

JCCP Publication Guidance

Introduction

- 1 This guidance explains the JCCP's approach to the routine publication of fitness to practise information.
 - 2 Under legislation, we have obligations arising from the Data Protection Act 1998 and the Human Rights Act 1998. The Data Protection outlines our duties in terms of how we make information available in specific situations.
 - 3 The Data Protection Act prevents the disclosure of personal data unless certain exemptions apply. These exemptions include:
 - 3.1 where the data subject consents to the disclosure.¹
 - 3.2 where disclosure is necessary for the exercise of public functions in the public interest.
- In this context, the public interest includes the protection of the public, the declaring and upholding of proper standards of conduct and the maintenance of confidence in the practitioners regulated by the JCCP.
- 4 We do not publish any information relating solely to the health of a practitioner registered with the JCCP, ("a registrant") in order to protect their confidentiality as a patient and their privacy rights. This information is always treated as confidential.

Key principles

- 5 We are committed to being transparent and open about our processes and the outcomes of our fitness to practise investigations. We are also committed to protecting the confidentiality of registrants, witnesses and other people where necessary.
- 6 We believe that historical information that has not already been placed in the public domain will only be disclosed in limited and defined circumstances.
- 7 We are committed to providing information in a form that is accessible and in line with best practice.

Publication of information

- 8 Fitness to practise information is published in two places:
 - 8.1 via the 'search the register' online search facility on the JCCP website
 - 8.2 in the list of 'hearing and outcomes" on the JCCP website

Online search the register facility

- 9 Our online published register is a list of all registrants who have a current and effective registration with the JCCP. This means that their registration fees have been paid and their registration is up to date. If a registrant's registration has lapsed, it will not appear in the online search results. Some personal details we hold, such as the registrant's date of birth and address are not displayed online.
- 10 If a registrant is the subject of a caution or final conditions of practice order their name will appear on the online list of registrants with the outcome of the hearing or details of the final sanction. Information about any conditions of practice that can be made public will also be made available online. Details of any conditions relating solely to the registrant's health will not be included.

¹ Data Protection Act 1998 schedule 2 paragraph 1.

- 11 If a registrant has been removed from the register, or is currently suspended from the register as a result of an interim or final suspension order, the fact of the suspension will also be displayed as part of the online search results. This will also be published during the period of their suspension.
- 12 Registrants who have been removed from the register following a decision of a Fitness to Practise Hearing Panel will be displayed on the online search facility with the status of 'Removed by an FtP panel'. Individuals who have been allowed to voluntarily remove their names from the register by the Registrar will be displayed with the registration status 'Voluntarily removed'.
- 13 No information will be displayed about deceased individuals once we have received formal notification of their death. Information about all other individuals suspended or removed from the register will be displayed for a maximum of fifteen years from the date of the order.
- 14 Details of all sanctions imposed by any of the Panels of the JCCP, including interim orders, orders of suspension and conditions of practice orders are kept on record by the JCCP and may be disclosed to employers and other enquirers on request indefinitely. The only exceptions to this are: information relating solely to a registrant's health and interim orders where a case is subsequently closed with no finding of impairment.
- 15 The online search results will not indicate whether a registrant is the subject of an ongoing fitness to practise investigation as this information remains confidential until the case is referred for adjudication or an interim order is scheduled.

Forthcoming hearings

- 16 We publish hearings information on our website under the heading 'hearings and outcomes'. We do this five days before a hearing starts. We publish the following information:
 - 16.1 A registrant's name, membership number.
 - 16.2 Date and venue of the hearing.
 - 16.3 The type(s) of allegation against the registrant which will be the subject of consideration by the panel.
- 17 We do not publish detailed charges against a registrant before the hearing starts. We consider that putting such information into the public domain at this stage is disproportionate and can be prejudicial to a registrant, in that the charges may be subsequently amended and / or not ultimately proved by the JCCP. Once the charges have been confirmed to the panel on the day of the hearing, these will be available upon request.

