

Consultation outcome

Consultation outcome: Sanctions policy

Analysis of the consultation responses and our
resulting decisions

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2. Overview

The Health and Care Professions Council (HCPC) is the statutory regulator of 15 professions. Our purpose is to protect, promote, and maintain the health and safety of the public, to uphold public confidence in the professions we regulate, and to promote proper professional standards and conduct.

The sanctions policy sets out how a Practice Committee Panels (the 'panel') should make fair, proportionate, and consistent decisions when imposing sanctions following a finding of impairment in fitness to practise (FTP) cases.

In accordance with [the Health Professions Order \(2001\)](#), the HCPC is required to consult with stakeholders before making changes to its regulatory policies. We periodically review our regulatory policies and standards to ensure that they remain clear, up to date, and aligned with best practice. This consultation was part of that ongoing commitment.

From 29 May 2025 to 1 September 2025, the HCPC consulted on [proposed changes to the sanctions policy](#) to improve clarity for panels when applying sanctions, support fair and proportionate decision-making in FTP cases, reflect recent legal developments and stakeholder feedback, strengthen public protection and maintain trust in the regulatory process. In addition, we sought stakeholder views on the [Equality Impact Assessment](#) (EIA) for the proposed policy.

We informed and engaged a range of stakeholders about the consultation including professional bodies, regulators, legal representatives, employers, unions, Health and Care Professions Tribunal Service (HCPTS) panel members, service users, and registrants. We also advertised the consultation on our website and on social media.

We received 57 responses to the consultation, including 15 from organisations (professional bodies, public bodies, a legal provider, membership organisations, regulators, unions and others), and 42 from individuals (registrants and members of the public). We carefully considered the views and supporting reasons put forward by respondents.

Following our analysis and review of stakeholder feedback, we have decided to implement the [new sanctions policy](#) with some minor amendments. The revised policy will be published in February 2026 and come into effect in March 2026.

In [section 4](#), we summarise the feedback received during the consultation, explain how we have addressed it, and outline the changes made to the sanctions policy as a result. Our final decision is set out in [section 5](#). This document highlights the key amendments and intended impacts arising from our review and analysis of stakeholder feedback.

Key changes we've made

Since the last update of our sanctions policy, there have been a number of developments, including changes to case law and feedback from stakeholders. We have taken these into account as part of our review. We engaged with key organisations and groups such as the Professional Standards Authority (PSA), the HCPC FTP Partnership Forum,¹ the Equality, Diversity and Inclusion Forum,² and FTP partners.³ Their feedback has provided valuable insights that have informed our policies and helped us develop our new HCPTS Practice Notes⁴ and standards⁵, and shape our proposals.

We are very grateful for all the responses we received to our consultation. Overall, the consultation proposals were well received, with most stakeholders expressing support for the proposed approach. The feedback and suggestions provided by respondents were insightful and as a result we have made the following changes to the policy:

Structural and editorial improvements: such as adding an explanation of where the sanctions process falls in the FTP process; adding additional cross-references to other sections within the policy and to relevant separate guidance and practice notes; updating references to the revised standards; aligning the mitigating factors and aggravating factors sub-sections under the proportionality section; and minor textual edits for accuracy, accessibility and readability.

Clearer guidance for panels to consider contextual factors: including adding further instruction for panels to consider seriousness, culpability and all mitigating and aggravating factors throughout their decision-making process; directing panels to explicitly consider the impact of neurodivergence on insight and apology; broadening the range of remediation evidence that panels will consider as mitigating factors; instructing panels to consider the possible barriers to remediation which might exist for a registrant; and guiding panels to consider the impact of a sanction on a registrant and their circumstances.

Strengthening language related to misconduct towards colleagues: including adding explanations of bullying and why bullying is considered a serious case; removing superfluous detail from the section on professional boundaries and signposting to the Practice Note on [Professional boundaries](#); and explicitly instructing panels not to treat sexual misconduct against colleagues as less serious.

¹ The HCPC FTP Partnership Forum consists of registrants' representatives, FTP colleagues and representatives from professional bodies

² The EDI forum is open to all our diverse groups of registrants and stakeholder organisations with expertise in EDI and lived experience.

³ The FTP Partners consists of members of the practice committee panels.

⁴ [HCPTS | Practice Notes](#)

⁵ [Standards | The HCPC](#)

Adding further clarity and explanation: such as clarifying the section on weighing existing interim orders; clarifying the purpose of a short-term suspension; removing the detail on review hearings and instead sign-post panels to the Practice Note on [Review of Article 30 sanction orders](#).

Ensuring consistency across the policy: adding introductory paragraphs for consistency and clarity among sub-sections; and aligning language between offences related to sexual abuse of children and offences related to indecent images of children.

Our overarching aim is to ensure that decisions made through the FTP process continue to be transparent, proportionate, and focused on protecting the public.

We would like to thank all those who took the time to respond to the consultation. You can download the consultation document and a copy of the response documents from [our consultations webpage](#).

This overview section is a simplified high-level summary only. The decisions we have taken, and our reasoning, are set out below.

3. Introduction

About us

3.1 We are a regulator of health and care professionals established by the [Health Professions Order 2001](#). Our statutory role is to protect, promote and maintain the health and safety of the public, promote and maintain public confidence in the professions we regulate, and promote and maintain professional standards and conduct for members of those professions.⁶

setting standards for education and training and practice;

approving education programmes which professionals must complete to register with us;

maintaining a register of professionals who meet our standards;

acting if professionals on our Register do not meet our standards; and

acting to stop unregistered practitioners from using protected professional titles.

3.2 We currently regulate 15 health and care professions:

Arts therapists

Biomedical scientists

Chiropodists / podiatrists

Clinical scientists

Dietitians

Hearing aid dispensers

Occupational therapists

Operating department practitioners

Orthoptists

Paramedics

Physiotherapists

Practitioner psychologists

Prosthetists / orthotists

Radiographers

Speech and language therapists

⁶ Article 3(4) and (4A) of the Health Professions Order (2001) states that the HCPC's over-arching objective is to protect the public and sets out how this objective should be pursued.

About the consultation

- 3.3 The HCPC's sanctions policy sets out the principles panels should consider when deciding what, if any, sanction should be imposed in FTP cases. It is designed to support panels in making fair, consistent, and transparent decisions, ensuring that regulatory outcomes maintain public confidence and uphold professional standards.
- 3.4 The primary function of any sanction is to protect the public by addressing risks posed by the registrant or concerns about public confidence in the profession.
- 3.5 Panels make independent decisions and must assess each case on its merits. The sanctions policy serves as a guide rather than a constraint on a panel's independence. However, if a panel deviates from the policy, it must provide clear reasons for doing so.
- 3.6 The sanctions policy was first published in 2004 and was replaced by the 2019 sanctions policy. Regular review of the policy is essential to ensure it reflects developments in legal standards, case law, and evolving professional expectations.
- 3.7 Since the 2019 review, we have updated our [standards of proficiency](#) and [standards of conduct, performance and ethics](#), and introduced new [HCPTS Practice Notes](#) on specific aspects of the adjudication process. Updating the 2019 sanctions policy is necessary to reflect these changes, relevant developments in case law and ensure it remains clear and effective.
- 3.8 We then undertook a public consultation on 29 May 2025 on proposed changes to the sanctions policy. The consultation closed on 1 September 2025. This document reports on the outcomes of that consultation, summarising the feedback received and outlining how the policy has been amended in response.
- 3.9 We received 57 responses to the consultation, including 15 from organisations (professional bodies, public bodies, membership organisations, regulators, unions and a legal provider), and 42 from individuals (registrants and members of the public).
- 3.10 Although there was a wide range of opinions across respondent groups, there was broad support for our proposals overall. The responses provided thoughtful and well-reasoned insights, much of which has informed the development of the final policy.

3.11 We consulted on proposals to:

1: Reflect recent case law: to ensure panels have clearer guidance on the application of suspension orders.

2: Update guidance on interim orders: to improve transparency and clarity on how panels should consider interim orders prior to a substantive hearing.

3: Clarify our guidance on apology: to help panels assess timing, sincerity, and relevance of registrants' apologies when things go wrong.

4: Clarify the striking off section: to clarify that some conduct is so serious it is incompatible with continued registration.

5: Add content on assessing seriousness and culpability: to enhance transparency and accountability by clearly setting out the aggravating and mitigating factors panels should consider to help support consistent and proportionate decision-making.

6: Expand guidance on discrimination: to reinforce that all forms of discrimination are unacceptable and to set out relevant factors for panels to consider.

7: Expand guidance on dishonesty: to make it easier to assess how dishonest actions may affect trust or cause harm, leading to more informed and consistent decisions in serious cases

8: Add sexually motivated misconduct: to provide additional guidance to ensure panels assess the registrant's state of mind and intent in FTP cases where conduct may have been sexually motivated.

9: Introduce a new section on 'professional boundaries': to ensure concerns about maintaining professional relationships are addressed appropriately.

10: Make structural and editorial changes: to make the document clearer, easier to navigate, and more user-friendly.

3.12 Stakeholders welcomed the strengthened focus on public protection, and the clarity of updated guidance reflecting current case law and equality, diversity and inclusion (EDI) commitments. They emphasised that sanctions should be applied on a case-by-case basis, starting with the least restrictive option and

scaling according to the seriousness of the misconduct. Stakeholders also highlighted the importance of equality and inclusion, calling for fair treatment of registrants with disabilities, neurodivergence, or mental health conditions, and recommended mandatory training for panels on unconscious bias, cultural competence and reasonable adjustments.

- 3.13 They further encouraged clearer, more accessible guidance, including practical case examples to explain proportionality, remediation, and the assessment of apologies or insight, and ensuring the policy is available in accessible formats. Respondents also called for ongoing monitoring of outcomes by protected characteristic and continued engagement with registrants and minority groups, urging panels to consider wider contextual factors such as potential victimisation or systemic pressures.
- 3.14 Following stakeholder feedback, our revised sanctions policy reflects many of these insights. Our overarching aim remains to ensure that decisions made through the FTP process are transparent, fair, and proportionate while protecting the public and maintaining confidence in our regulated professions.
- 3.15 As part of the consultation, we also published a draft EIA alongside the proposed sanctions policy to provide transparency about the potential impacts of our proposals on different groups of stakeholders we regulate. We explicitly sought feedback on the EIA and any other identified impacts. This feedback has informed our consideration of the final policy, and the updated version of the EIA is available [here](#).

About this document

- 3.16 This document provides an overview of the consultation process, a summary of the feedback we received, and the changes we have made to the sanctions policy in response, as well as our final decision.
- 3.17 It is structured as follows:
- Section 3:** Statistical overview of the consultation responses and analysis.
 - Section 4:** Thematic breakdown of stakeholder responses and the HCPC's response to the feedback we received, as well as a summary of the changes we have made to our EIA.
 - Section 5:** Summary of our final decisions and the changes we will make to the sanction policy.
 - Section 6:** Outline of the next steps for implementation.
 - Section 7:** Annexes – copy of the EIA and the revised sanctions policy.

