

### What has happened?

We have finished preparing the case and it has been listed for a final hearing, otherwise referred to as a substantive hearing.

Depending on the allegations, the case will be heard by either:

- a Conduct and Competence Committee Panel (if the allegation concerns misconduct, lack of competence, a conviction or caution, or a determination by another regulatory body);
- a Health Committee Panel (if the allegation concerns the health of the registrant);
- an Investigating Committee Panel (if the allegation concerns an incorrect or fraudulent register entry).

### What information will the hearing panel have?

We will send you a bundle of the documents that we will put before the panel. These will be sent to you at least 42 days before the hearing starts. If there are any documents you would like the panel to have, you must send these to us at least 28 days before the hearing. This is in line with our **standard directions**.

### What happens at the hearing?

At the hearing, the registrant (or their representative) will have an opportunity to challenge the allegations made by the HCPC. The registrant will tell their side of the story and may do this by questioning the HCPC's witnesses, by giving evidence and by calling their own witnesses.

It will be in the registrant's best interests to attend the hearing, but the hearing may take place even if they are not there.

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**.

### Can the hearing be postponed?

Any requests for postponement of the hearing must be made in writing and sent to the Tribunal Services well in advance of the hearing.

The HCPC has a duty to progress cases quickly under Article 32(4) of the Health Professions Order 2001. Accordingly, the postponement of a scheduled hearing will only be considered in exceptional circumstances.

### What are the possible outcomes of a final hearing?

If the panel finds the case is well-founded, they will return to hear submissions from the registrant or their representative and the HCPC's representative about what action they should take. The registrant may want to make a statement to the panel at this stage.

The panel can:

- take no further action;
- caution the registrant (place a warning against the registrant's name on the Register for between one to five years);
- set conditions of practice that the registrant must meet (which might include, for example, insisting that the registrant work under supervision or have more training);
- suspend the registrant from practising (for no longer than one year); or
- if the case involves an allegation of misconduct or conviction, the panel can strike the registrant's name from our Register (which means they cannot practise). Alternatively, if an entry to the Register was fraudulently obtained or incorrectly made, the panel may make an order that the Registrar remove or amend the entry.

Once the panel makes a decision, the registrant has 28 days to appeal against it to the High Court in England and Wales, the High Court of Justice in Northern Ireland, or the Court of Session in Scotland.

### Interim orders at a final hearing

If they consider it is necessary to do so, a panel can put in place an interim order with immediate effect at any time during a final hearing, including if the hearing adjourns or goes part-heard. This may be, for example, if evidence heard or information received during the hearing indicates that an interim order may be required to protect the public until such time as the hearing concludes.

Also, where a panel decides to make a conditions of practice, suspension order, or striking off order, they may decide it is also necessary to impose an interim order to cover the appeal period. An interim order can take the form of an interim conditions of practice order or interim suspension order. If the panel impose an interim order to cover an appeal period, it will stay in place until the 28-day appeal period has expired or, if you lodge an appeal within that time frame, until the appeal proceedings have concluded.

### 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 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.

### 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

### 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.

### 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.