fitness to practise" means impairment of a Registrant's fitness to practise by reason of:

- misconduct;
- lack of competence;
- a conviction or caution in the UK for an offence which if committed in England or Wales would constitute a criminal offence;
- physical or mental health;
- a determination by a statutory regulator in the UK responsible under any enactment for the regulation of health and social care to the effect that his or her fitness to practise is impaired, or a determination by an equivalent regulator outside the UK to that effect ("a relevant determination");
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"In private" means in the absence of witnesses and the public, but in the presence of the parties and their legal representatives, other than where a Practise Panel Practice Panel goes into private session to deliberate upon any issue, when "in private" means in the absence of all persons other than the Legal, Medical and Registrant Advisers (if present) and the Panel Secretary;

"Interim Suspension Order" means an Order made by the Interim Orders Panel to suspend the Registrant's registration;

"Lay" means a person who is not and never has been a registrant of the JCCP and does not hold qualifications which would entitle them to apply for registration with the JCCP;

"Legal Adviser" means an independent barrister or solicitor qualified to practise in the United Kingdom and appointed by the Council;

"Medical Adviser" means a registered medical practitioner appointed by the Council;



"Parties" means the Case Presenter and the Registrant (or the Registrant's representative) at a hearing and does not include a Complainant;

"Practise Panel" means the Interim Orders Panel, the Investigation Panel, the Fitness to Practise Hearing Panel the Appeal Panel or the admissions and Restorations Panel;

Practise Panel

"Practitioner" (except where there is reference to a registered medical practitioner with regard to Rule 35(2), means a person registered with the JCCP who agrees to be regulated by them;

"Register" means the JCCP Register.

"Registrant" includes a representative appointed on behalf of the Registrant in accordance with Rule 9;

"Registrant Adviser" means a JCCP registered practitioner appointed by the Council;

"Removal Order" means an Order made by the Fitness to Practise Hearing Panel or Appeal Panel for the removal of the Registrant's registration from the JCCP Registers;

"Rules" means The JCCP Fitness to Practise Rules 2017;

"Sanction Order" means one of the Orders under Rule 54.5 which may be imposed by a Fitness to Practise Panel or an Appeals Panel following a finding that a Registrant's fitness to practise is impaired;

"Suspension Order" means an Order made by an Interim Orders Panel, a Fitness to Practise Hearing Panel or an Appeal Panel for the suspension of a Registrant's registration in the JCCP Registers.

Part 1 – General

5. Application of these Rules

- 5.1 These Rules are not prevented from applying where an allegation is based on a matter which occurred outside the United Kingdom or at a time when the Registrant was not a JCCP Registrant.
- 5.2 Where information is received by the JCCP about a JCCP Registrant who is also a registrant of a statutory regulator in the UK responsible under any enactment for the regulation of health and social care ("a statutory regulator"), the Registrar must as soon as practicable after receipt refer the information to the statutory regulator in accordance with any Memorandum of Understanding between the JCCP and the statutory regulator or, where no Memorandum of Understanding exists, the Registrar must consider whether the information received should be referred to the relevant statutory regulator.

6. Practise Committees, Panels and Case Examiners

- 6.1 The Council will establish the following Panels, which shall be known as the Practise Panels, who shall have the functions given to them under these Rules:
 - a) Interim Orders Panel;
 - b) Investigation Panel;
 - c) Fitness to Practise Hearing Panel;
 - d) Appeal Panel;
 - e) Admissions and Restorations Panel.

- 6.2 The Council shall maintain a Panel Member Pool of up to 15 lay and 15 registrant persons appointed as panel members by the Council's Appointments Committee.
- 6.3 A panel member shall be appointed for a term of up to five years and may be re-appointed for a further term not exceeding five years.
- 6.4 The Appointments Committee shall appoint to each Practise Panel up to two lay and one registrant persons from the Panel Member Pool.
- 6.5 The Appointments Committee shall appoint up to one lay person from each Practise Panel to act as Panel Chairs in the consideration of matters under these Rules.
- 6.6 The quorum for a panel of a Practise Panel which is convened to consider a matter under these Rules shall be three persons and must include:
 - a) two lay panel members, one of whom has been appointed by the Appointments Committee to act as a Panel Chair; and
 - b) one registrant panel member.
- 6.7 The Council shall appoint up to one lay and one registrant person from the Panel Member Pool to conduct the functions of the Case Examiners under these Rules and the associated JCCP voluntary erasure rules.
- 6.8 No panel member shall sit on a panel of a Practise Panel to consider a matter under these Rules if that panel member has previously considered the matter, whether as a member of another panel or as a Case Examiner.

Part 2 – Provisions relating to hearings

7. These provisions shall apply to the consideration of matters under these Rules

7.1 The following parts of these Rules shall also apply:

- a) Part 3 to proceedings before the Interim Orders Committee
- b) Part 4 to proceedings before Case Examiners and the Investigating Committee
- c) Part 5 to proceedings before the Fitness to Practise Committee
- d) Part 6 to proceedings before the Appeals Committee

8. Service of notices and time limits

8.1 In these rules a reference to the sending of a notice or other document by any person is a reference to it being sent:

- a) in the case of the Council, its committees/panels or the Registrar, to the offices of the Council;
- b) in the case of a Registrant, to his address as it appears in the Registers; or
- c) in all other cases, to the last known address of that person.

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6.3 A panel member shall be appointed for a term of up to five years and may be re-appointed for a further term not exceeding five years.

