



Publication Policy Education & Training



**Comhairle na nDochtúirí Leighis
Medical Council**

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1. Introduction

The Medical Council (“the **Council**”) is the independent regulator of medical practitioners in Ireland and operates under the Medical Practitioners Act 2007, as amended (“the **Act**”). The object of the Council is to protect the public by promoting and better ensuring high standards of professional conduct and professional education, training, and competence among registered medical practitioners. The Council has key regulatory responsibilities in the area of medical education and training.

2. Purpose

The Council is committed to being open and transparent about its processes and how it makes its decisions. In the course of carrying out its statutory functions, the Council creates, publishes and discloses information regarding medical education and training to the public to:

- meet its statutory objectives,
- carry out its tasks in line with its role and in the public interest, where the disclosure goes beyond something we are explicitly required to do, and
- meet other relevant legal requirements.

The Council aims to publish medical education and training reports in a way which is fair and proportionate. The purpose of this Publication Policy (“**Policy**”) is to define the policy of the Council in relation to the publication of the various medical education and training reports as set out in the Scope section below.

3. Scope

This Policy applies to:

- Undergraduate Accreditation reports¹;
- Clinical training site Inspection reports for interns² and specialist medical training; and
- Postgraduate Accreditation reports³.

¹ These reports cover (a) an inspection of the programme of basic medical education and training and the body which delivers that programme¹ and (b) the inspection of the clinical training sites where training is provided to persons undertaking a basic medical education.

² Sections 88(3)(e) and 88(4)(e) of the Act.

³ Section 89(3) of the Act.

4. Statutory Framework

4.1 General

In addition to its overall object, the Council has statutory responsibility for the accreditation of undergraduate and postgraduate medical education and training programmes as well as the inspection of clinical training sites. The Council must, at all times, perform its functions in the public interest.

4.2 Undergraduate Medical Education & Accreditation Reports⁴

The Council sets and monitors adherence to the standards for basic medical education and training for medical qualifications. The Council can (i) approve, (ii) approve subject to conditions, (iii) amend or remove conditions; or (iv) withdraw approval of both (a) programmes of basic medical education and training and (b) the bodies which may deliver those programmes under section 88 of the Act. Any such decision must be made in accordance with criteria set by the Council in statutory rules made under section 11 of the Act⁵.

The Council inspects approved bodies for the purposes of assessing adherence to the standards. These inspections are used to inform the decision whether to approve the body and/or programme. The Council also inspects places where training is provided to persons undertaking basic medical education and it issues recommendations to the management of the place where training is provided regarding improvements in basic medical education and training standards which may be required or any other issues arising from such inspections. The Council prepares a report which outlines its findings and recommendations. Under section 88(2)(h) of the Act, the Council **must** publish *“in the prescribed manner details of all inspections carried out”* under section 88(2) of the Act

4.3 Clinical Training Site Inspection Reports for Intern Posts & Specialist Medical Training Posts

The Council is required to specify the number of interns posts and specialist medical training posts it approves for the purpose of intern and specialist medical education and training. The Council inspects clinical training sites with approved posts. Following such inspections, the Council prepares an inspection report and issues recommendations to management on improvements which may be required or any other issues arising from such inspections. The Council may, following consultation with various stakeholders, remove approval of a place for the purpose of intern training or specialist medical training where standards and guidelines are no longer being adhered to.

Interns: Inspections are carried out for the purposes of monitoring adherence to the guidelines⁶ on medical education and training for interns and the standards for training and experience required for the granting of a certificate of experience to an intern⁷. Under section 88(3)(h) the Council **must** publish *“in the prescribed manner details of all such inspections carried out”* under section 88(3) of the Act.

Specialist Medical Education: Inspections are carried out for the purposes of monitoring adherence of the guidelines in relation to specialist medical education and training⁸ and

⁴ Section 88(2) of the Act

⁵ Medical Council Rules in Respect of the Duties of Council in Relation to Medical Education and Training (Section 88 of the Medical Practitioners Act 2007) (SI No 685/2016).

⁶ Section 88(3)(b) of the Act.

⁷ Section 88(3)(d) of the Act.

⁸ Section 88(4)(b) of the Act.

standards for training and experience for the granting of a specialist medical qualification⁹. Under section 88(4)(h) the Council **must** publish “*in the prescribed manner details of all inspections carried out*” under section 88(4) of the Act.

4.4 Postgraduate Medical Education & Accreditation Reports¹⁰

The Council sets the standards for medical education and training for specialist medical qualifications and monitors adherence to those standards. The Council may (a) approve, approve subject to conditions, amend or remove conditions attached to the approval of or withdraw the approval of (i) programmes of specialist training and (ii) the bodies which may grant evidence of the satisfactory completion of specialist training in relation to each medical specialty. Any such decision must be made in accordance with criteria set by the Council in Statutory Rules¹¹ made under section 11 of the Act. As part of the accreditation process, the Council produces an accreditation report which outlines its findings, conditions and recommendations in relation to accreditation of the body and the programme.

