

Investigating Committee Panel decision and notice of allegation

Fitness to practise fact sheet

What has happened?

The Investigating Committee Panel has reviewed the allegations, our bundle of documents and any information you have provided. They have decided that there is a case to answer in relation to the allegations made about your fitness to practise.

The Investigating Committee Panel has referred the case to a final hearing before our Conduct and Competence Committee or Health Committee.

What is happening now?

Your case has been transferred to our Case Preparation and Conclusion team. We will instruct our external legal firm to carry out further investigation and prepare the case for a final hearing. Once complete, the case will be scheduled for a final hearing.

In some cases, the HCPC may decide to dispose of the case by **consent** or **discontinuance**. You do not need to approach the HCPC to request disposal by consent or discontinuance. If this applies in your case, the HCPC will contact you.

What happens once the case is ready to schedule?

The Health and Care Tribunals Service (HCPTS) will contact you to obtain your availability and list the case for a final hearing. They will also discuss with you any requirements you have for the hearing. Please keep us updated with any changes to your address or contact information to ensure we are able to reach you.

At the hearing you may be represented by any person (who may be, but need not be, a lawyer) other than a member or employee of the HCPC, or any of its committees. You may wish to seek advice from your professional body or other representative organisation.

Please be advised that in all but exceptional circumstances the HCPC is required to hold its hearings in public. This means the HCPTS will publicise hearings on its website in advance and any interested parties, including members of the media, may attend the hearing and report on proceedings. Further information can be found in the **HCPTS fitness to practise publication policy**.

When will more information be provided about the hearing?

We will keep you updated on the progress to prepare this case for the hearing. Once our preparations are complete, we will send you a copy of the documents on which we will rely at the hearing. We will do this at least 42 days before the date set for the hearing. You may wish to wait for this documentation before making your final written representations to the committee.

Details of the date, time and venue for the hearing will be sent to you by the HCPTS at least 28 days before it is due to take place.

What are the possible outcomes of a final hearing?

If the committee decides that the allegations against you are well-founded, it may:

- take no further action;
- put in place a Caution Order;
- put in place a Conditions of Practice Order;
- suspend your registration; or
- direct the Registrar to strike your name from the Register. This may only occur if your allegations are about a conviction or caution, misconduct or a determination by another health and care regulatory body.

Where can I find a copy of your rules and procedures?

Part V of the Health Professions Order 2001 sets out the HCPC's function in respect of fitness to practise.

The Health and Care Professions Council (Conduct and Competence Committee) (Procedure) Rules Order of Council 2003 set out the rules and procedure for hearings before the Conduct and Competence Committee.

The Health and Care Professions Council (Health Committee) (Procedure) Rules Order of Council 2003 set out the rules and procedure for hearings before the Health Committee.

The HCPTS Practice Notes provide guidance to panels on relevant areas of procedure relating to fitness to practise matters. You may also find these useful.

We have also issued **standard directions** for the conduct of all hearings in order to ensure that cases are dealt with quickly, fairly and effectively.

Those standard directions are the 'default' directions which will apply to your case unless, for example because the case raises particularly complex issues, you or the HCPC ask the panel to not apply them or to vary them.

The purpose of the directions is to ensure that documents are exchanged between the HCPC and you in good time for the hearing. They also provide procedures which enable the parties to agree that facts, documents and witness statements can be admitted without further proof or the need to call witnesses. If the HCPC proposes to make use of those procedures, a 'Notice to Admit' will be sent to you at a later stage in the process. You may also make use of those procedures and, if you wish to do so, we can provide you with copies of the appropriate notices.

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How can I apply for special directions?

If there are any special circumstances in this case which lead you to consider that the standard directions are not appropriate, you can ask the panel to make special directions. Your request can simply be made by letter setting out the special directions you are seeking and the reasons for doing so.

Although applications can be made in writing, the panel may hold a preliminary hearing to consider such an application. If a preliminary hearing is held you will be informed of the date, time and venue of the hearing by the HCPTS.

The panel may also make special directions without an application being made by either you or the HCPC, if it considers that it needs to do so because of the nature or circumstances of the case. In that event a copy of any special directions will be sent to you.

Jargon buster

Allegations

After a concern is investigated and we decide that it meets our threshold test, it becomes an allegation of impairment. The allegation is made up of three parts:

1. The facts which set out what is said to have happened.
2. The grounds on which the allegation is based. This will be one of the 5 statutory grounds.
3. In consequence, that the registrant's fitness to practise is impaired.

Bundle

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

Conduct and Competence Committee

An independent committee who are responsible for hearing and deciding on allegations of impaired fitness to practise. 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. This committee hears allegations relating to conduct lack of competence, caution / conviction, or a determination by another body.

Fitness to practise

Whether a registrant has the skills, knowledge and character to practise safely and effectively. When we say a registrant's practice is impaired, we mean they are not able to practise safely and effectively.

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.

Health Committee

An independent committee who are responsible for hearing and deciding on allegations of impaired fitness to practise. 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. This committee hears allegations relating to a registrant's health.

Investigating Committee Panel (ICP)

An independent panel of three people who are responsible for reviewing cases. 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. This panel meets in private and does not make a decision about whether the allegations are proven, but only whether there is a realistic prospect that the HCPC will be able to prove the allegations at a final (substantive) hearing.

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.

Special directions

The special directions are applied to an individual case where there are special circumstances and the standard directions are not appropriate.

Standard directions

The default directions in every case, setting out requirements such as the exchange of documents.

Statutory grounds

We can only investigate concerns that are about one or more of the following five categories, or grounds, of impairment. The grounds are:

- Misconduct – this means that the registrant's behaviour has fallen short of what we expect of them.
- Lack of competence – this means that a registrant has a lack of knowledge or skills to practise safely or effectively.
- Conviction or caution – this means the registrant has been convicted or cautioned for a criminal offence.
- Physical or mental health – this means the registrant has a health condition which impacts their fitness to practise safely or effectively.
- A determination by another health or social care regulatory or licensing body – this means another regulator or body has made a decision against a person on our Register. The regulator or licensing body may be in the UK or another country.