



Draft Publication and Disclosure Policy

(for consultation January 2020)

1. Introduction

- 1.1 The General Chiropractic Council (GCC) was established by the Chiropractors Act 1994 (the Act) to regulate and develop the Chiropractic profession .
- 1.2 The GCC is a public body with specific duties under statute. It is expected to be open and transparent in its regulatory proceedings and to comply with its own legislation and other relevant legislation such as the Human Rights Act 1998 (the HRA); Data Protection legislation, including the General Data Protection Regulation (GDPR) and the Data Protection Act 2018; The Freedom of Information Act 2000 (from 2005) (FOIA); and Common law obligations of confidence. In summary, this legislation requires us to handle information in a way which is fair and proportionate.

2. About this policy

- 2.1. In the course of carrying out our statutory functions, we create, publish and disclose information to the public. This policy sets out when and where we publish or may disclose information about individuals:
 - As part of our maintaining our register (see paragraph 5 below);
 - In the exercise of our regulatory functions (see paragraph 5.4, 6 and 7 below, and the Annex to this policy); and
 - In other circumstances (see paragraphs 8 - 9.1 below).
- 2.2. This policy consists of our principles for publication and disclosure and
 - A description of information we routinely publish on our website and online register, including about decisions we have made (see paragraph 5, 6 and 7 below); and
 - How we deal with other requests for information and decisions about the proactive disclosure of information (see paragraphs 8 to 10 below).
 - An Annex setting out for how long, where and why we publish specific information about the chiropractic professionals we regulate.
- 2.3. The policy forms part of our 'Appropriate Policy Document' for the purposes of compliance with the Data Protection Act 2018.
- 2.4. This policy does not cover the disclosure of information when regulatory proceedings are underway; other information we may share with third parties through carrying out our regulatory work; our general approach to records management. Accordingly this policy should be read alongside the GCC's Retention Policy [\[link to be inserted\]](#).

3. Why do we publish and disclose information?

3.1. We publish and disclose this information to:

- meet our statutory objectives (see paragraph 1 above and 10.2 below);
- carry out our tasks in line with our role and in the public interest, where the disclosure goes beyond something we are explicitly required to do (see paragraph 10 below);
- meet other relevant legal requirements (see 1.2 above).

3.2. The GCC is committed to being open and transparent about our processes and how we make our decisions, recognising that must be balanced with the legitimate privacy rights of registrants and other stakeholders.

3.3. The GCC aims to be open about the action we take in response to concerns about chiropractors so that the public and the profession can have confidence in the standard of chiropractic care and our activities as a regulator.

4. Information we use

4.1. In the course of our work, we obtain, generate, use, may disclose or publish information about:

- Registrants (including prospective or former registrants);
- Witnesses and third parties involved in our regulatory processes;
- Our staff, panel members and professional advisors.

4.2. We publish a privacy policy at <https://www.gcc-uk.org/privacy-policy> which describes in greater detail what information we use and how.

5. Publication of the Register

5.1. The GCC must maintain, allow inspection of, and to publish elements of the Register of Chiropractors under s. 9 of the Chiropractors Act 1994. We do so by maintaining a 'search' facility on our website which enables anyone to look up a Chiropractor's registration using their name or other core details. This is a 'live' update of the Register.

5.2. The information included in the full Register comprises:

- The full name of the chiropractor;
- The number of the certificate of registration;
- An indication of whether the chiropractor is male or female;
- The qualification of which the chiropractor is possessed which has led to his registration.
- The address at which he or she practises (or in the case of a non-practising chiropractor, his or her last known place of residence);

5.3. We are also able though law to:

- publish such other information within the published register, in accordance with our Rules, as we consider appropriate - this includes current and recent regulatory; and
- provide a copy of the published Register to anyone that that asks for it (and can charge a fee for this).