4. Consultation outcome: Response analysis summary

- 4.1 We have analysed all the email and survey responses we received to the consultation.

Method of recording and analysis

- 4.2 The majority of respondents used our online survey tool to respond to the consultation. They self-selected whether their response was an individual or an organisation response, and, where answered, selected their response to each question indicating their level of agreement (e.g., strongly agree, agree, neither agree nor disagree, disagree, strongly disagree). They were also able to give us their comments to provide explanation for their response to each question.
- 4.3 Where we received responses by email, we recorded each response in a similar format. These responses are included in all charts, graphics and statistics cited within this paper.
- 4.4 When deciding what information to include in this document, we assessed the frequency of the comments made and identified themes. This document summarises the common themes across all responses and indicates the frequency of arguments and comments made by respondents.

Statistical breakdown of respondents

- 4.5 We received 57 responses to the consultation. 15 of the responses (26%) were from organisations, and 42 of the responses (74%) were from individuals. In addition to our questions about the proposals, we asked respondents several questions about their background.

Organisational responses

- 4.6 The following table shows a breakdown of organisational responses. The largest numbers of responses were from professional bodies. We also received responses from regulators, public bodies, and legal providers.

Type of stakeholder	
Answer choice	Response total
Professional body	7
Public body	2
Membership organisation	1
Lawyer / legal provider	1
Regulators	2
Other	2

- 4.7 Organisations responded as mostly active across the UK or in England alone. There were no respondents solely active in Northern Ireland, Scotland or Wales.

Where is your organisation active?		
Answer choice	Response percent	Response total
England	20%	3
UK-wide	73%	11
International	7%	1

Individual responses

- 4.8 Of the 42 responses from individuals, 35 (83%) were from HCPC registered professionals. 7 (17%) of the individual responses were from other stakeholder groups (see paragraph 3.13 for more information).
- 4.9 Below we have included a breakdown of our registration statistics along with a breakdown of the responses we received from registered professionals.

Registered professionals	Number of registrants*	Number of responses	Response rate per 1,000 registrants
Arts therapists	6,305	1	0.16
Biomedical scientists	30,546	6	0.20
Chiropodists / podiatrists	12,123	0	0
Clinical scientists	8,312	2	0.24
Dietitians	13,103	0	0
Hearing aid dispensers	4,940	0	0
Occupational therapists	46,637	4	0.09
Operating department practitioners	17,797	1	0.06
Orthoptists	1,563	0	0
Paramedics	41,343	12	0.29
Physiotherapists	81,473	4	0.05
Practitioner psychologists	31,105	2	0.06
Prosthetists / orthotists	1,239	0	0
Radiographers	50,417	1	0.02
Speech and language therapists	20,194	1	0.05

(Data as of November 2025)

4.10 We received responses from ten out of the 15 professions we regulate. Response numbers were higher for paramedics and biomedical scientists. No responses were received from registrants of several professions which comprise smaller parts of our overall register: chiropodists / podiatrists, hearing aid dispensers, orthoptists, prosthetists / orthotists. Some of the professions which had no individual responses were covered by responses from professional bodies and trade unions responding on behalf of their membership.

4.11 We asked registrant respondents to tell us their place of work or activity, which was as follows:

Where is your regular place of work or activity?		
Answer choice	Response percent*	Response total
England	77%	27
Scotland	6%	2
Wales	9%	3
UK-wide	9%	3

*Percentages add up to 101% due to rounding.

- 4.12 The majority of respondents to the consultation work in England with a few working in Scotland, Wales or across the UK. No respondents indicated that they work in Northern Ireland alone. The percentage of respondents active in England was proportional to the profile of HCPC registrants as a whole. Respondents active in Wales were over-represented while respondents in Scotland were slightly under-represented.
- 4.13 As noted above, 7 respondents were not HCPC-registered professionals. Respondents described themselves as a relative of an HCPC-registered professional (14%), a legal assessor (14%), a member of the public interested in the issue (14%), currently using or receiving health or care services (14%), an individual with lived experience (29%), and a health and social care worker (14%).
- 4.14 Of these 7 responses from individual non-registrants, 6 (86%) reported having a primary residence in England and 1 (14%) in Wales. No individual responses from non-registrants were submitted from Scotland or Northern Ireland.
- 4.15 Of the 42 individuals who responded to the consultation (HCPC registrants and other groups), the breakdown by protected characteristics was as follows:

Age	Response percent*	Response total
20-29	10%	4
30-39	14%	6
40-49	33%	14
50-59	17%	7
60-69	17%	7
70 or older	5%	2
Prefer not to say	5%	2

*Percentages add up to 101% due to rounding.

- 4.16 Two-thirds (67%) of the individual responses to the consultation came from individuals who are between the ages of 40 and 69. The profile of respondents is slightly older than that of HCPC registrants, with registrants under the age of 40 being underrepresented in responses to the consultation.
- 4.17 Our [registration data](#) in November 2025 indicated that registrants aged 20-29 were approximately 19% of the Register, and registrants aged 30-39 were approximately 31% of the Register. While approximately 50% of all HCPC registrants are under the age of 40, only 24% of respondents to the consultation were under 40.
- 4.18 Our EIA identified that older registrants are more likely to be subject to decisions under the HCPC sanctions policy. While the respondent profile does not exactly mirror our Register, it is more likely to represent the profile of individuals who are impacted by the policy. The range of respondents gives us confidence that we have heard from a broad range of voices.
- 4.19 The following table shows how respondents answered as to whether they consider themselves to have a disability. We defined disability as 'a physical or mental impairment which has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities', mirroring the language of the Equality Act 2010 (the 'Equality Act') and Disability Discrimination Act 1995 (for Northern Ireland).

Disability	Response percent	Response total
Yes	21%	9
No	67%	28
Prefer not to say	12%	5

4.20 We received a total of 9 (21%) responses from individuals who indicated that they have a disability. This percentage is significantly higher than the profile of our Register as a whole (5%).⁷

4.21 Our EIA identified registrants with disabilities as over-represented in [FTP data](#). The percentage of respondents with disabilities is still higher than the percentage of registrants with disabilities who have one or more FTP concern (10%).

4.22 The following table shows the breakdown of respondents' ethnicity. We defined ethnicity as including colour, ethnic or national origin, or nationality mirroring the language of the Equality Act.

Ethnicity	Response percent*	Response total
White	69%	29
Mixed or multiple ethnic groups	5%	2
Asian or Asian British	10%	4
Black, African, Caribbean or Black British	7%	3
Other ethnic group	5%	2
Prefer not to say	5%	2

*Percentages add up to 101% due to rounding.

4.23 Respondents who identified themselves as 'White' were slightly underrepresented, making up 69% of all individual responses, compared to our registrant profile (74%). The percentages of respondents who identified themselves as Asian or Asian British (10%), Black, African, Caribbean or Black

⁷ [Fitness to practise data – supplementary analysis 2023-24 | The HCPC](#)

British (7%), and Mixed or multiple ethnic groups (5%) were fairly similar to the profile of our register. However, the numbers for each ethnicity category besides White were relatively small, so we are hesitant to draw conclusions related to levels of representation based on the number of responses.

4.24 Our EIA identified possible adverse impacts based on ethnicity. While the respondent profile does not mirror our register precisely, it is much more likely to represent the profile of registrants who have one or more FTP concerns.

4.25 We asked respondents who answered as individuals about their sex recorded at birth. The following table shows a breakdown of their answers:

Sex recorded at birth	Response percent	Response total
Female	52%	22
Male	41%	17
Intersex	2%	1
Prefer not to say	5%	2

4.26 The percentage of respondents who indicated their sex recorded at birth as female was approximately proportional to the percentage of registrants with one or more FTP concern that are female (53%). While the response rate of registrants who are female is lower than the profile of our Register (71%), our responses are more likely to represent the profile of individuals who are impacted by this policy.

4.27 The following table shows answers to our question about gender identity (as compared to sex recorded at birth).

Does your gender identity match your sex recorded at birth?	Response percent	Response total
Yes	91%	38
No	2%	1
Prefer not to say	7%	3

4.28 The percentage of respondents whose gender identity matches their sex recorded at birth is approximately representative of the percentage of

registrants with one or more FTP cases (90%)⁸ and only slightly lower than the percentage of registrants as a whole (93%).

4.29 The following table shows the answers we received when we asked respondents about their sexual orientation.

Sexual orientation	Response percent	Response total
Heterosexual / straight	69%	29
Gay man	12%	5
Gay woman / lesbian	2%	1
Prefer not to say	17%	7

4.30 69% of individual respondents to the consultation identified as heterosexual/straight, while 85%⁹ of the Register as a whole identified in the same way. Respondents who identified as gay men and those who identified as gay women/lesbian were overrepresented in consultation responses compared to the Register as a whole (1% for gay men and 1% for gay women/lesbian). No individuals responded as identifying as bisexual, asexual, pansexual, or queer.

4.31 The following table demonstrates the marital or civil partnership status of respondents:

Marital or civil partnership status	Response percent*	Response total
Married	50%	21
Divorced	5%	2
Never married and never registered in a civil partnership	29%	12
Prefer not to say	17%	7

*Percentages add up to 101% due to rounding.

4.32 The percentage of individual respondents who are married (50%) was similar to the profile of the Register as a whole (47%) but higher than the percentage of those registrants with one or more FTP concerns (40%). The percentage of

⁸ [Fitness to practise data – supplementary analysis 2023-24 | The HCPC](#)

⁹ [Fitness to practise data – supplementary analysis 2023-24 | The HCPC](#)

individuals who have never been married is similar to that of the Register (34%) and of registrants with one or more FTP concern (30%). Respondents who are divorced were proportional to the profile of the register (5%) but slightly under-representative of registrants with one or more FTP concern (9%).

4.33 The following table shows those identifying themselves as having the protected characteristics of pregnancy and/or maternity:

Pregnancy and maternity	Response percent	Response total
No	88%	37
Prefer not to say	12%	5

4.34 No individuals responded stating that they have the protected characteristics of pregnancy and/or maternity.

4.35 Because this consultation was open to the public, future applicants and registrants, we should be wary of drawing conclusions about over and under representations of specific groups. However, based on the responses to our EDI demographic questions, we have a reasonable degree of confidence that our consultation received responses from a diverse range of voices from a variety of backgrounds, all of which have played an important part in developing our policy.

Quantitative analysis summary

4.36 We received 57 responses to the consultation. 42 responses (74%) were made by individuals and 15 (26%) were made on behalf of organisations. Of the 42 individual responses, 35 (83%) were HCPC-registered professionals.

