

# Investigations and Investigating Committee Panel stage

## Fitness to practise fact sheet

### What has happened?

The case has been reviewed by a senior decision maker, who has decided that the threshold for an allegation of impairment has been met and the case has progressed to the next stage of our investigation. We call this stage Investigations or Investigating Committee Panel (ICP) stage.

### What is happening now?

The case has been allocated to a new case manager, who will write to everyone to introduce themselves and explain the next steps. The case manager will be gathering more information from everybody involved in the case. They will then draft a case investigation report (CIR) and formal allegations and provide them, together with a copy of all of the information we have gathered, to the registrant. The registrant will be asked if they would like to provide a written response to the allegations.

### What will happen next?

The registrant will have 28 days to respond to the allegations. After this time has passed, all of the information gathered will be prepared for the committee to review. The case participants will be told the date that the committee will meet to consider the case.

### How long does it take for a decision to be made?

We aim to finalise our case and provide the registrant with the allegations within 12 weeks. Sometimes this can take longer depending on the time taken to obtain the information we need. The case manager will update you if the investigation is going to take longer.

### What is the Investigating Committee Panel?

The Investigating Committee Panel is formed of a Chair, a lay member and a registrant member from the same profession as the registrant. The panel's task is to look at the specific details in the allegations and decide if there is a realistic prospect of proving the facts, the grounds and current impairment of the registrant's fitness to practise. The Investigating Committee meet in private and make their decision on the basis of the papers before them.

The outcome of the Investigating Committee meeting will be one of the following:

- the case will be referred for a final hearing ("case to answer");
- the case will be closed with no further action ("no case to answer");
- the case will be sent back to the case manager to get more information before a decision is made.

The panel may also change (amend) the allegations. If the panel amends the allegations significantly, the amended allegations will be sent to the registrant for a further opportunity to comment. It will then be submitted to a new Investigating Committee for consideration.

After the committee meeting, the case manager will tell the case participants the outcome within two working days. A copy of the decision including the reasons for the panel's decision will be provided to the registrant.

The Health and Care Professions Tribunal Service's **Case to Answer Determinations Practice Note** has more information about how the Panel make their decision.

### The three-year rule

If the registrant has had a previous 'no case to answer' decision in the last three years, the previous allegations and relevant papers will also be provided to the Panel as part of the bundle for them to consider. The Panel will be invited to decide if, in light of the new concern, there is now a 'case to answer' for the previous concern. If the Panel decide there is 'no case to answer' for the previous concern, it will remain closed and will not be referred to a final hearing. If the Panel decide there is now a 'case to answer' for the previous concern, it will be included in the current allegation and referred to a final hearing alongside any other new concerns which the Panel have decided should be referred.

# Investigations and Investigating Committee Panel stage

## Fitness to practise fact sheet

### 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.

#### Case investigation report (CIR)

A document which details the HCPC's investigation, including the evidence obtained in relation to the allegation(s).

#### 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.

#### Complainant

This is the person who told us about the concerns.

#### Employer

This is the person or organisation that a registrant works for or was working for previously.

#### Facts

What is said to have happened.

#### 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.

#### Impairment

When we say someone's fitness to practise is impaired, we mean that they lack the skills, knowledge and/or character to practise as a health and care professional, either without restriction or at all.

The panel will consider impairment right now - not if the registrant's practice was impaired at the time of the incident, but if it is likely to be impaired currently.

#### 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.

#### Realistic prospect

A real possibility of something happening.

#### Threshold policy

A policy which explains our approach to investigating concerns about professionals on our Register, or decision-making process, and how we apply our threshold criteria. You can read the full policy on our [website](#).

#### Papers

The documents or evidence that have been gathered during the investigation usually compiled into a bundle.

#### Participants

The people or organisations involved in a case. The participants may be the complainant, the registrant and/or their employer.

#### Registrant

A health and care professional who is on our Register.

#### Senior decision maker

An employee of the HCPC who is responsible for reviewing cases and decides if they meet the threshold to be investigated further.

#### 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.