5.4. As such we therefore also publish, within and alongside the published Register:

5.4.1. The regulatory status of a chiropractor on the Register:

5.4.1.1 If a chiropractor has no regulatory history, no additional information is shown.

5.4.1.2 If we have received concerns about a chiropractor and are investigating these, no information is shown unless paragraph 5.4.1.3 below applies);

5.4.1.3 If the Chiropractor is suspended on an interim basis, the fact of their suspension will be published for the duration of the substantive proceedings to which the order relates. The reasons for the interim suspension will not be published;

5.4.1.4 If the Chiropractor is subject to a substantive order/sanction, including admonishments or conditions of practice: details of that sanction will be published for the duration of that sanction plus a period of time based on a sliding scale as to the seriousness of the sanction – see paragraph 7.11 below. Different provisions apply to what is published in respect of decisions and orders of the Health Committee – see paragraph 5.4.1.5 below;

5.4.1.5 Any order of the Health Committee will be recorded on the Register. However, details which relate to the health of the registrant will not be published.

5.4.2. If a registrant brings an appeal against a determination of the Professional Conduct Committee or Health Committee, within the relevant time limits, a note to this effect will be published alongside the Notice of Decision. This will include confirmation that the sanction is not yet effective (subject to any interim order imposed). If the appeal is successful, we will remove all reference to the determination from the register and from our website.

- 5.4.3. Where a chiropractor has been removed from the register in consequence of a decision of the Professional Conduct Committee, their details will technically not form part of the statutory Register itself. However, the fact of their previous registration, together with a copy of the determination and an explanation that they have been removed from the Register will be continue to be published on our website until such time that they are restored to the Register. We do this to protect the public against illegal practice and to serve the public interest.
- 5.4.4. Should a chiropractor who has been removed be restored to the Register, then their fitness to practice history will not continue to be published.
- 5.4.5. We will not continue to publish the names or other details of individuals whose registration we have administratively removed, or those who have voluntarily removed themselves from the Register.

6. Publication of forthcoming hearings

- 6.1. We provide notice of forthcoming hearings as set out in the Annex.

7. Publication of outcomes from hearings, determinations, and updates to the register

- 7.1. The GCC is a public body with specific duties under statute and as such is expected to be open and transparent in its proceedings. We will ordinarily hold meetings of Professional Conduct Committee and the Registration Appeals Committee in public.
- 7.2. Meetings of the Investigating Committee to determine whether or not a concern ought to be referred to a hearing before a Practice Committee are held in private (in the absence of the parties and the public) and the Investigating Committee's decision/ reasons for referral will not be published. The allegations referred by the Investigating Committee will be published as set out in the Annex.
- 7.3. The Investigating Committee and/or Professional Conduct Committee when sitting to consider an Interim Suspension Order will ordinarily open in public but may move into private session to hear the substantive submissions from the parties.
- 7.4. We will ordinarily hold hearings of the Health Committee in private, in accordance with paragraph 9 of the Health Committee Rules. Detailed Health Committee determinations are not published.

- 7.5. It is open to those committees to decide the extent to which to hear proceedings in private. The sensitivity of the evidence being considered or because of matters which are specifically provided for in our rules is often considered when making such a decision.
- 7.6. Where evidence has been heard in private, it generally will not form part of any determination which is published.
- 7.7. The content of any determination is a matter for the Committee that made that determination in the first instance, having regard to all relevant factors. Our approach to publication of determinations will generally follow our position on public access to the hearing, and be subject to the time limits in paragraph 5.4 above.
- 7.8. In most public hearings, witnesses will give live evidence in public. In some circumstances, live evidence may be given in public but through alternative means (such as via video link or from behind a screen). It is a matter of discretion for the panel to determine the extent to which to hear witness evidence in private.
- 7.9. Witnesses are not normally identified by name in our determinations or at hearings.
- 7.10. In addition to details searchable against the register, we publish a separate list of recent determinations of our committees at <https://www.gcc-uk.org/concerns-about-a-chiropractor/hearings/recent-decisions> which will be consistent with the periods in para 5.4 above and the Annex, and aligned with what is searchable from the register.
- 7.11. We will continue to publish (1) the fact of a sanction that has expired, and (2) the decision that gave rise to the sanction, for a period of time based on a sliding scale as to the seriousness of the sanction after it has expired (unless it has been successfully appealed). We do this as we have considered it is in the public interest to maintain transparency about the regulatory action we have taken in order to protect the public, and maintain confidence in the profession and our regulatory activities. The GCC takes the view that this is a proportionate balance with the privacy interests of the chiropractor concerned.