4.37 The tables below provide some indicative statistics for the answers to the consultation queries.

Breakdown of responses by question

Consultation questions	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
Q1. To what extent do you agree or disagree with the proposed changes on suspension orders?	18 (32%)	23 (40%)	7 (12%)	4 (7%)	4 (7%)	1 (2%)
Q2. To what extent do you agree or disagree with the proposed changes on interim orders?	16 (28%)	29 (51%)	7 (12%)	3 (5%)	2 (4%)	0 (0%)
Q3. To what extent do you agree or disagree with the proposed changes on apologies?	18 (32%)	22 (39%)	10 (18%)	2 (4%)	4 (7%)	1 (2%)
Q4. To what extent do you agree or disagree with the proposed changes on striking off where concerns are so serious, they are incompatible with continued registration?	20 (35%)	22 (39%)	6 (11%)	6 (11%)	3 (5%)	0 (0%)
Q5. To what extent do you agree or disagree with the proposed changes on assessing seriousness and culpability?	15 (26%)	26 (46%)	8 (14%)	4 (7%)	3 (5%)	1 (2%)

Q6. To what extent do you agree or disagree with the proposed changes on concerns about discrimination?	25 (44%)	17 (30%)	8 (14%)	3 (5%)	4 (7%)	0 (0%)
Q7. To what extent do you agree or disagree with the proposed changes on dishonesty?	14 (25%)	24 (42%)	12 (21%)	5 (9%)	2 (4%)	0 (0%)
Q8. To what extent do you agree or disagree with the proposed changes on sexually motivated misconduct?	24 (42%)	20 (35%)	7 (12%)	2 (4%)	4 (7%)	0 (0%)
Q9. To what extent do you agree or disagree with the proposed changes on professional boundaries?	20 (35%)	21 (37%)	10 (18%)	2 (4%)	3 (5%)	1 (2%)
Q10. To what extent do you agree or disagree that the structural and editorial improvements are clear?	12 (21%)	24 (42%)	13 (23%)	3 (5%)	4 (7%)	1 (2%)
Q11. To what extent do you agree or disagree with the proposed changes to our sanctions policy in general?	13 (23%)	26 (46%)	10 (18%)	3 (5%)	5 (9%)	0 (0%)

- 4.38 Respondents to the proposals were overall very supportive of the proposed changes. All questions were agreed to by the majority of respondents to the consultation. The questions with the strongest support from respondents related to interim orders (with 28% strongly agreeing and 51% agreeing), sexually motivated misconduct (with 42% strongly agreeing and 35% agreeing), striking off (with 35% strongly agreeing and 39% agreeing) and discrimination (with 44% strongly agreeing and 30% agreeing).
- 4.39 Respondents expressed the greatest neutrality about the questions related to apology (18%), dishonesty (21%), and the clarity of structural and editorial improvements (23%). The questions that received the greatest opposition were the sections

on striking off (with 11% disagreeing and 5% strongly disagreeing), suspension orders (with 7% disagreeing and 7% strongly disagreeing), and the changes to the policy in general (with 5% disagreeing and 9% strongly disagreeing).

4.40 We note that the question on proposed changes to the section on striking off received some of the strongest support and some of the strongest opposition. This is not unexpected, as a striking off order is the most restrictive sanction a panel can impose. Therefore, we anticipated that feedback on this section would be particularly strong and possibly polarised.

5. Responses to the proposals

- 5.1 This section provides an analysis of the consultation feedback we received on each of our proposals and adds our response.
- 5.2 All questions were compulsory and were therefore answered by all 57 respondents. We have analysed all the responses and provided our response below.

Cross-cutting themes in response to the proposals

- 5.3 Across stakeholders and questions of the consultation, three main cross-cutting themes emerged during our analysis of the feedback. We have addressed these common points of feedback below:

Requests for examples

- 5.4 Multiple respondents requested the sanction policy include examples to illustrate certain kinds of behaviour or demonstrate how panels should apply the new guidance. Requests included calls for examples of successful and unsuccessful remediation; positive scenarios where registrants have used the interim order period to effectively remediate; how panels should weigh factors such as repetition, motive, and harm to public confidence; sexually motivated misconduct; and misconduct toward colleagues. Respondents indicated that these examples would provide more balance, support panels in their decision-making, and promote a fairer more holistic approach to the processes outlined in the policy.

HCPC response

- 5.5 We appreciate the calls for additional examples and case-based illustrations of how panels should apply the policy in practice.
- 5.6 While we welcome the desire for further clarity, each case must be considered on its individual facts and circumstances. It would not be appropriate to include detailed case examples within the sanctions policy itself, as this could inadvertently create a sense of precedent or constrain panel discretion. Providing examples linked to specific sanctions would be detrimental to our central aims of ensuring fair and proportionate outcomes that protect the public and maintain public confidence in the profession. It is vital to the policy and our process that panels maintain discretion to consider all relevant contextual, aggravating and mitigating factors when determining a sanction. Instead, we will continue to provide panels with relevant case-based learning, legal updates, and illustrative examples through our [practice notes](#), training and regular publications.

- 5.7 We acknowledge the feedback suggesting that the draft policy focused primarily on negative scenarios and suggesting including positive examples to encourage a more holistic approach when considering interim orders. The purpose of the policy is to illustrate how panels should respond proportionately to different types of regulatory concern rather than to present a balanced picture of all possible outcomes. We believe the guidance strikes the right balance by focusing on the seriousness of this stage of the FTP process while still recognising the mitigating factors that panels must consider when determining the most appropriate and proportionate sanction.

Concerns about vexatious or malicious reports

- 5.8 We recognise that respondents are concerned about misuse of the FTP reporting process and worry that vexatious or malicious complaints will negatively impact registrants, particularly when such reports are made discriminatorily against international, disabled, or other minority registrants. Respondents expressed particular concern about vexatious complaints related to interim orders, dishonesty, and sexually motivated misconduct.
- 5.9 Six respondents (11%), including registrants with personal experience of FTP cases, argued that the policy still fails to adequately protect professionals from false or vexatious complaints, lacks proportionality, and can perpetuate stigma against those with mental health conditions or neurodiversity. One respondent also cited experiences of being placed under an interim order as a result of what they believed were vexatious or unsubstantiated complaints. Another respondent expressed concern that management or employers misuse the threat of referral to HCPC to intimidate staff.

HCPC response

- 5.10 We recognise concerns about potential misuse of HCPC referrals and risks of bias against international, disabled, or minority registrants in the form of malicious or vexatious complaints. However, these concerns fall outside the scope of the sanctions policy and are more appropriately addressed within our threshold and investigation processes. At the sanctions stage, panels will have already established the facts that have been proven and have determined that the registrant's fitness to practise is impaired. We have shared these stakeholder concerns with our FTP team to inform their ongoing work in relation to the threshold and investigation processes.
- 5.11 [Various stages of the FTP process](#) help mitigate against the risk stakeholders have identified. Throughout the process, evidence is assessed objectively at each stage, ensuring consistency and fairness. The evidence is scrutinised by an independent panel at both the Investigating Committee Panel and [final hearing stages](#). We are committed to ensuring that the Investigating Committee receives comprehensive and well-prepared evidence early in the process. This provides important safeguards against unfounded referrals,

including those that are discriminatory, and supports a robust case to answer assessment.

- 5.12 For a case to reach the sanctions stage, it must first pass the threshold assessment and be deemed to have a case to answer by an independent Investigating Committee Panel. An independent panel must then determine that the registrant's fitness to practise is impaired before the panel can go on to consider whether a sanction is required to address the risk to public protection arising from that impairment. Panels are reminded to assess context, intent, and supporting evidence thoroughly throughout the final hearings stage. This multi-stage process ensures that wholly unsubstantiated, vexatious, or malicious allegations will not advance to the sanctions stage.
- 5.13 In line with feedback and to provide stakeholders with more confidence, we have added a short explanatory note in the revised policy clarifying that by the time a case reaches the sanctions stage, the allegations have been proven, and impairment has been established by an independent panel.

References to case law

- 5.14 A number of organisational respondents and some individuals emphasised the importance of referencing relevant case law to ensure the policy remains aligned with established legal standards. Responses requesting references to case law came up in the questions on interim orders,¹⁰ suspension orders,¹¹ seriousness and culpability,¹² and sexual and sexually motivated misconduct.¹³

HCPC response

- 5.15 We note the feedback requesting clearer references to relevant case law to ensure alignment with established legal principles. We consider that the sanctions policy is already consistent with the most recent case law. Where relevant in the policy, we have made minor edits to the language to better reflect the principles and approaches set out in case law.
- 5.16 We do not, however, agree that providing case law references would improve the clarity, usability, or consistency of the policy. Case law evolves regularly. We believe embedding specific citations within the policy could require frequent revisions and consultations to keep it current, potentially slowing down updates and creating uncertainty for panels. Our view is that what is important are the principles derived from case law, rather than the citation of individual cases. Where necessary, a legal assessor can and should advise

¹⁰ Respondents referenced [Kamberova v NMC \[2016\] EWCA Crim 2955](#), but [General Dental Council v Aga \[2025\] EWCA Civ 68](#) is a more recent case and confirms our approach on interim orders.

¹¹ [General Medical Council v Bramhall \[2021\] EWHC \(2109\) \(Admin\)](#)

¹² [Bolton v The Law Society \[1993\] Ch 480](#)

¹³ [Basson v General Medical Council \[2018\] EWHC 505 \(Admin\)](#) and [General Medical Council v Dr Raied Haris \[2020\] EWHC 2518 \(Admin\)](#)

panels on the relevant case law that applies in a particular matter. We will continue to use our practice notes, training, and regular publications to provide panels with case-based learning, relevant case law, and illustrative examples where relevant.

- 5.17 In addition, including case authorities directly within the policy, even as footnotes, could make the document feel more technical and less accessible. We have deliberately sought to create a policy that can be used by registrants as well as panellists and legal representatives, recognising that around 65% of registrants are unrepresented.
- 5.18 Maintaining a principle-based approach ensures that the policy remains flexible, user-friendly, and aligned with current law, while allowing legal assessors to guide panels on the most relevant and up-to-date authorities.

Summary of feedback on proposals and our response

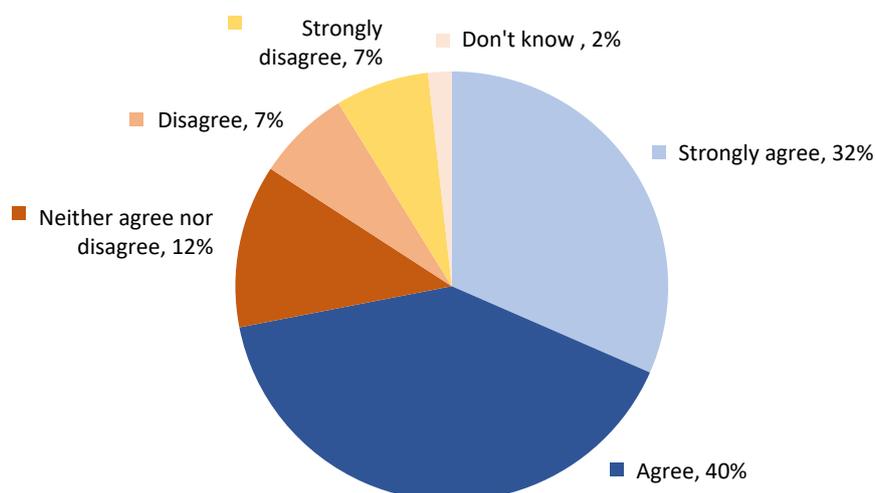
Proposal 1: Suspension orders

- 5.19 We proposed to clarify when suspension orders are appropriate and that a striking off order may still be necessary instead of a suspension order, in cases where it is required to protect the public and uphold wider public interest considerations.

