

Discontinuance proceedings

Fitness to practise fact sheet

What is happening?

We have decided that the evidence gathered is not strong enough to support either some or all of the allegations against you.

We are now making an application for discontinuance. This means that we will ask a panel to discontinue or stop progressing with the allegations.

If we are planning to ask to have all of the allegations discontinued, we will be seeking a Discontinuance in Full (DIF).

If we are asking for only some of the allegations to be discontinued, we will be seeking a Discontinuance in Part (DIP).

Your case manager will have told you which allegations we are asking to discontinue. If you are not sure, you can contact your case manager and ask them for more information.

What happens if the application is granted or approved by the panel?

If the panel decides to discontinue the matter in full, we will close our case and take no further action.

If the panel decides to discontinue some but not all of the allegations, a fresh panel will be asked to consider the remaining allegations at the final hearing.

What happens if the application is not granted?

If the panel does not grant our application, we will continue with our investigation and the case will proceed to a final hearing with the current allegations.

You should be aware that the Panel could therefore find the allegation to be well founded at a final hearing. If the Panel find that the allegation is not well founded, this does not mean that the allegation should have been discontinued at an earlier stage. The Panel are responsible for deciding whether the allegation should be discontinued or proceed to be considered at a final hearing.

What do I need to do?

You do not have to send any more information for the panel, however you can do so if you wish. We are responsible for making the application and one of our presenting officers will set out the reasons for the application ahead of the hearing. The reasons will be set out in a document called a skeleton argument. You will be provided with a copy.

What will happen next?

A member of our Scheduling team will contact you to ask your availability for a hearing. You and your representative, if you have one, will be invited to attend the hearing.

The panel that considers the case will depend on the nature of the allegations. A Conduct and Competence Committee Panel will hear cases concerning misconduct, lack of competence, a conviction or caution, or a determination by another regulatory body. Cases that are about the health of a registrant are heard before a Health Committee Panel.

Why is there going to be a hearing if the HCPC wants to close the case?

The HCPC does not have the legal powers to close a case after it has been considered by the Investigating Committee. The HCPC must ask an independent committee panel to make the decision about whether a case can be discontinued in full, which would lead to it being closed. A panel cannot agree to a discontinuance without fully considering all of the information available. The panel must also be sure that the HCPC's reason for asking to discontinue is sound and properly protects the public.

What will the panel do?

The panel will not be asked to re-consider the decision that was reached by the Investigating Committee Panel. The panel will need to ensure that the HCPC has proper reasons for discontinuing the allegations at this stage. Once the panel has made their decision, they will provide it in writing. You will receive a copy of the decision.