Substantive hearing outcomes

- 18 Hearings before the interim orders panel and the Fitness to Practise Hearing Panel are generally held in public.
- 19 Therefore, members of the public are permitted to attend the parts of the hearing heard in public.
- 20 When Fitness to Practise Hearing Panel hearings are not held in public, it is because the panel orders that all or part of it should be heard in private due to confidentiality reasons, usually due to matters of the registrant's health being discussed.²
- 21 Some cases involve a number of different factors, such as convictions, health, conduct or performance. When they are heard by the Fitness to Practise Hearing Panel, the panel hearing the case will try to hold as much of the hearing as possible in public. They will only go into private session for specific reasons. One example of this would be while dealing with matters relating to the registrant's health. Another could be when vulnerable witnesses are giving evidence, or when the

² Under Rule 15 of the JCCP Fitness to Practise Rules.

health of a witness is being discussed, or if there is a serious risk that their identity or the identity of another anonymised person might be revealed. The published reasons will also follow this approach.

- 22 Where all or part of the hearing is in private members of the public are not able to attend.
- 23 At the end of a substantive hearing before the Fitness to Practise Hearing Panel, the hearings and outcomes list on our website is updated to show the decisions and reasons in cases where a sanction is imposed. Recent decisions remain listed on our website for four months. The reasons for panel decisions where the registrant's fitness to practise was found to be impaired, and a sanction was imposed, will continue to be published for as long as any sanction has effect.
- 24 Details of the outcome will be sent to the complainant, the witnesses in the case, and the registrant's employer, where known. No additional data should be provided.
- 25 The JCCP will not publish the outcome of a hearing that has resulted in a finding of no impairment or a finding of impairment where no sanction is imposed.
- 26 Where no impairment is found, or no sanction is imposed, then all reference to the case will be removed from the website after the hearing.
- 27 The decision and reasons for publishing the decision will not include any information relating solely to the registrant's health, unless the registrant has explicitly agreed to this information being included. This consent or request must be clearly confirmed in writing by the registrant. Where necessary, the Panel will prepare private reasons for disclosure solely to the registrant concerned and public reasons for publication and wider disclosure.

Interim order hearings

- 28 Interim orders hearings before our Interim Orders Panel are held in public. When an interim suspension order is imposed the outcome is published via the hearing and outcomes section on our website. Detailed decisions of interim orders hearings are not published, and no information is published when an interim order is not made.

Information kept confidential

Information about the registrant's health

- 29 We do not publish any information relating solely to the health of a registrant, unless the registrant explicitly consents to such information being published. This information is treated as confidential regardless of when the case was heard.
- 30 This means we will not publish any reasons that relate solely to a registrant's health. If such information is disclosed during any part of a hearing that is held in public, it will be redacted from the published decision and reasons. However, if the registrant has expressly consented to the information being disclosed, then subject to meeting other legal obligations, such as under the Data Protection Act, this may be disclosed. Where necessary, the panel will prepare private reasons for disclosure solely to the registrant concerned and public reasons for publication and wider disclosure.

Witnesses

- 31 The names of patients, patient relatives, complainants in sexual cases and children are anonymised throughout the hearing and in all the hearing documents. The names of other witnesses and third parties who are not granted legal anonymity are not anonymised during the hearing, but will be anonymised in the decisions and reasons. These are published on our website after the hearing.
- 32 In most public hearings, witnesses will give live evidence in public. In some circumstances witnesses may be allowed to give evidence by video link but the hearing will still be in public and the witness will still be subject to questioning. In exceptional circumstances, vulnerable witnesses may be

allowed to give evidence to the panel in private, however their evidence will still be noted in the reasons and some details may be published in accordance with this policy. Where a vulnerable witness has been anonymised, care will be taken to ensure that the publicised decision does not contain any information that may identify them. Full details will be explained to the witnesses in question at the time.