Q1: To what extent do you agree or disagree with the proposed changes on suspension orders?

In the consultation, we asked respondents about their view on our proposal on suspension orders.

Suspension orders



- 5.20 41 of 57 (72%) respondents expressed agreement or strong agreement with the proposed changes, welcoming clearer guidance on when suspension is appropriate and the emphasis on proportionality and public protection. Many felt the changes would improve consistency and public confidence, though some requested clearer definitions and practical examples to aid consistent and fair decision-making.
- 5.21 A minority (eight respondents, 14%) disagreed or strongly disagreed and raised concerns about clarity, fairness, potential disproportionate impacts on registrants (including those who share protected characteristics), potential unintended consequences and risks of suspension being used too punitively.
- 5.22 Seven neutral responses (14%) and one respondent who indicated they didn't know focused on the need for clarity on interim orders, clearer definitions and illustrative examples.
- 5.23 Overall, stakeholders view suspension as a necessary tool but emphasise that it must be applied transparently, fairly, and with opportunities for remediation where appropriate.

Thematic analysis of suspension order responses

Q1 – Suspension order: Clarity and consistency

- 5.24 At least ten respondents specifically welcomed the clearer articulation of when suspension is appropriate. Some noted that the changes would help panels apply sanctions more consistently and transparently, reinforcing public confidence.
- 5.25 Six respondents wanted clearer guidance on the relationship between suspension and other sanctions (including conditions of practice and interim orders). Four respondents suggested adding explicit wording to ensure panels explain why suspension, rather than conditions or striking off, is proportionate, and two respondents sought clarity on how interim order periods are considered when assessing remediation.
- 5.26 Three organisational respondents recommended that the HCPC align structure, terminology, and reasoning with those used by other health regulators (with some referencing Nursing and Midwifery Council (NMC), or General Medical Council (GMC)/ Medical Practitioners Tribunal Service (MPTS) frameworks). They also suggested clearer sequencing of the sanctions policy structure by putting suspension before striking off and cross referring.

HCPC response

- 5.27 We welcome the broad support from respondents for the clearer articulation of when suspension is appropriate, particularly the emphasis on conduct that is serious but not fundamentally incompatible with continued registration. We are pleased that respondents recognised the value of this clarification in supporting more consistent, transparent, and proportionate decision-making by panels.
- 5.28 We note the request from some stakeholders for greater clarity on the relationship between suspension and other sanctions, including conditions of practice and striking off. We agree that the section could be amended for greater clarity and proportionality and have refined the relevant sections. The policy clearly directs panels to consider suspension as a proportionate option before deciding that a case warrants striking off and to clearly articulate their reasoning for selecting the most appropriate sanction. We have also considered where cross-references can be strengthened to make these relationships clearer.
- 5.29 Some stakeholders recommended aligning our terminology and structure with other regulators such as the GMC or NMC. Across the regulatory landscape, our policy must reflect the distinct context in which we operate. The HCPC regulates a diverse range of professions with differing practice settings, stakeholder expectations, and regulatory frameworks. As such, a

direct alignment would not always be appropriate or effective. However, we have reviewed the sequencing and use of terminology within the policy to ensure clarity and consistency with our own processes and approach.

Q1 – Suspension order: Need for clearer guidance and examples

- 5.30 A recurring theme from at least 13 respondents (23%) was that clearer guidance will enhance consistency across panels, support fairness, and strengthen public confidence in the regulatory process.
- 5.31 A few responses highlighted the need for clearer definitions of terms such as ‘delegate appropriately’, ‘serious concern’, ‘fundamentally incompatible’, and the ‘threshold’ for when a concern justifies suspension; and for practical guidance on how suspension interacts with remediation and interim orders. One organisation added that we should include an explicit statement that ‘sexual misconduct will normally not be suitable for suspension because strike-off is the proportionate response for fundamentally incompatible conduct.
- 5.32 At least two respondents felt that the proposed structural and editorial changes would make the sanctions policy more accessible and easier to interpret. One of them further recommended separating out the section on when a suspension order is appropriate into a new paragraph and amending paragraph 144 of the proposed policy to align with case law,¹⁴ which would improve clarity and make the document more objective.

HCPC response

- 5.33 To address concerns about the terminology and structure of the document, we have included more cross-referring of relevant topics as well as signposting within the sanctions policy to relevant practice notes to help panels apply the correct principles.
- 5.34 With regards to calls to define as ‘serious concern’ and ‘delegate appropriately’, a section on serious cases already exists and set out in page 75 of the draft policy, and we have now included a clear cross-reference to this in the revised policy. Similarly, our [standards of conduct, performance and ethics](#) already define expectations around delegation, and we have signposted to these standards rather than include prescriptive examples given the wide range of professions and practice settings we regulate.
- 5.35 We do not agree that we should include the specific sentence suggested about sexual misconduct because it is inconsistent with emerging case law¹⁵ which allows for panels to use their discretion to determine the degree of

¹⁴ [PSA v NMC and Kadiatu Jalloh \(2023\) EWHC 3331 \(Admin\)](#)

¹⁵ See [General Medical Council v Rajesh Shah \[2025\] EWHC 899 \(Admin\)](#), paragraph 82

misconduct and make determination on the merits of the case. Furthermore, this is beyond the scope of our powers as set out in legislation.

- 5.36 Finally, in response to feedback, we have also reviewed the structure of paragraph 144 (paragraphs 169-170 in the revised policy) to improve clarity for panels.

Q1 – Suspension order: Balancing proportionality and remediation

- 5.37 A small minority of respondents (three) questioned whether HCPC panels always apply the principle of proportionality correctly. One who disagreed argued that suspension can have punitive consequences even before guilt or impairment is proven. They highlighted the social, financial, and reputational impact of suspension.
- 5.38 A number of respondents (five) suggested that suspension should not be punitive, but rather an opportunity for remediation. Some cautioned that suspension may be imposed unnecessarily if remediation has already occurred (e.g. during an interim order), or where conditions of practice could suffice. Three respondents welcomed references to insight, remediation, and learning, noting these align with a rehabilitative approach to regulation. Though they agreed that panels should weigh suspension against erasure, they felt that the sanctions policy, as drafted in paragraph 145, might drive panels toward striking off without fully considering if suspension is proportionate.

HCPC response

- 5.39 We acknowledge the concerns that panels may not always apply the principle of proportionality correctly, and that suspension can have significant social, financial, and reputational consequences for registrants. Panels must take these impacts seriously when considering whether suspension is necessary. However, we do not consider the HCPC's approach to be punitive or disproportionate. The FTP process exists to protect the public, uphold confidence in the professions, and maintain professional standards, not to punish registrants (see paragraph 18 of the revised policy).
- 5.40 Suspension, or any other sanction, should never be applied with punitive intent. Panels are expected to consider and weigh all aggravating and mitigating factors, including whether remediation has occurred, or whether a less restrictive sanction such as conditions of practice would achieve sufficient public protection (see paragraph 27 of the revised policy). Where remediation has already taken place, panels are expected to carefully consider whether suspension is proportionate in the circumstances and remains necessary for public protection.

- 5.41 We disagree that suspension should be framed primarily as an opportunity for remediation. While suspension may offer an opportunity for remediation, its primary purpose is to protect the public and maintain confidence in the profession where this cannot be achieved through less restrictive means. Furthermore, any remediation occurring during a suspension falls outside the scope of this policy and is addressed in the HCPTS Practice Note on [Review of Article 30 sanction orders](#).
- 5.42 In response to feedback on paragraph 145 of the draft policy, we have strengthened the guidance to panels on suspension orders by redrafting the section (see paragraphs 169-170 in the revised policy).

Q1 – Suspension order: Concerns about fairness and potential discrimination

- 5.43 Four responses raised broader concerns that HCPC processes do not adequately account for the rights of registrants, especially those with disabilities or protected characteristics under the Equality Act. Three responses argued that suspension may disproportionately disadvantage registrants, for example through reputational harm or workforce impacts in under-resourced settings.
- 5.44 There was also a suggestion to clarify guidance on health-related suspensions, particularly addressing perceived discrimination against mental health conditions compared with physical health conditions and provide clear rules on when registrants must self-declare health issues. Another stakeholder added that the proposal needs to reflect the changing work environment and upcoming new employment law bill.

HCPC response

- 5.45 We take concerns raised about rights of all registrants during the FTP process seriously, including rights of those with disabilities or protected characteristics. Since 2023, we have been publishing data¹⁶ on the protected characteristics of registrants involved in FTP cases, and we are currently exploring ways to analyse outcomes at a higher level to ensure fairness and transparency. We are also continuing broader organisational work on fairness in decision-making, supported by ongoing research and improvement projects.
- 5.46 Panels already take into account a registrant's individual circumstances including workplace context, lived experience, and health conditions as part of their assessment of mitigation and remediation. The sanctions policy and practice notes reinforce this expectation, and we have ensured this is clearly reflected in the revised sanctions policy (for example, see paragraph 82 of the revised policy).

¹⁶ [Fitness to practise data and reports | The HCPC](#)

5.47 In relation to concerns that panels may treat mental health conditions differently from physical health conditions, we have included paragraph 82 reinforcing that panels should consider all relevant health factors when determining sanctions and apply mitigating and aggravating factors consistently.

Q1 – Suspension order: Public protection and safeguarding

5.48 14 strong supporters of the changes stressed that clearer suspension guidance strengthens safeguarding and protects public confidence, especially in cases involving safeguarding failures, dishonesty, or misconduct.

5.49 A few responses (five), however, warned that overly strict or poorly defined application of suspension orders could erode fairness and trust, with one respondent characterising the approach as ‘too draconian.’ Another viewed the HCPC as overreaching its regulatory remit, arguing that the process interferes with employment matters and silences professionals.

5.50 One respondent agreed with the proposal but expressed concerns about the HCPC’s ability to implement the changes effectively, given ongoing challenges with timeliness. They stressed that panel training and operational readiness must accompany policy changes to avoid inconsistent application.

HCPC response

5.51 We welcome the strong support from respondents who agreed that clearer guidance on suspension strengthens public protection and confidence in the professions we regulate.

5.52 We note stakeholders’ feedback describing the approach as overly strict, poorly defined, or ‘draconian’, and also note concerns that the HCPC may be overreaching its regulatory remit or face operational challenges in implementing changes within the current timeline. While all the feedback does not directly relate to the content of the policy, we recognise the importance of effective implementation.