8. Records maintained by the GCC, disclosure of other information generated in the regulatory process, and disclosure of information after or outside of the above periods

- 8.1. Even after a sanction has lapsed and the period for publication has expired, the GCC may continue to maintain case files of its regulatory activities, in accordance with its Records Retention Policy [\[link to be inserted\]](#).

- 8.2. We may disclose information about a chiropractor's previous fitness to practise history (that is, after sanctions have ended and the time periods described in paragraph 5.4 and the Annex have expired) where we conclude that there is an overriding public interest to do so, or in order to meet another statutory requirement (for instance, the provision of information to the Disclosure and Barring Service). We may also disclose at any time other information we hold which we have not routinely published under this policy. This may include, but is not confined to, disclosure to judicial or public inquiries or investigations.
- 8.3. However, we ordinarily will not disclose to members of the public, employers or anyone else information about whether there is previous 'expired' fitness to practise information about a registrant.
- 8.4. We do not publish full transcripts from hearings or make hearing bundles available to those who are not connected with the hearing. We will consider any requests for these under the terms of the FOIA or the subject access provisions of data protection legislation. We may make a charge, in line with the FOIA fees rules.

9. How we make decisions about publication or disclosure of other information and departures from the above normal approaches

- 9.1 The Chief Executive and Registrar is accountable for any decision for publication or disclosure of information outside the parameters of this policy, and accordingly any such decision should be escalated internally within the GCC to the Chief Executive and Registrar. The Chief Executive and Registrar may take advice on decisions around disclosure, in particular from the Head of Fitness to Practise and the GCC's Data Protection Officer.

10. How we assess the public interest

- 10.1. Throughout this policy and the Annex, we talk about publication or disclosure in the public interest. Where matters go beyond specific statutory requirements, we make decisions – including the general principles in this policy, in light of all relevant factors, including our assessment of the balance of the public interest.
- 10.2. The GCC exercises its functions in the public interest and in accordance with our over-arching objective of protecting the public, including through:
- protecting, promoting and maintaining the health, safety and well-being of the public;
 - promoting and maintaining public confidence in the profession of chiropractic and;
 - promoting and maintaining proper professional standards and conduct for members of that profession.

- 10.3. When we are considering disclosing or publishing personal information, we must adhere to Data Protection legislation and Human Rights legislation. This means the way in which we use personal information should:
- Be lawful, necessary (proportionate) and in accordance with the conditions for processing set out in data protection legislation – including that information is not processed for longer than necessary;
 - Designed to allow us to carry out or support our statutory and regulatory work under the Chiropractors Act 1994 or other relevant legislation.
- 10.4. If it is, we then need to consider whether disclosure is justifiable. Factors that may typically inform our decision making in this regard include:
- The public interest to disclose compared to and balanced with the individual's right to privacy;
 - The age of the information in question and its quality;
 - Any specific or implied legal power allowing us to disclose or publish (or prohibiting us from so doing);
 - The nature and purpose of the information sharing;
 - The impact of disclosure, including the potential for damage or distress to the individual;
 - The potential harm that may be caused if we do not disclose the information.
- 10.5. The information we disclose should be limited to what is needed to achieve the overall purpose of the disclosure.

ANNEX – PUBLICATION DETAILS

Type of information	When published	Status on Register	Information published	Length of publication
Notice of a hearing				
Notice of an Interim Suspension Order Hearing (ISH) before the Investigating Committee (IC) or Professional Conduct Committee (PCC) or Health Committee (HC)	When notice of the hearing is served on the Registrant – typically 10 days prior to the hearing	N/A	Details of Registrant. Date, venue and start time for the hearing The allegations to be considered at the ISH will not be published.	Until the conclusion of the hearing
Notice of a substantive hearing before the PCC	28 days prior to the hearing	N/A	Details of Registrant. Date, venue and start time for the hearing, together with details of the allegations to be considered by the PCC	Until the conclusion of the hearing
Notice of a substantive hearing before the HC	28 days prior to the hearing	N/A	Details of Registrant. Date, venue and start time for the hearing It will be noted that the hearing will take place in private and the allegations to be considered by the HC will not be published.	Until the conclusion of the hearing
Notice of a review hearing before the PCC or HC	28 days prior to the hearing	N/A	Details of Registrant. Date, venue and start time for the hearing, together with the notice of decision for the order to be reviewed	Until the conclusion of the hearing

