



RCCP Publication Policy on Sanctions

Introduction

1. This document sets out the Registration Council for Clinical Physiologists (RCCP) approach to publication of sanctions and associated timeframes on the public register and disclosure of information in accordance with decisions made by the RCCP's Complaints Committee when investigating registrant's fitness to practise.
2. Being fit to practise requires a registrant to have the skills, knowledge, good character and health to carry out their job safely.

Context/framework

3. The RCCP will also take into account the following list when it makes decisions about disclosing information that it holds (non-exhaustive list):
 - The RCCP Complaints Procedure
 - The RCCP Standards of Proficiency
 - The RCCP Code of Conduct
 - The RCCP Policy for CPD
 - RCCP Procedure for Publication of RCCP Registrant Names policy (Jan 2019)
 - Freedom of Information Act (2000)
 - Data Protection Act (2018)
 - Human Rights Act (1998)
 - The Professional Standards Authority (PSA) Principles of Right-touch regulation (2015)
 - Accredited Registers (AV) Information Sharing Protocol (Jan 2017)
4. The RCCP is a Professional Standards Authority (PSA) accredited register for practitioners in six disciplines of Clinical Physiology. The RCCP publish information on our website about fitness to practise outcomes to help meet our overarching objective of protecting the public.
5. Additional key work strands include maintaining and publishing a publicly accessible Register of properly qualified members of the professions; promoting awareness of the Register among employers and education providers; working in partnership with professional bodies to promote the highest standards of professionalism; approving high standards of education and training and continuing professional development; campaigning for the introduction of statutory regulation of clinical physiologists to ensure that no clinical physiologist can opt out of the patient safety measures that we provide alongside our responsibility to investigate complaints and take appropriate action.

Sanctions

6. The overriding objectives of applying sanctions include:
 - Protecting the health, safety and wellbeing of the public
 - Maintaining public confidence in the profession
 - Promoting and maintaining proper professional standards and conduct for the members of the profession.
7. The RCCP meets these objectives by publishing information concerning any decisions made by the Complaints Committee (comprised of the Assessment or preliminary investigating Committee; Consensual Disposal Committee; Professional Conduct Committee; Health Review Panel; Appeals Panel; or Interim Order Panel) on a Registrant's registration page on the website (www.rccp.co.uk).
8. The RCCP can redact any information it deems to be sensitive, also taking into account the RCCP Procedure for Publication of RCCP Registrant Names policy (Jan 2019) where there may be *exceptional circumstances* regarding the registrant or witnesses to the complaint. Any redactions will only be enacted by the Chair of the relevant panel where the redactions do not interfere with public interest.
9. When making a decision on what information to publish and disclose, the RCCP adheres to the PSA key principles of right-touch regulation:
 - **Proportionate**: regulators should only intervene when necessary. Remedies should be appropriate to the risk posed, and costs identified and minimised
 - **Consistent**: rules and standards must be joined up and implemented fairly
 - **Targeted**: regulation should be focused on the problem, and minimise side effects
 - **Transparent**: regulators should be open, and keep regulations simple and user friendly
 - **Accountable**: regulators must be able to justify decisions, and be subject to public scrutiny
 - **Agile**: regulation must look forward and be able to adapt to anticipate change.

Public interest disclosure

10. The RCCP will disclose to any person, any information relating to a person's fitness to practise which it considers to be in the public interest to disclose.

Information relating to a registrant's health

11. The RCCP will not publish sensitive, confidential information relating exclusively to the physical or mental health of a registrant.
12. Where information in relation to a registrant's health is disclosed as part of the fitness to practise procedure, this information will be redacted from the published determination and only the decision published.

Complainant confidentiality

13. Anonymous complaints will not be accepted unless there is corroborating or independent evidence of a fitness to practise concern. The complainant is required to provide explicit consent to the use of their personal information for the purposes of operating the RCCP Complaints Procedure.

14. Where a complainant refuses to grant explicit consent, or withdraws from pursuing the complaint, it is unlikely the RCCP will proceed with the complaint unless it is in the public interest to do so. If the RCCP decides to proceed with the complaint in the absence of explicit consent, the complainant will be informed.