5.53 We do not believe that the proposed change to suspension order introduces additional complexity. Rather it provides greater clarity and structure. The revision does not represent a change in policy position but an articulation of existing principles. We are committed to supporting this through panel training, quality assurance, and continuous improvement in case management processes. To further address the concern about being overly strict or draconian, the policy now includes additional explanation outlining how it is intended to promote fair, proportionate, and consistent decision-making that balances public protection with fairness to registrants.

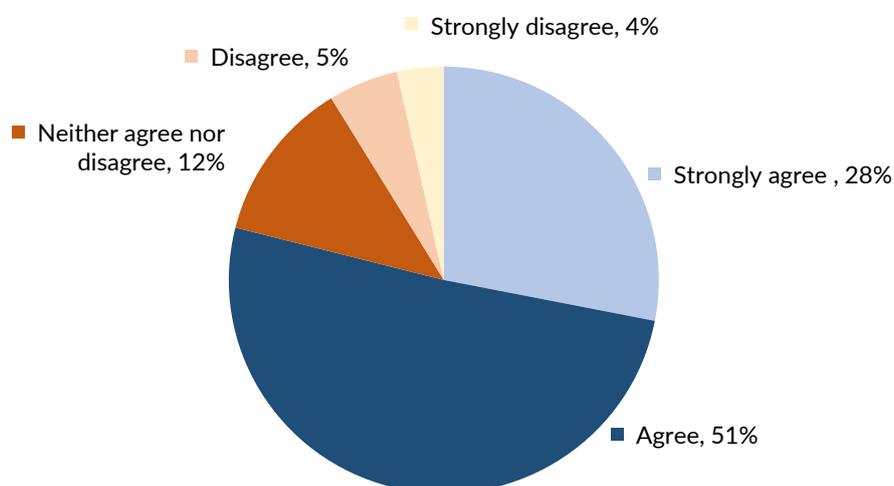
Proposal 2: Interim orders

5.54 We proposed to clarify how panels should take into account information that a registrant has been subject to an interim order prior to the final hearing when deciding on a final outcome.¹⁷

Q2: To what extent do you agree or disagree with the proposed changes on interim orders?

5.55 In the consultation, we asked respondents about their view on our proposal on interim orders.

Interim orders



5.56 The majority of 45 respondents out of 57 (79%) agreed or strongly agreed with the proposed changes on interim orders, with respondents valuing greater clarity, proportionality, and consistency in how these orders are applied and considered in relation to sanctions.

5.57 Interim orders were recognised as an important protective tool, but respondents emphasised that panels should consider each case individually, factoring in remediation, insight, and context. However, seven (12%) respondents, were neutral, and five (9%), either disagreed or strongly disagreed, raising concerns about fairness, proportionality, and potential bias in the FTP process, as well as the real-world impact of interim orders on registrants' livelihoods and wellbeing.

¹⁷ [GDC v Aga \[2025\] EWCA Civ 68](#). This case sets out that panels should not take into account 'time served' under an interim order when deciding length of a substantive sanction.

Thematic analysis of interim order responses

Q2 – Interim orders: Clarity and guidance

- 5.58 Many respondents (14) welcomed the clearer articulation of how interim orders differ from sanctions, and the emphasis on case-by-case proportionality. Four responses highlighted that the draft now makes a clear distinction between the protective purpose of interim orders and the sanctioning purpose of post-hearing decisions.
- 5.59 Three respondents asked for additional guidance around how panels should weigh interim order periods when setting a sanction and on the principles behind the relationship between interim orders and substantive sanctions.

HCPC response

- 5.60 We welcome the strong support from respondents for the clearer distinction between interim orders and sanctions. Interim orders serve to protect the public during an investigation, whereas sanctions are imposed only after a finding of impairment. We agree that maintaining this distinction supports proportionality, consistency, and public confidence in the FTP process, and we have added language to more clearly define the purpose of interim orders and their relevance to the sanctions process in paragraph 34 of the revised policy.
- 5.61 While we appreciate the desire for further clarity, interim orders are highly case-specific measures used to manage ongoing risk rather than to impose sanctions. The principles provided in the sanctions policy are intentionally focused on situations where concerns have arisen, reflecting the serious nature of the process and that sanctions are applied only when something has gone wrong and public protection may be at risk.

Q2 – Interim orders: Fairness and public protection

- 5.62 At least nine supportive respondents viewed the proposal as a positive step for consistency and transparency, ensuring that panels understand interim orders serve a protective and not punitive function. They agreed that the updated policy strengthens public protection and avoids arbitrary or inconsistent deductions from substantive sanctions. Five respondents also felt that the clearer structure will help maintain public confidence in regulatory outcomes.
- 5.63 Some respondents (six) emphasised the importance of further details given to panels such as individualised assessment, noting that each case must consider the registrant's specific circumstances, conduct, and remediation during the interim period. Others added that non-compliance with interim orders should be taken into account, and compliance or proactive remediation should be recognised positively. However, at least three respondents felt that 'time

spent' should be included in totality of sanction given under a suspension period.

- 5.64 At least four respondents emphasised that interim orders are critical for safeguarding the public while investigations are ongoing, particularly in high-risk cases such as child safeguarding or serious professional misconduct. However, some responses felt that interim orders should be applied only when strictly necessary, and one respondent wanted recognition in the sanctions policy that undue or premature use of interim orders can cause reputational, emotional, and financial harm to registrants.
- 5.65 Some highlighted the importance of considering registrants' insight, remediation, and engagement when deciding whether to impose an interim order. Conversely, some felt that interim orders are not applied quickly enough in serious safeguarding or dishonesty cases, citing examples where delays in interim action allegedly led to further harm or risk to service users.

HCPC response

- 5.66 We welcome support for our approach ensuring that panels understand interim orders and avoid arbitrary or inconsistent decisions.
- 5.67 We agree that panels must take an individualised approach, considering each registrant's circumstances and any remediation during the interim period. The policy guides panels to carefully consider the relevant facts and circumstances related to the interim order when determining a proportionate sanction.
- 5.68 In response to the feedback that 'time spent' under an interim suspension order should be credited or considered when determining the total period of suspension under a substantive order, we consider our current approach is consistent with the principles confirmed by recent case law.¹⁸ The revised policy states that it would be wrong for a panel to simply deduct or discount the time a registrant was previously restricted or suspended under an interim order from the substantive sanction as doing so could put patients at risk of harm (see paragraph 36).
- 5.69 We agree that interim orders play a vital role in safeguarding the public while investigations are ongoing, particularly in high-risk cases such as those involving safeguarding or serious misconduct. The policy reinforces that interim orders should be used where necessary to manage risk and maintain public confidence, ensuring that public protection remains the primary consideration.

¹⁸ [General Dental Council v Aga \[2025\] EWCA Civ 68](#)

- 5.70 Similarly, we acknowledge views about the impact of interim orders on registrants including reputational and financial consequences. Interim orders must only be imposed where strictly necessary for public protection or to maintain confidence in the professions, and we believe the policy makes this clear.
- 5.71 We recognise the concerns raised about delays in imposing interim orders in serious cases. While this feedback sits outside the scope of the consultation, we are committed to supporting panels through panel training, quality assurance, and continuous improvement in case management processes.

Q2 – Interim orders: Legal alignment and definitions

- 5.72 A neutral respondent argued that the process lacked clear legal definitions for certain terms such as sexual misconduct and therefore risks unfair and discriminatory outcomes particularly toward disabled registrants and emphasised the need for legal clarity.
- 5.73 One response reflected deep mistrust in the UK legal and regulatory system, linking their disagreement with the proposals to wider socio-political issues, such as Brexit, perceived injustice, or bias.
- 5.74 A respondent added that the sanctions policy should clarify that a registrant does not need a pre-existing employer for interim conditions to be appropriate, referencing the principles from case law¹⁹.

HCPC response

- 5.75 We note concerns raised about the need for clearer definitions of terms such as 'sexual misconduct'. While this does not fit into the proposal for interim orders, we recognise that it is important to provide clarity where possible. Relevant case law which defines sexual misconduct is referenced in the HCPTS Practice Note on [Making decisions on a registrant's state of mind](#). We will consider whether additional guidance can be provided to panels and have updated the policy by cross-referencing to the practice notes which should assist panels in achieving consistency and fairness.
- 5.76 We note the concerns raised regarding broader socio-political issues and mistrust in the UK legal and regulatory system. While these matters are outside the scope of this consultation, we are committed to ensuring that our FTP processes remain transparent, proportionate, and focused on the protection of the public. Our policies and procedures are designed to uphold fairness for registrants while maintaining public confidence in the regulated professions.

¹⁹ [Perry v NMC \[2012\] EWHC 2275 \(Admin\)](#)

- 5.77 We note the reference to case law and the suggestion that the policy should clarify that a registrant does not require a pre-existing employer for interim conditions to be appropriate. While we recognise that the absence of an employer can occasionally create challenges, this issue sits outside the remit of the sanctions policy. The point raised is more appropriately addressed within the [HCPTS interim orders Practice Note](#), which we will review to ensure consistency and clarity on this matter.

Q2 – Interim orders: Equality and protected characteristics

- 5.78 Three respondents raised concerns about the potential for interim orders to have a disproportionate impact on vulnerable or disabled registrants and called for clearer guidance to help prevent discrimination or bias in how interim orders are applied.
- 5.79 Four respondents expressed serious concerns about bias and unfairness within the FTP process. Three responses, including one detailed submission, argued that the HCPC's approach to interim orders does not adequately protect disabled registrants or those with mental health conditions, which can lead to disproportionate outcomes. A respondent noted perceived inconsistencies in how interim orders are applied between cases involving mental health and those involving physical health conditions.

HCPC response

- 5.80 We acknowledge and take seriously the comments regarding bias, unfairness, and the potential disproportionate impact of interim orders on registrants with disabilities or protected characteristics. While we have found no evidence of unfairness in the application of interim orders, we remain committed to continuous improvement and will continue to review our processes to ensure fairness, proportionality, and equality of treatment are maintained throughout the FTP process.
- 5.81 The HCPC publishes [annual EDI data](#) on registrants subject to FTP proceedings and is undertaking further work to explore outcomes by protected characteristic. We may also explore the demographics of registrants subject to interim orders, including changes over time, as part of our ongoing monitoring work. However, we do not currently collect data on the impact of interim orders on registrants' livelihoods or mental health and therefore are unable to assess this directly.

Q2 – Interim orders: Transparency and accountability

- 5.82 Some respondents emphasised the importance of transparency in how panels make decisions on interim orders. Responses including one from a registrant who also called for clearer communication with both registrants and employers when interim orders are applied, reviewed, or changed.

