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Open Justice

In disciplinary tribunals as in the courts, secrecy may protect reputations but it is seldom in the public interest and must be fought at every turn

When the Scottish nurse Pauline Cafferkey returned to London from treating ebola patients in Sierra Leone, she did not know she had contracted ebola. She was allowed to fly to Edinburgh, which later prompted Public Health England to complain to the Nursing and Midwifery Council (NMC). As a result the council summoned Ms Cafferkey to a disciplinary hearing at which she was rapidly cleared of all charges.

It is now clear that the case against Ms Cafferkey fell apart before it began and should never have been brought. Having initiated it, the NMC should have apologised for putting a brave nurse through unnecessary distress after risking her life for others. Instead the council has announced that in future allegations of misconduct will not be made public before such hearings "to ensure fairness to all parties".

This circling of wagons against essential public scrutiny ensures fairness for no one. It serves only to shield from embarrassment a professional body with a longstanding and dangerous fondness for secrecy. If there were a clearer way for the NMC to demonstrate that it has learned precisely the wrong lesson from the Cafferkey affair, it is hard to think of one.

Britain's institutional preference for investi-

gating official wrongdoing behind closed doors runs deep, and counter to the fundamental requirements of justice and democracy. Until last year almost all police disciplinary tribunals were held in secret even though the Independent Police Complaints Commission (IPCC) had the power to force them to be held in public. That power was used just twice. Such tribunals are now all public, although the Chief Constables' Council has asked the IPCC to make an exception for its own members. It has done so on the basis that public allegations of corruption and misconduct by the nation's most senior police officers could prove "damaging" and lead to "big stories" in the press.

The most charitable explanation for this request is the false premise that publicity is somehow inimical to justice. The reverse is true. For justice to be done, it must be seen to be done. The same false premise appears to be behind recent police efforts to keep secret the identity of a Polish rapist (in Derbyshire) and four Syrian refugees arrested in connection with the sexual assault of two teenagers in Newcastle.

In these two cases a desire to avoid inflaming racial tensions may have complicated the police's decisions, but did not justify them. More often, official secrecy is a function of complacency and

cowardice. Police and social services combined to cover up years of sickening abuse of teenage girls by Asian grooming gangs in Rotherham and Rochdale until this newspaper exposed it. After the tragic death of 13-month-old Poppi Worthington, social workers sought to cloak the case in secrecy until 2029 and to keep documents from the media on the ground that the "disclosure of alleged shortcomings by agencies might be unfair to the agencies".

Other agencies deliberately hid evidence in the investigation of malpractice at the Morecambe Bay NHS trust, where the NMC allowed one midwife to continue working for seven years after her incompetence led to the death of a baby. Three years ago the council cleared the most senior nurse at the Mid Staffordshire NHS trust of any wrongdoing without saying why, despite hundreds of avoidable deaths on her watch.

This is the NMC that wishes to hide the reasons for its disciplinary hearings until they happen and has warned family members against disclosing them. Doctors and rank-and-file police cannot hide behind such secrecy. Nurses and midwives should not be able to either. The council that represents them is funded by the public to serve the public — and must be accountable to the public.