

Medical Council Policy for the Publication of Information on the Complaints and Inquiry Process

Complaints

In the interests of fairness, the Medical Council does not publish information on individual complaints. When the Medical Council receives a complaint about a doctor, the Preliminary Proceedings Committee (PPC) of the Medical Council must decide whether the case should go on to become an inquiry before the Fitness to Practice Committee.

If an inquiry is held in public it is only at this stage that details of the complaint become available to the public as to make details of the complaint public before an inquiry proceeds in public could be deemed to prejudice the outcome. This process is applied to each and every complaint received by Council.

Public Fitness to Practise Inquiries

Fitness to Practise Inquiries are held in public unless an application is made by the complainant, the doctor, or a witness to hold all, or part, of the inquiry otherwise than in public, and the Fitness to Practise Committee is satisfied that it would be appropriate in the circumstances to do so.

Members of the public and media can attend public fitness to practise inquiries. A calendar of hearings is published at: <http://www.medicalcouncil.ie/About-Us/Events-Calendar/>. Email notifications are also issued to the media advising of the dates of public inquiries. To receive calendar update emails, journalists can email aenright@mcirl.ie.

As inquiries may be held otherwise than in public in certain instances, the Medical Council does not publish information relating to individual inquiries in advance. On the day of a public inquiry, information sheets are available outlining the allegations and other relevant information. These are only available in hard copy to those attending the inquiry.

Publication of Information relating to Findings and Sanctions following a Public Inquiry

After all evidence in a public inquiry is heard, the Fitness to Practise Committee makes its decision as to findings. The findings are generally read out by the Committee at the end of an inquiry. The findings are then published on the Medical Council website. The Fitness to Practise Committee then submits its report to the Medical Council, and it is the Council that decides on the sanction to be imposed if it is the case that the Committee has found any allegation against the practitioner proven.

In the case of reserved findings, the parties will be advised in writing when the decision has been made and the finding will be published on the Medical Council website.

Publication of Information relating to sanctions following a Public Inquiry

The Medical Council will consider the findings of the Fitness to Practise Committee before deciding what sanction will be imposed on the doctor. Council is of the view that the publication of information allows for its work to be open and transparent. However, in line with the requirements of the Medical

Practitioners Act, it will give active consideration to each case and determine if publication of a notice of the sanction imposed is in the public interest.

Where the Council has decided to impose a sanction on a practitioner other than a sanction of advice, admonishment or censure the practitioner has 21 days, from the date of receipt of notice of the decision, to appeal to the Court against the decision. In the event that the decision is not appealed the Council will apply to the High Court for confirmation of the decision. No notice will be published until after confirmation by the High Court.

Notice will then be placed on www.medicalcouncil.ie unless Council has determined that it is not in the public interest to do so.

The Council in accordance with the provisions of the Medical Practitioners Act can only publish the sanctions imposed of cancellation of registration, the prohibition of applying for restoration of registration, suspension, the transfer of registration to another division of the register, attachment of conditions, a censure in writing and a fine not exceeding €5000 and censure.

Private Fitness to Practise Inquiries

June 2012 Onwards - Publication of Information relating to Findings and Sanctions following Private Fitness to Practise Inquiries

After all evidence in a private inquiry is heard, the Fitness to Practise Committee makes its decision as to findings. The findings are not published on the Medical Council website. The Fitness to Practise Committee then submits its report to the Medical Council, and it is the Council that decides on the sanction to be imposed if it is the case that the Committee has found any allegation against the practitioner proven.

Publication of Information relating to sanctions following Private Fitness to Practise Inquiries

The Medical Council will consider the findings of the Fitness to Practise Committee before deciding what sanction will be imposed on the doctor. Council is of the view that the publication of information allows for its work to be open and transparent. However, in line with the requirements of the Medical Practitioners Act, it will give active consideration to each case and determine if publication of a notice of the sanction imposed is in the public interest.

Where the Council has decided to impose a sanction on a practitioner other than a sanction of advice, admonishment or censure the practitioner has 21 days, from the date of receipt of notice of the decision, to appeal to the Court against the decision. In the event that the decision is not appealed the Council will apply to the High Court for confirmation of the decision. No notice will be published until after confirmation by the High Court.

Notice will then be placed on www.medicalcouncil.ie unless Council has determined that it is not in the public interest to do so.

The Council in accordance with the provisions of the Medical Practitioners Act can only publish the sanctions imposed of cancellation of registration, the prohibition of applying for restoration of registration, suspension, the transfer of registration to another division of the register, attachment of conditions, a censure in writing and a fine not exceeding €5000 and censure.

Publication of Information relating to a doctor's health/ a relevant medical disability

Fitness to Practise decisions relating to a doctor's health (termed a relevant medical disability under the Medical Practitioners Act) which may impair their ability to practise medicine are confidential. Generally inquiries of this nature are held otherwise than in public and no information is published following an inquiry.

Outcomes of inquiries held in private prior to June 2012

In the event of enquiries received relating to the outcome of inquiries held prior to June 2012, it will be the policy that information will only be provided in relation to cases where Council decided to publish a notice of the sanction imposed. All enquiries of this nature must be submitted in writing and would be responded to in writing.

ENDS