- 5.83 A respondent highlighted that timely and direct communication from the HCPC to employers is essential to maintain safety and accountability. They reported that employers are sometimes left in the dark and left to rely on registrants to disclose updates about interim orders. They felt that direct updates from the HCPC would help ensure employers can take appropriate and informed action in response to changes.
- 5.84 An organisation called for greater transparency in the application of interim orders and stronger scrutiny of their impact on registrants' livelihoods and mental health, especially when interim orders are placed but no sanction follows.
- 5.85 A small number of respondents (two registrants) who disagreed with the proposed approach, viewed interim orders as being too easily imposed, overly punitive, and sometimes unsupported by sufficient evidence of risk.

HCPC response

- 5.86 We recognise the importance of transparency and communication throughout the interim order process. We believe there is some confusion among respondents regarding interim orders. There are two types of interim orders mentioned in the sanctions policy: 1) existing interim orders which can be put in place at any point during the period before the final hearing is concluded, and 2) interim orders put in place to cover the appeal period once a sanction is imposed.
- 5.87 Our proposed changes clarified that panels may take into account whether a registrant has been subject to an interim order as a relevant factor in their decision-making. The revised policy guides panels to appropriately weigh interim orders put in place before a final hearing is concluded when determining what, if any, is a proportionate sanction.
- 5.88 Some respondents provided feedback on how interim orders are imposed before a final hearing is concluded. How these interim orders are imposed is outside the remit of this policy.
- 5.89 Interim orders to cover the appeal period are within the remit of this policy. Panels must clearly explain the reasons for imposing, reviewing, or varying an interim order, and these decisions must be communicated promptly. This is clearly reflected in paragraph 20 of the revised policy.
- 5.90 In response to the confusion about the different types of interim orders referenced in the sanctions policy, we have edited the sub-headings of the two separate interim order sections to clarify which type of order is being

discussed. Paragraph 183 also clearly indicates the difference between the two types of interim orders.

- 5.91 We note comments calling for the guidance to outline what happens when interim orders are breached or not complied with. This is not within the remit of the sanctions policy, as such matters are procedural and governed by our separate FTP rules set in [legislation](#). We are, however, satisfied that the guidance at paragraphs 32-36 adequately covers the consideration of interim orders by panels at subsequent stages of proceedings.
- 5.92 Where respondents suggested that the HCPC should notify employers directly of interim order outcomes or changes rather than relying on registrants to do so, we believe that this falls outside the remit of the consultation. However, our FTP process already provides for employer notification, where possible, following the imposition, variation, or revocation of an interim order. Registrants also have a professional duty to inform their employer of any FTP decisions affecting them, and this shared responsibility helps ensure both transparency and accountability.
- 5.93 We recognise the concerns raised about the impact of interim orders on registrants' livelihoods and wellbeing, particularly in cases where no sanction ultimately follows. As noted above in paragraphs 4.80-4.83, only interim orders to cover the appeal period are within the remit of the sanctions policy. Interim orders are protective measures applied only where necessary to manage ongoing risk or maintain public confidence. Therefore, we agree that transparency and proportionality are essential, and panels are required to provide clear, reasoned justifications for interim orders imposed to cover the appeal period. Given the seriousness of the impacts of any sanctions imposed, the revised policy reflects the requirement for panels to provide clear reasons for any decisions (see paragraph 20).
- 5.94 We recognise stakeholder concerns about interim orders as being too easily imposed. We do not agree that this reflects the purpose of the process. Interim orders are strictly protective measures applied only where there is sufficient evidence to demonstrate a real and ongoing risk to the public, public confidence, or the wider public interest. When imposing interim orders, independent panels must provide clear reasoning, weighing the risk to the public and explaining their decision.

Q2 – Interim orders: Timeliness and procedural efficiency

- 5.95 A small number of respondents (two) raised concerns about delays and the repeated renewal of interim orders, which they felt can leave registrants in prolonged uncertainty. One called for the HCPC to resolve high-risk cases more swiftly, suggesting that certain criminal convictions should

automatically result in a striking off order, thereby avoiding drawn-out proceedings and reducing unnecessary delays in concluding such cases.

- 5.96 An individual suggested that interim orders should be restricted solely to safeguarding cases or dismissed when employer evidence is lacking.

HCPC response

- 5.97 We also acknowledge concerns about timeliness and the renewal of interim orders. While these comments fall outside the direct scope of the consultation, they nonetheless indicate a low confidence baseline among some registrants in the fairness of regulatory processes. We will continue to review timeliness as part of our wider FTP improvement work to ensure proportionate and prompt risk management. Introducing an automatic striking off process is beyond our regulatory remit as established by legislation.
- 5.98 Suggestions that interim orders should be restricted solely to safeguarding cases or dismissed when employer evidence is lacking fall outside our legislative powers. Interim order applications are independently assessed by panels at the time of application, and registrants are afforded the opportunity to respond fully to each application. Furthermore, the application of interim orders during the investigation stage sits outside of the remit of the consultation.

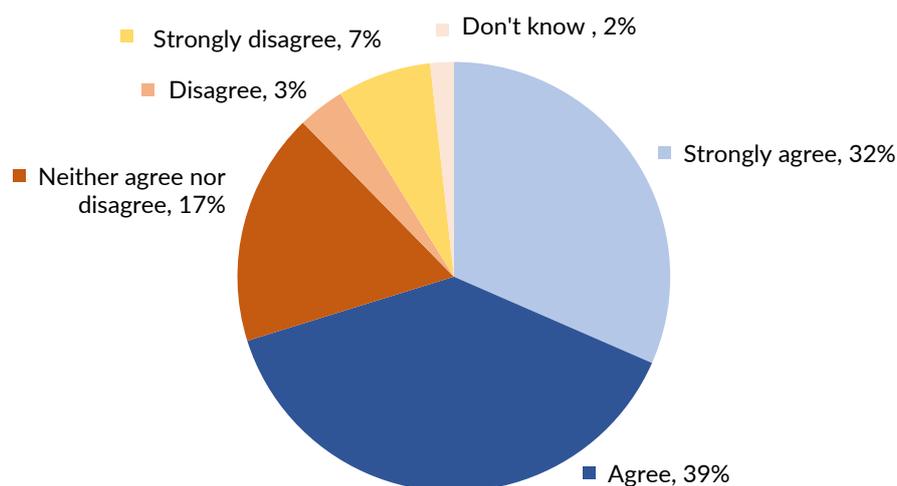
Proposal 3: Apologies

- 5.99 In line with our updated resources on [duty of candour](#) (being open and honest when things go wrong), we proposed to make it clear that while an apology can show insight and be taken into account, it shouldn't automatically be seen as accepting wrongdoing. Equally, not apologising shouldn't necessarily lead to a more restrictive outcome. We also proposed to use subheadings to signpost insight, remorse, and apology to provide greater clarity for panels.

Q3: To what extent do you agree or disagree with the proposed changes on apologies?

5.100 In the consultation, we asked respondents about their view on our proposal on apologies.

Apologies



5.101 A majority of respondents (40, 71%) either agreed or strongly agreed with proposed changes to apologies. A smaller number (11, 19%) neither agreed nor disagreed or did not know, mainly seeking further clarity or examples. While six (10%) respondents disagreed or strongly disagreed raising concerns about fairness, cultural differences and legal significance of apologies.

5.102 At least 46 (81%) respondents welcomed the clarification that an apology will not in itself be treated as an admission of guilt. They viewed this as encouraging openness, honesty, and compliance with the duty of candour. Some organisational respondents noted that this approach aligns with the updated [standards of conduct, performance and ethics](#).

Thematic analysis of apologies responses

Q3 – Apology: Differentiating and assessing apology, insight, and remorse

5.103 Five organisations and two registrants supported the HCPC’s proposal to differentiate apology, insight, and remorse to improve panel consistency and fairness. Some noted that this would reduce fear among registrants about apologising.

5.104 A recurring theme among at least five respondents was that neurodiverse registrants may express remorse or apology in unconventional ways and could be unfairly judged. Calls were made for panel guidance and training on

recognising alternative expressions of insight. In addition, five respondents urged the HCPC to ensure the sincerity and quality of apologies are assessed, rather than formulaic statements. One organisation added that lack of apology should not automatically be treated as lack of insight and that panels should consider the reasons why an apology may not have been given sooner.

- 5.105 Four respondents raised concerns that cultural differences and systemic bias might lead to unfair interpretation of apologies or lack thereof.

HCPC response

- 5.106 We welcome the support from respondents for differentiating apology, insight, and remorse, noting that clearer distinctions can help improve panel consistency and fairness.
- 5.107 We acknowledge concerns about the interpretation of apologies, particularly in relation to cultural differences, neurodiversity, and varying communication styles. Panels are expected to consider the sincerity and quality of any apology, rather than formulaic statements, and we will reinforce this through guidance and targeted training to support fair and proportionate assessment. Where an apology is not provided, panels are expected to consider the reasons why that might be and to weigh the registrant's insight and remorse, as outlined in the revised policy (see paragraph 63).
- 5.108 We also recognise that neurodivergent registrants may express remorse or apology differently to neurotypical registrants and could be unfairly judged if alternative expressions of insight are not understood. Panel guidance and training will emphasise recognition of diverse ways in which insight and remediation can be demonstrated. Concerns about panels' abilities to assess apology and remorse in cases where there are cultural differences or neurodiversity considerations have been acknowledged and addressed in paragraph 63 of the policy.
- 5.109 Following feedback, we will consider creating standalone guidance or practice notes on apologies and expressions of remorse. This will provide additional clarity for panels and support registrants regardless of protected characteristics, including those who are unrepresented.
- 5.110 We take seriously the points raised regarding cultural differences and systemic bias that could affect how apologies are interpreted. We already publish [analysis of FTP data](#) by some protected characteristics, including ethnicity. While we do not currently have data to either support or reject claims of disproportionate treatment on these grounds, we will continue to monitor outcomes and review guidance to mitigate potential bias and support

equitable treatment. We will continue seeking opportunities to expand our analysis to provide more insights on fairness and equity in our FTP process.

Q3 – Apology: Clarity and consistency

- 5.111 At least five respondents disagreed with the idea that registrants must apologise, warning it could pressure innocent or legally constrained individuals to apologise for things they haven't done. Some noted that in certain situations, it may be more appropriate for an employer to issue an apology on behalf of the registrant, particularly in organisational or systemic contexts.
- 5.112 At least two organisations highlighted that, although the consultation text states that 'absence of an apology should not be treated as an aggravating factor,' this wording was not clearly reflected in the policy section, particularly in paragraphs 54 and 55. They recommended explicitly including this phrase to prevent misinterpretation.
- 5.113 One registrant noted that paragraph 54 of the proposed policy appeared contradictory, as it requires registrants to apologise per the standards while also listing circumstances in which an apology might not be given. Additionally, another respondent expressed concern about how a panel might interpret the term 'gone wrong'.

