Interim order reviews

health & care professions council

Fitness to practise fact sheet

What has happened?

An independent panel has imposed an interim order – this can be either 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 mean a registrant can only work if they follow certain conditions until the conditions are removed.

What is happening now?

All interim orders are regularly reviewed by a panel at an Interim Order Review hearing. These hearings are scheduled after 6 months from the date the order was first made, and then every 3 months after. An early review can also be scheduled if new information becomes available.

The case is being prepared for review by a panel at an Interim Order Review hearing, and 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. The HCPC will provide the registrant and their representative with a bundle containing all the information the HCPC plans to rely on at the hearing.

What will happen next?

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

The current interim order will be reviewed 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.

The hearing will be organised by the Health and Care Professions Tribunal Service (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 Review hearing can be found on the **HCPTS website**.

The panel will then consider the current interim order in place and decide if it remains appropriate. The panel is completely independent of the HCPC and will make its decision based on the information and evidence before it.

The panel can decide to:

- revoke (or cancel) the order or revoke any condition imposed by the order;
- confirm the current order;
- vary any condition in place in the current order;
- replace an interim conditions of practice order with an interim suspension order if the panel is satisfied that it is necessary to do so for public protection, it is in the public interest, or is otherwise in the interests of the registrant;
- replace an interim suspension order with an interim conditions of practice order if it is satisfied that the public interest, including protecting the public and the interest of the registrant, would be adequately met by doing so.

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 remains a high risk of the registrant being able to practise either without restriction or at all while we continue to investigate.

If an order is confirmed, varied, or replaced, it will continue to be reviewed at Interim Order Review hearings every 3 months for the rest of the term of the order. An early review can also be scheduled if new information becomes available.

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

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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 withou restriction.

Interim Order Review hearing

A hearing held in which an independent panel is asked to consider an interim order that is already in place.

Panel

An independent group of three people who are responsible for reviewing cases. Each panel is made up of three members: a Chair, someone from the relevant profession and a lay person who is not from any of the professions we regulate. An independent legal assessor will also be present to assist the panel with any points of law and to ensure that the proceedings take place in accordance with the law and procedural rules.

Scheduling team

A team of HCPC 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 always check if someone is on our Register by looking on our **website**.

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