

Interim order applications

Fitness to practise fact sheet

What has happened?

We have risk assessed the information received and decided that the concerns about the registrant's practice are so serious that an interim order may be required to protect the public from risk while we investigate. The HCPC will now make an application for an interim order.

What is an interim order?

An interim order is a temporary measure to either stop or limit a registrant from practising while we continue to investigate the concerns raised.

The interim order process runs alongside the case and is a temporary measure to reduce the risk of harm.

What is happening now?

The case is being prepared by the case manager for an interim order hearing. A hearing will be scheduled by our Scheduling team.

The registrant and their representative will be notified of the date, time and location of the hearing and invited to attend. The registrant and their representative will be provided with a bundle containing all the information the HCPC plans to rely on to make the application.

What will happen next?

Our investigation will continue and will not be paused while the interim order application takes place.

The application will be heard during a hearing by an independent panel. The registrant will be invited to supply any information to the panel ahead of the hearing that they wish. They will also be invited to speak directly to the panel at the hearing.

The hearing will be organised by the HCPTS and held in public, unless an application for the hearing to be held in private is made by either the HCPC or the registrant. If an application is made for the hearing to be held in private, the panel will consider the application at the start of the hearing and decide before the hearing continues. More information about what happens during an interim order hearing can be found on the **HCPTS website**.

The panel will then consider the interim order application and decide if the application is granted, and if so, what type of interim order the panel will make, and for how long. The panel will not be deciding whether the allegations are proven, or whether the registrant's practice is impaired. The panel will be deciding if there is a real risk posed by the registrant being able to practise either without restriction or at all, while we continue to investigate.

If the panel decides an order is necessary, they could impose an interim suspension, or interim conditions of practice order. An interim suspension means the registrant cannot work at all in their profession until the suspension is removed. Interim conditions of practice means a registrant can only work if they follow certain conditions until the conditions are removed. For example, the registrant may be required to only work under supervision. The panel will explain the type of order they are making and how long it will apply for.

If an order is made, it will be regularly reviewed by a panel during an interim order review hearing. These hearings are scheduled after 6 months, and then every 3 months after. An early review can also be scheduled if new information becomes available.

Any order made will start immediately. The order will be updated on our online Register and the type of order will be publicly available.

Interim order applications

Fitness to practise fact sheet

Jargon buster

Bundle

A set of documents prepared by the HCPC of the information gathered during an investigation.

Case manager

Each case has a named case manager. Case managers are neutral and do not take anyone's side. They can answer questions about the process and provide updates. They cannot provide legal advice.

Health and Care Professions Tribunal Service (HCPTS)

The Health and Care Professions Tribunal Service (HCPTS) is the fitness to practise adjudication service of the HCPC. They organise hearings on behalf of the HCPC. Although it is part of the HCPC, it has a distinct identity to emphasise that hearings are conducted and managed by independent panels which are at arm's length from the HCPC.

Interim order

An interim order is a measure to protect the public from risk by preventing a registrant from practising, or restricting their practice, whilst an investigation takes place. This means an interim order will be in place before a panel has made a decision on the facts of the concerns we are investigating. An interim order will be needed in cases where the concerns about a registrant's practice are so serious that either:

- service user safety would be put at risk; or
- there would be serious damage to the reputation of the profession if they were allowed to practise without restriction.

Interim order hearing

A hearing held in which an independent panel is asked to consider the HCPC's application for temporary restrictions to a registrant's practice. The hearing is held in public and the registrant and their representative are invited to attend. The panel will assess the risk of the matter before them based on the information we have gathered. They will decide if an interim order is necessary to protect the public. The panel will not make a decision on the facts of the case.

Panel

An independent group of three people who are responsible for reviewing cases and making decisions. Each panel is made up of three members: a Chair, someone from the same profession as the registrant and a lay person who is not from any of the professions we regulate.

Scheduling team

A team of HCPTS employees who organise and schedule hearings.

Statutory grounds of risk

Our legislation sets out when an interim order can be imposed. There are three grounds or categories of risk that a panel must consider when deciding whether an interim order should be made. They are:

- whether it is necessary to protect the public;
- whether it is in the interests of the registrant themselves;
- whether it is otherwise in the wider public interest.

Register

Our Register is a list of people who are allowed to use the titles that we regulate. Our Register is on our website and is always up to date. You can check if someone is on our Register by looking on our [website](#).

If a registrant is suspended from practising or has a restriction on their practice this will be explained on their entry on the Register.

Representative

A person who represents a registrant during the fitness to practise process. They may be from a union or professional body, or they may be a legal representative. Registrants may also use a lay representative, such as a friend or family member.