Assessment Committee Outcome:

15. The RCCP does not disclose or publish information about ongoing investigations by the Assessment Committee on the website except where it is necessary for public protection or it is in the public interest (i.e. interim order decision).
16. The decision to disclose information to employers by the Assessment Committee is the decision of the Chair of the committee and is decided on a case-by-case basis and where there are immediate patient safety concerns.
17. The registrant and complainant will be notified of the outcome of the Assessment Committee who may issue:
 - no action
 - a warning;
 - a letter of advice; or
 - refer the matter to the Professional Conduct Committee/Health Review Panel
18. A Warning or Letter of Advice will not be published on the website or detailed against the registrant's profile on the public-facing register, but it is recorded against the registrant's entry internally. Should a future complaint be raised against the registrant, any previous warning or letter of advice will be shared with the Complaints Committee.
19. Assessment Committee panel member identities are not disclosed.

Professional Conduct and Health Review Committee Sanctions

20. Following a decision of impairment of fitness to practise the Professional Conduct Committee or Health Review Committee may impose the following sanctions:
 - A Reprimand, which will remain on the RCCP website for a period of **1 year** unless the Committee determines a lesser period;
 - A Conditions Order will remain on the RCCP website **for the length of time the Order has effect**;
 - A Suspension Order will remain on the RCCP website **for the length of time the Order has effect**;
 - A Consensual Disposal Agreement outcome will be publicised according to the sanction that is determined and will remain on the RCCP website **for the length of time an Order has effect**;
 - In the event that a sanction is made removing a Registrant from the RCCP Register, the terms of the Sanction shall remain on the website for a period of **five years**;
 - Interim Measures are displayed on a Registrant's status and on the RCCP's website, **while they are active** and removed from publication when they are lifted. Detailed determination/decisions of Interim Orders are not published;
 - In Health cases, the determination will be kept private, but the decision will be published according to sanctions as above.

21. Professional conduct committee decisions will be published on the RCCP website within 28 days of the decision or hearing and will include the following information:
 - The registrant's name;
 - The town/county where the events that are subject to the allegation took place, or the town/county in which the registrant resides; and
 - Date and venue of the hearing
 - Detailed determination with redactions of any sensitive or confidential information
22. Names of witnesses will not be published.
23. Names of the professional conduct committee panel members will be included in the published determination.
24. Where an application for a private hearing is granted, the RCCP will not publish the location of the hearing venue.

Transcripts

25. All professional conduct committee hearings are recorded, and written transcript copies requested by any of the parties involved transcribed at their own expense.

Decision sharing

26. Removal notices are shared with the Accredited Registers collaborative by the RCCP Registrar as detailed in AR Information Sharing Protocol (Jan 2017) within 7 days of the RCCP Hearing outcome.
27. Where the RCCP are notified by another membership body/statutory regulator of a dual registrant's fitness to practise outcome, the RCCP may consider ratifying the sanction imposed by that register/regulator and publish the decision within 7 days of the decision.
28. The Registrar will notify the Registrant's employer, any other relevant membership body/regulatory body of any decisions made by the RCCP that may affect the registrant's registration as soon as is practicable.

Appeals

29. In the event of an appeal being lodged by either party within the timeframe set out in the appeals process, the decision will not be published until the appeal has concluded.

Interim Measures

30. Where allegations are received of a serious nature, Interim Measures can be considered to temporarily suspend or restrict a registrant's registration while the complaint is investigated.
31. Registrants are given at least 7 days' notice before interim measures are considered and in the absence of a registrant response, interim measures may be imposed for a period of 12-months, reviewed every 6 months, the decision published on the website.
32. All RCCP Complaints Committees hold Interim Measures Powers and any interim order will be published on the website immediately following a decision and will remain on the website while active and be removed from publication when lifted. Detailed determinations are not published. The decision and the terms of the order will be published including details of the interim measure review.
33. In health cases, the determination is kept private, the decision published for the duration while active and removed from publication when lifted.
34. The RCCP may change or amend this policy when it determines it is required.