4.5 Publication “in the Prescribed Manner”

The term “*published in the prescribed manner*” is defined under the Act and has a specific meaning. It means the document or information must be published on “*a relevant Internet website*” and is available for inspection, at the offices of the Council and at all reasonable times by members of the public. “*Relevant Internet website*” is further defined as meaning the website of the Medical Council, including part of a website, to which access is readily available to members of the public and where anything published on the website is readily available for inspection by members of the public.

5. Publication & Disclosure of Education and Training related Information

5.1 Decision Makers

The Council has delegated its decision-making authority under Part 10 of the Act regarding the accreditation and inspection process to the Education and Training Committee (“ETC”)¹².

5.2 General Policy

In general, it is the policy of the Council to be as transparent as possible and to publish accreditation reports and inspection reports unless there is good reason not to publish some of the material.

5.3 Considerations and Fair Procedures

As part of the accreditation/inspection process the issue of publication will be addressed. Every situation will need to be assessed on its merits having regard to the particular circumstances of the inspection or accreditation. The decision makers have a broad discretion as regards the content of the publication. Options for publication generally include:

⁹ Section 88(4)(d) of the Act.

¹⁰ Section 89(3) of the Act.

¹¹ Medical Council Rules in Respect of Training Bodies and Qualifications for the Purposes of the Specialist and Trainee Specialist Divisions (Section 89 of the Medical Practitioners Act 2007) (SI No 529/2010).

¹² The Education and Training Committee is a Committee of the Council established under section 20 of the Act.

- Publication of the full report¹³; or
- Publication of the report with redactions.

The decision makers will make a decision on the material to be published and will give reasons for its decision in relation to publication. In deciding what information to publish, the decision makers will consider what is necessary to:

- meet the Council's statutory objectives,
- carry out the Council's tasks in line with its role and in the public interest, where the disclosure goes beyond something the Council is explicitly required to do,
- meet other relevant legal or regulatory requirements, and
- ensure that the fundamental rights of all parties are taken into account.

As part of the procedures operated by the Council, the Parties the subject of the Council's accreditation and/or inspection process(es) will be invited to make submissions in relation to publication. The decision makers will consider any submissions received and will have regard to these submissions or representations when deciding on what should be published.

Some of the factors which may be taken into account, when deciding on what should be published, include:

- (a) transparency and the maintenance of public confidence in the profession of registered medical practitioners and the regulation of the profession,
- (b) the promotion and upholding of standards for the medical education and training of registered medical practitioners,
- (c) the education and training of the profession and medical educationalists in relation to lessons learned, to avoid recurrence in the future,
- (d) data protection and privacy issues,
- (e) the proportionality of full publication in the circumstances considering the public interest in publication,
- (f) the fundamental right to a good name and reputation, and
- (g) the potential for reputational damage to the institution.

The above list is not exhaustive, and the decision makers will be entitled to take into account any factor, or matter of relevance, to its decision.

5.3 When does Publication take place?

Publication will generally only take place:

- (a) after there has been consultation with the Minister (if required)¹⁴ or the consent of the Minister has been obtained (if required)¹⁵, and
- (b) no earlier than 21 days¹⁶ after the decision has been notified to the institution/body or Clinical Training Site.

¹³ Subject to a data protection/privacy review.

¹⁴ Section 88(2) of the Act.

¹⁵ Section 89(3) of the Act.

¹⁶ The ordinary time for appealing a decision in relation to accreditation under section 90 of the Act is 21 days after the decision has been notified to the institution or body concerned the appeal period for appealing an accreditation decision under section 90 of the Act has expired. If an appeal is brought in accordance with the provisions of section 90, publication will not take place until the appeal has been determined.

5.4 Sharing Information with other bodies?

The Council may decide to share the report, with or without redactions, with relevant institutions or bodies as it deems relevant and appropriate in the circumstances.

6. Conclusion

This document has been prepared by the Council to provide guidance on its publication policy in relation to Education and Training Reports. It sets out the minimum considerations to be applied in determining whether to publish medical education and training information and the form of such publications and it does not take account of the individual circumstances which will apply in particular cases.

The document is not binding on the decision makers who will retain discretion in all cases. This Policy does not purport to constitute legal advice and any entity or person engaged in a process under sections 88 and 89 of the Act may wish to take independent legal advice.

A reference to a statute or statutory provision or guidelines or standards in this Policy is a reference to it as amended, extended, or re-enacted from time to time.

This is a living document which may be updated from time to time.



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