



Code of practice for the exercise of the registrar's statutory powers relating to registration decisions

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Introduction

1. Under the Chiropractors Act 1994 (go to [http://www.gcc-uk.org/files/link_file/Chiropractors_Act_\(As_at_Feb_09\).pdf](http://www.gcc-uk.org/files/link_file/Chiropractors_Act_(As_at_Feb_09).pdf)) the Registrar has to decide in the circumstances set out in Paragraph 2, whether or not an applicant for registration or a registrant is of “good character”, and/or whether an applicant or registrant is physically and mentally fit to practice as a Chiropractor.
2. The Registrar has a duty to decide these issues:
 - In respect of an applicant for the first registration as a Chiropractor;
 - On an application for retention on the Register;
 - An application for restoration to the Register (unless the application follows a decision by the PCC to direct removal – in which case an application for restoration must be made to the PCC);
 - An application to move from the non-practising to the practising Register.
3. The GCC takes the view that the right to practice as a Chiropractor when so qualified is an important civil right. The aim of this Code is to ensure that the highest standards of fair process are applied by the GCC when concerns are expressed to the Registrar which may lead to an individual being denied the right to practice.

Declarations

4. Concerns often come to the attention of the Registration Department from self-declarations raising issues as to character and health, i.e. an individual informs the GCC of a conviction or of a health issue, but this need not necessarily be so and the GCC has a duty to investigate if information comes into its possession from another source, for example, the Police.

Issues as to health

5. Concerns about health may relate to either physical or mental health.

Action by the registration department

6. The Registration Department will contact the applicant's treating Clinician for confirmation of the nature and prognosis of the health condition. In most circumstances, the treating Clinician will be asked to provide answers to the following questions:
 - Does the condition affect the applicant's fitness to practice?
 - If so, in what way?
 - What are the symptoms of the condition?
 - Is it a recurring or relapsing condition?
 - Is there any ICD-10¹ classification which applies to the condition?

¹ ICD-10 is the 10th revision of the International Statistical Classification of Diseases and Related Health Problems, a medical list by the World Health Organisation. For more information go to www.who.int/classifications/icd/en/

Good character

7. The most common concerns in relation to good character are convictions and cautions, and disciplinary proceedings

Action by the registration department

8. The Registration Department usually becomes aware of convictions, cautions and disciplinary proceedings as applicants and registrants are required to declare any on-going or concluded criminal investigations including convictions and cautions that have been spent under the Rehabilitation of Offenders Act 1974². In the interest of public safety, the Act does not apply to individuals on the GCC register and applicants and registrants must declare all convictions, not just those that are current.
9. Once the GCC becomes aware of on-going or concluded investigations, the Registration Department will request information which usually includes seeking to obtain the document describing the outcome of those investigations, together with transcripts and minutes of hearings.

² The Rehabilitation of Offenders Act 1974 (go to <http://www.legislation.gov.uk/ukpga/1974/53>) generally allows people who have a conviction to start with a 'clean slate' after a set period of time, which is when the conviction is considered 'spent'. No convictions are considered 'spent' for registration purposes and all must be declared.

Disciplinary proceedings

10. Applicants and registrants are required to declare any on-going or concluded disciplinary proceedings. This includes proceedings taken by another regulatory body, where the applicant is registered in addition to applying to the GCC. Following completion of disciplinary proceedings, the Registration Department will request information relating to those proceedings, which may include obtaining a document describing the outcome of those proceedings, transcripts and minutes of any hearings.

Possible breaches of Section 32 by an applicant

11. During the course of an application for registration, it may come to the attention of the Registration department that the applicant may have at some point practised as a Chiropractor without being registered which is a potential breach of Section 32 of the Chiropractors Act 1994³. Depending upon the severity of the breach, the Registrar may decide either to apply the processes in the GCC's Code of Practice governing potential breaches of Section 32 or treat the case as a Fitness to Practice issue and direct that it is dealt with under the procedures in this Code by the Registration Department.
12. In the event that the Registrar authorises an application, and it later comes to the Council's attention that a different decision should have been reached, the Registrar will refer the matter to the Fitness to Practice team.

³ Section 32(1) of the Chiropractors Act states "A person who (whether expressly or by implication) describes himself as a chiropractor, chiropractic practitioner, chiropractitioner, chiropractic physician, or any other kind of chiropractor, is guilty of an offence unless he is a registered chiropractor."

Completion of any investigation by the registration department

13. Once the Registration Department have completed their investigation, whether the matter relates to health or good character, they will obtain comments on all documents they intend to place before the Registrar from the applicant or registrant.

Process before the registrar

14. Before making a decision, the Registrar must be satisfied;

- sufficient evidence has been obtained to enable a fair decision to be made;
- that the applicant or registrant has had an opportunity of commenting on all the documents which have been placed before the Registrar by the Registration Department.

15. While most decisions can be made by the Registrar without the need for an interview, exceptional cases may arise where he may decide the applicant or registrant should be invited to attend an interview. The applicant or registrant may refuse to agree to that request.

Ensuring consistency of approach

16. The Registrar will be provided with information relating to previous decisions in similar cases, in respect of both issues i.e. health and good character, viewing the decision taken by the Registrar and the reasons for those decisions. These will be considered by the Registrar but each case will ultimately be decided on its own facts. The Registrar is not bound by the legal doctrine of precedent. Nevertheless, he will endeavour to ensure a consistency of approach.

Explaining and recording decisions

17. All decisions of the Registrar will be recorded with reasons.

Reviewing a decision

18. If the Registrar decides to refuse an application, the applicant or registrant will be informed of the process for appealing the decision through the Registration Appeals Committee.

Application of the Equalities Act 2010

19. For the purposes of the Equalities Act 2010, the GCC is a qualification body – for more information go to <http://www.homeoffice.gov.uk/equalities/>. If any individual makes a declaration that might relate to disability, the Registration team will request that the applicant should in the first instance self-assess against the relevant competency standards issued by the Council in addition to providing any health reports or information. This information will be considered by the Registrar in addition to other material gathered as part of the investigation process set out in this Code.

Equality and diversity

20. The Registrar will apply the Council's policies on Equality and Diversity (go to http://www.gcc-uk.org/page.cfm?page_id=42)

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