Type of information	When published	Status on Register	Information published	Length of publication
Notice of an Appeal Tribunal Hearing - Registration Appeals	14 days after service of the Notice of Hearing on the Appellant	N/A	Details of Registrant. Date, location and start time of the hearing. If the Appellant elects to have the appeal hearing heard in private this will be noted	Until the conclusion of the hearing
Notice of restoration hearing (following removal)	When notice of hearing served on the Applicant	N/A	Details of Registrant. Date, location and start time of the hearing	Until the conclusion of the hearing
Interim Suspension Hearings - determination by the IC, PCC or HC in relation to an ISH				
No interim suspension order imposed	N/A	Registered	None	N/A
ISH – interim suspension order imposed	When notice of decision served on the Registrant	Interim Suspended	The fact of the interim suspension and the duration of the order	For the duration of the substantive proceedings to which the order relates
Professional Conduct Committee Determinations				
Allegations not found proved/ no UPC/ case not well founded/ no order imposed	When notice of decision served on Registrant	No change	Notice of Decision	28 days from the date of publication or for up to six months at the request of the Registrant
Allegations proved – Admonished	When notice of decision served on Registrant	Registered	Notice of Decision	6 months
Allegations proved – Conditions of Practice Order imposed	When notice of decision served on Registrant	Registered	Notice of Decision	For the duration of the order plus 1 year

Type of information	When published	Status on Register	Information published	Length of publication
Allegations proved – suspension imposed	When notice of decision served on Registrant	Registered	Notice of Decision	For the duration of the order plus 2 years
Allegations proved – removal from the Register	When notice of decision served on Registrant	Removed from register	Notice of Decision	until such time that individual is restored to the Register
At review hearing – no further order	When notice of decision served on Registrant	Registered	None	28 days from the date of publication
At review hearing – order continued (with or without amendment)	When notice of decision served on Registrant	Suspended / Registered with conditions of practice order (as applicable)	Notice of Decision	For the duration of the further order plus either 1 year for conditions of practice order or 2 years for suspension (as applicable)
Restoration hearing (following removal)	When notice of hearing served on the Applicant	N/A	Details of Registrant. Date, location and start time of the hearing	Until the conclusion of the hearing
Health Committee Determinations				
Allegations not found proved/ no order imposed	When notice of decision served on Registrant	No change	Public determination of the HC only – this will set out the HC determination / sanction but not include details of the registrant's health or the evidence heard by the HC in private session.	28 days from the date of publication or for up to six months at the request of the Registrant
Allegations proved – Conditions of Practice Order imposed	When notice of decision served on the registrant	Registered	Public determination of the HC only – this will set out the HC determination / sanction but not include details of the registrant's health or the evidence heard by the HC in private session. Details of private conditions relating	For the duration of the order only

Type of information	When published	Status on Register	Information published	Length of publication
			solely to the registrant's health will not be made public.	
Allegations proved – suspension imposed	When notice of decision served on the registrant	Suspended	Public determination of the HC only – this will set out the HC determination / sanction but not include details of the registrant's health or the evidence heard by the HC in private session.	For the duration of the order
At review hearing – no further order	When notice of decision served on Registrant	Registered	None	28 days from the date of publication
At review hearing – order continued (with or without amendment)	When notice of decision served on the registrant	Suspended / Registered with conditions of practice order (as applicable)	Public determination of the HC only – this will set out the HC review determination / sanction but not include details of the registrant's health or the evidence heard by the HC in private session.	For the duration of the further order only.
Determinations of the Appeal Tribunal (Registration Appeals)				
Appeal upheld	When notice of decision is served on the appellant	N/A	Notice of Decision	28 days from the date of publication
Appeal refused	When notice of decision is served on the appellant	N/A	Notice of Decision	28 days from the date of publication