HCPC response

- 5.114 We note the recommendation to explicitly include that the 'absence of an apology should not be treated as an aggravating factor'. We do not agree with including this as an explicit rule. The policy provides panels with the discretion to assess the circumstances of each case and decide how to weigh the absence of an apology. We have, however, added clarification that the timing and nature of any apology will be informed by context and panels should consider why an apology may not be given or why there may be a delay in an apology (see paragraph 63 of the revised policy).
- 5.115 We also recognise concerns that registrants should not feel pressured to apologise for failures they have not committed or where legal constraints apply. Whether or not an employer or organisation apologises is outside of the remit of the HCPC. However, registrants have a professional duty to apologise to service users and/or their carers when something has gone wrong with the care, treatment or other services they have received. This duty is stated in the [standards of conduct, performance and ethics 8.2](#). In line with UK law, an apology does not equate to an admission of guilt. The policy will continue to emphasise that panels must consider proportionality, fairness, and use context-specific judgement.

5.116 We note stakeholder comments regarding potential confusion in paragraph 54 of the proposed policy, which references both the expectation for a registrant to apologise under the standards and the reasons why a registrant may not apologise. We consider it important to highlight legitimate reasons for non-compliance, so that registrants are not deterred from offering an apology where appropriate. We also recognise questions raised about why a registrant should demonstrate insight or remorse if they are genuinely not at fault or are exercising their legal rights. These issues are addressed through the [standards of conduct, performance and ethics](#) (standard 8.1 and 8.2) and paragraph 52-53 of the policy, ensuring that panels assess each case proportionately and in context.

5.117 Similarly, with regards to concerns about how a panel might interpret ‘gone wrong’ in paragraph 54 of the proposed policy, we have addressed this by linking to the duty of candour resources, providing further clarity on the panel’s approach (see paragraph 51).

Q3 – Apology: Implementation and practicality

5.118 At least three respondents emphasised that standalone guidance would improve consistency, fairness, and clarity in how panels assess apologies and expressions of remorse. Separately, an organisation recommended more nuance in valid demonstrations of insight and remediation, including reflective practice logs, learning reviews, or CPD activities. They highlighted that panels should recognise alternative demonstrations of insight and remediation beyond a formal apology.

5.119 A respondent was sceptical about the HCPC’s capacity to deliver complex cultural and contextual assessments, citing existing delays and inconsistency in decision-making.

HCPC response

5.120 We note suggestions for more nuanced examples of valid demonstrations of insight and remediation, such as reflective practice logs, learning reviews, or CPD activities. These are already included in the policy. In paragraph 67 of the revised policy, we have included minor clarifying edits to enhance understanding and ensure panels can consistently recognise a broad range of evidence of remediation.

5.121 Finally, we acknowledge that some respondents were sceptical about our capacity to implement cultural and contextual assessments consistently. Though this is outside the scope of the consultation, we will continue to monitor our processes and ensure panels receive relevant training.

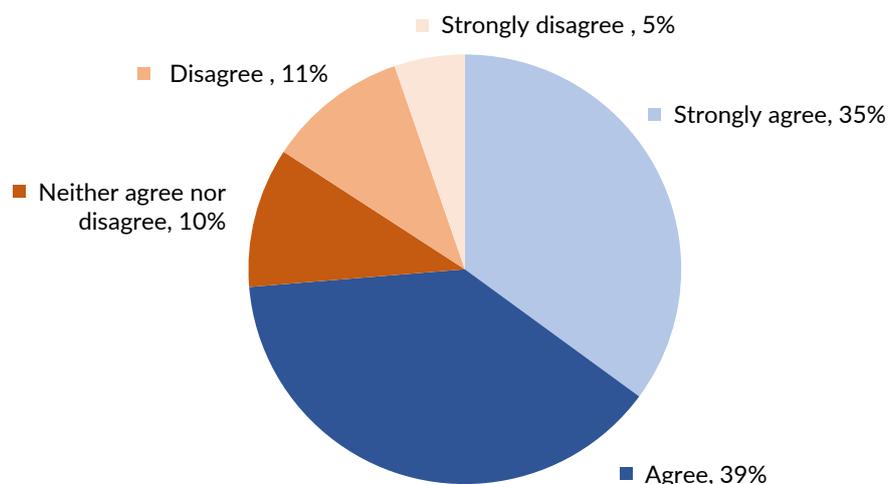
Proposal 4: Striking off

5.122 In response to feedback from the PSA, we proposed clearer wording to explain when striking off orders may be used. The aim was to prevent any potential misunderstanding as referring to striking off as a 'last resort' could be interpreted as requiring panels to consider all other sanctions first. Our proposal clarified that, in the most serious cases, striking off may be the appropriate outcome from the outset, to ensure panels apply the policy consistently and in line with its intent.

Q4: To what extent do you agree or disagree with the proposed changes on striking off where concerns are so serious, they are incompatible with continued registration?

5.123 In the consultation, we asked respondents about their view on our proposal on striking off where concerns are so serious, they are incompatible with continued registration.

Strike-off



5.124 Many respondents (42, 74%) welcomed clearer wording explaining that striking off may be the only proportionate sanction in the most serious cases. The proposed removal of the term 'sanction of last resort' was also viewed positively as it reduces ambiguity and ensures panels can act decisively when necessary. Several agreed that this clarity supports public protection, professional integrity, and consistency in decision-making.

5.125 The neutral responses mainly expressed concern over abuse of process, fairness, and need for more detailed criteria or guidance, while nine (16%) of the responses that opposed the proposal shared concern that striking off could be misapplied, should remain rare, or require extreme caution. They

also emphasised the risk of unfair outcomes from vexatious or false complaints, overreach, or disproportionate action.

Thematic analysis of striking off responses

Q4 – Striking off: ‘Last resort’ framing

5.126 A registrant who disagreed, noted that striking off should remain a truly exceptional outcome used only when no remediation is possible. They further argued that permanent removal should follow thorough investigation, proven facts, and fair opportunity for remediation, not regulatory interpretation of seriousness and that panels might interpret ‘incompatible with continued registration’ too broadly, leading to restrictive sanctions.

HCPC response

5.127 We acknowledge the concerns raised about striking off being perceived as too readily applied. We expressed in our consultation that the changes were being proposed as a direct result of feedback from the PSA. The proposal itself does not present a change in policy but provides clarification to panels to enable them to make proportionate and consistent decisions. We emphasise that striking off is reserved for cases where no other sanction would be sufficient to protect the public, public confidence in the profession and public confidence in the regulatory process and the registrant’s conduct is fundamentally incompatible with continued registration.

5.128 Panels are instructed to consider all relevant evidence, opportunities for remediation, and proportionality before determining that striking off is appropriate. Panels consider sanctions in ascending order, starting with the least restrictive sanction, in order to determine what is most appropriate and necessary for protecting the public and maintaining confidence in the profession. At each level, panels must provide reasons why the lesser restrictive sanction is not sufficient. We have amended the section on striking off to ensure that panels have the appropriate level of detail to make sound and consistent decisions.

Q4 – Striking off: Fairness and equality concerns

5.129 At least six respondents highlighted concerns about fairness, equality or potential bias. An organisational respondent added that striking off decisions should account for pressures such as discrimination, coercion, and evidence of reflection or change.

5.130 A registrant urged the HCPC to ensure striking off decisions comply with equality and employment law, and to prioritise support and rehabilitation before removal.

- 5.131 Another organisation noted the significant impact of striking off on registrants and the importance of giving correct weight to relevant factors. They emphasised that sanctions should not be intended to punish registrants.

HCPC response

- 5.132 All FTP partners receive EDI training as part of their recruitment and induction. This includes content on disability, bias awareness, and taking account of neurodiversity and cultural factors in a way that is sensitive, proportionate and aligned with public protection. We also provide regular refresher training for panel chairs and legal assessors. We will continue to annually publish analysis of FTP outcomes by some protected characteristics, including ethnicity. We will explore expanding the scope of these analyses and training in the future to further safeguard fairness and equality.
- 5.133 While we appreciate the feedback about striking off decisions complying with equality and employment law, this is beyond the scope of a review of the sanctions policy. However, we are confident that our policy is aligned with UK law in general.
- 5.134 We welcome the emphasis on appropriately weighing relevant factors related to the case and that sanctions are not intended to be punitive. We consider that these points are both addressed in the policy.

Q4 – Striking off: Ambiguity in wording

- 5.135 Four organisations questioned why detailed reasoning was emphasised only for striking off decisions, noting that all sanctions should be fully reasoned. They noted that all panel decisions, not just striking off orders, should provide clear, detailed justifications.
- 5.136 One organisation suggested a slight rewording of policy to read ‘A striking off order “may be appropriate” rather than “will be appropriate” ...’, to avoid presumption that all serious, persistent, deliberate or reckless acts will result in striking off.
- 5.137 One respondent recommended strengthening paragraph 157 to reflect case law and PSA guidance, ensuring panels properly explain why every sanction imposed was proportionate and supported adding explicit criteria and guidance to help panels assess proportionality. Another suggested deleting paragraph 157 altogether, as it could imply lesser sanctions require less justification.

HCPC response

- 5.138 We agree that all sanctions require clear and reasoned explanations, and we believe that this is already included in the guidance. Panels are expected to document their decisions comprehensively, ensuring transparency and

consistency across all types of sanctions. The sanctions policy is intended to be read in its entirety rather than in discrete sections. Therefore, panels will have read the section '*Reasons for decision to issue a sanction*' (see paragraph 20), which instructs them to give reasons for their decisions at every stage, prior to the striking off section.

- 5.139 We note the suggestion to amend the wording in this section to 'may be appropriate'; however, we are satisfied that the current wording accurately reflects our intended approach. The policy makes clear that while striking off will generally be appropriate in such cases, panels will continue to consider the individual circumstances of each case before reaching a decision.
- 5.140 Regarding paragraph 157 of the proposed policy, we note the recommendation to strengthen the wording to reflect case law and PSA guidance. The intention of the paragraph is to ensure panels provide proportionate, evidence-based reasoning for each sanction. Whilst this is addressed in general terms in paragraph 20, we emphasise this point for decisions to impose a striking off order as the most serious sanction available to panels. Paragraph 157 in the draft policy is intended to ensure clear reasoning for the most serious sanctions, including why other sanctions were not appropriate. The revised policy is clear in paragraphs 141 and 142 that the requirement for detailed reasoning applies to all sanction levels, not only striking off sanctions.

Q4 – Striking off: Suggestions for improvements

- 5.141 One organisation welcomed the inclusion of examples and hyperlinks to guide panels on when striking off may be warranted but suggested minor improvements to wording for precision (e.g., 'inclusion on a sexual offenders database').
- 5.142 Similarly, a separate organisation requested case-based illustrations of what qualifies as 'fundamentally incompatible' conduct, to help ensure consistency. Further they suggested forming a consultative group or publishing guidance to refine definitions and examples over time. Another requested guidance for panels for misconduct repeated or influenced by systemic, cultural, or organisational factors.
- 5.143 Another respondent who agreed with the proposal highlighted the need for robust appeals processes, regular monitoring of striking off decisions, and panel training to maintain consistency and fairness.

- 5.144 Another supportive registrant queried whether the HCPC had considered the ‘Coroner’s prevention of future deaths order’²⁰ as part of the sanctions policy guidance to panels.
- 5.145 An organisation noted that the policy details that registrants cannot apply to re-join the Register within five years of striking off and added that for public confidence it may be appropriate to consider guidance as to when re-joining the Register would not under any circumstances be considered. At least three respondents noted that the threshold for striking off should also reflect recklessness, dishonesty, or failure to safeguard that creates a foreseeable risk of future harm.

HCPC response

- 5.146 We welcome support for the inclusion of examples and hyperlinks to guide panels.
- 5.147 We agree that robust appeals processes, ongoing monitoring of striking off decisions, and targeted panel training are essential to maintain fairness and consistency. We publish [the FTP annual report](#) which includes details of final hearing outcomes. We will continue to review our FTP processes and provide panels with regular training. These measures will continue to be prioritised to safeguard public protection while ensuring equitable treatment for registrants.
- 5.148 We have not taken account of Coroner’s Prevention of Future Deaths orders and do not think it is appropriate or necessary to do so in a sanctions policy. These orders are provided for a different purpose and are very contextualised.
- 5.149 With regards to providing further guidance in the policy about prohibiting registrants from rejoining the Register after a striking off order, we do not have the powers under our legislation to provide such guidance.
- 5.150 In response to the threshold for striking off reflecting recklessness, dishonesty, or failure to safeguard, we believe this is already adequately addressed in the ‘serious cases’ section of the policy (see paragraphs 85-139).

²⁰ The same respondent raised a similar question regarding Coroner’s Prevention of Future Deaths orders under the section on Seriousness and Culpability. Our response to this stakeholder comment remains unchanged and is set out in paragraph 4.142.

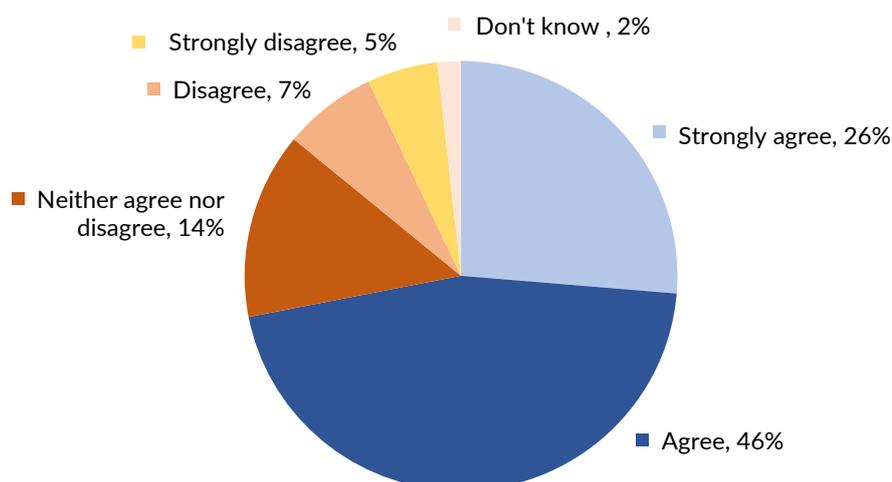
Proposal 5: Seriousness and culpability

5.151 We proposed to add clearer guidance to help panels assess how serious a registrant's misconduct is. This includes providing further clarity when looking at the risk of harm, how responsible the registrant was, and any harm caused. Panels will be expected to follow a structured approach and clearly explain their reasoning, to ensure decisions are fair, consistent and well-evidenced.

Q5: To what extent do you agree or disagree with the proposed changes on assessing seriousness and culpability?

5.152 In the consultation, we asked respondents about their view on our proposal on assessing seriousness and culpability.

Seriousness and culpability



5.153 Most (41, 72%) respondents agreed or strongly agreed with the introduction of clearer guidance on assessing seriousness and culpability. A few respondents (nine, 16%) neither agreed nor disagreed or did not know, often citing uncertainty about implementation or lack of concrete examples while a minority of respondents (seven, 12%) disagreed or strongly disagreed, raising concerns about fairness, bias, terminology, and potential overreach.

Thematic analysis of assessing seriousness and culpability responses

Q5 – Seriousness and culpability: Structure and implementation

5.154 At least four respondents found the structured assessment enhances confidence in the regulatory process while protecting registrants from disproportionate outcomes. However, two organisations found the policy layout confusing, with seriousness and culpability sections appearing separate from mitigating factors. Another organisation agreed with proposal

but suggested specifying at which stages of decision-making seriousness should be assessed (e.g., misconduct, sanction).

- 5.155 One organisation noted preference for the approach taken by the GMC for the Medical Practitioners Tribunal Services (MPTS) guidance, which assesses seriousness based on on-going risks posed with only evidence of impact and character references additionally considered.

HCPC response

- 5.156 We welcome feedback noting that the structured assessment framework enhances confidence in regulatory decision-making while supporting proportionate outcomes for registrants.
- 5.157 We recognise that some stakeholders found the layout confusing, with the seriousness and culpability sections appearing separate from aggravating and mitigating factors. We agree with the suggestion that aggravating and mitigating factors should fall under the proportionality section and have amended the policy as such. We have reviewed the presentation and added additional cross-references where relevant to clarify how these sections interrelate.
- 5.158 We will continue to provide guidance to panels to assess seriousness and culpability on a case-by-case basis, considering contextual factors. We have also added reminders to panels to consider mitigating and aggravating factors in combination with culpability and seriousness to provide clarity on how these assessments should be applied throughout the decision-making process.
- 5.159 We also note suggestions on specifying when seriousness should be assessed (e.g., at the stages of misconduct determination, sanctions) and have amended paragraph 34 of the draft policy (see paragraph 37 in the revised policy) to emphasise the importance of assessing seriousness throughout the decision-making process and to ensure panels apply a consistent approach.
- 5.160 We do not agree with the comment suggesting that panels should focus on ongoing risk rather than seriousness at each stage. We agree that a focus on risk is important and aligns with our approach. However, we do not consider it reasonable to limit panels to a single assessment. Panels should be able to revisit and reassess both seriousness and risk as a case progresses, to ensure that decisions remain fair, proportionate and consistent with all the evidence before them. We consider that our approach provides this flexibility while maintaining a clear focus on public protection.

Q5 – Seriousness and culpability: Additional factors and examples

- 5.161 An organisation suggested including additional aggravating factors, such as vulnerable populations (students, trainees); digital misconduct (online sexual behaviour); and retaliatory or controlling behaviour. Similarly, a different organisation recommended EDI focussed enhancements. Another also asked for emphasis to be placed on weighing factors appropriately, ensuring public interest is prioritised without overemphasising mitigating factors.
- 5.162 A non-registrant suggested explicitly including factors for assessing seriousness and culpability, such as the impact on vulnerable individuals (e.g. children), misuse of authority, disregard for evidence, repeated complaints, and lack of insight.
- 5.163 Another registrant suggested that the guidance on assessing seriousness and culpability should more closely align with the principles set out in the Sentencing Council guidelines taking into account factors like the seniority of the registrant when considering aggravating factors.
- 5.164 An organisation welcomed the distinction in culpability between direct harm to physical or mental health and harm arising from a breakdown of trust impacting patient safety.

HCPC response

- 5.165 We acknowledge suggestions to incorporate additional aggravating factors, including risks to vulnerable populations (students, trainees), digital misconduct, and retaliatory or controlling behaviour. Panels are encouraged to consider the full context of harm and public protection implications, and the policy already provides sufficient coverage of these factors. However, we will signpost to the Practice Note on [Making decisions on a registrant's state of mind](#) to provide panels with helpful information such as relevant aggravating considerations. We have amended the policy to reflect this.
- 5.166 Regarding aligning the principles of this policy with those in the Sentencing Council guidelines, we do not agree that this is appropriate. The sentencing guidelines are written for a very different context. We are satisfied that the policy sufficiently protects the public without making the changes suggested by this feedback.
- 5.167 We agree that factors such as impact on vulnerable individuals, misuse of authority, repeated complaints, and lack of insight are important for panels to consider to ensure consistent, evidence-based decision-making. These factors are robustly covered in the section on aggravating factors (paragraphs 70-84 of the revised policy).

Q5 – Seriousness and culpability: Fairness and accountability

- 5.168 An organisation emphasised that the HCPC should primarily consider risk to patients, service users, and public confidence, rather than punitive blame.
- 5.169 Three organisations added that panels should consider motivation, premeditation, systemic pressures, and environmental factors when assessing culpability. There were suggestions that guidance should acknowledge cultural, neurodiverse, or protected characteristics and avoid assumptions based on emotion, silence, or non-standard expressions of remorse. While the majority of respondents saw the guidance as supporting reasoned, evidence-based panel decisions, some highlighted the need for panel training to prevent bias and maintain consistency.

HCPC response

- 5.170 We acknowledge the helpful recommendations to remind panels to consider the impacts of cultural differences and neurodiversity on a registrant's expression of insight, apology and remorse, and we have adjusted the sections on insight, apology and remorse accordingly. However, we do not agree that these are relevant considerations to assessing seriousness and culpability.
- 5.171 The HCPC emphasises that the primary consideration in assessing seriousness and culpability is risk to patients, service users, and public confidence. At this stage of the FTP process, panels would have already considered motivation, premeditation, systemic pressures, and environmental factors, and taken account of cultural, neurodiverse, or protected characteristics. When the sanctions policy is used by panels, these factors would have already been considered in their decision making. Therefore, we do not agree that we need to make any further changes to the policy. However, we can continue to review our practice notes which will be used by panels at earlier stages of the FTP process, to provide additional guidance for panels where necessary.

Q5 – Seriousness and culpability: Clarity and consistency

- 5.172 Concerns were raised by two organisations about clarity and integration of the sections, with some noting that separating seriousness from culpability or omitting guidance on context could create confusion.
- 5.173 At least three organisations suggested improvements on clear linkage between seriousness, culpability, and proportional sanctions; explicitly documenting aggravating and mitigating factors and weighing them appropriately; and aligning language with other regulators to avoid conflating culpability with blame.

- 5.174 An organisation further recommended clarifying that seriousness should be assessed at both the misconduct and sanction stages, adding a cross-reference to paragraphs 33 and 155.

HCPC response

- 5.175 We recognise that separating seriousness from culpability could create confusion if context is omitted. The policy has been revised to improve clarity and ensure panels can clearly see the interrelationships between seriousness, culpability and mitigating and aggravating factors as key considerations when deciding on proportional sanctions.
- 5.176 Panels are advised in the policy (see paragraph 37) to explicitly document aggravating and mitigating factors, weigh them appropriately, and link these considerations to the choice of sanction. This will promote transparency, consistency, and public confidence in the process. We also acknowledge the importance of panel training to prevent bias and maintain consistency. Ongoing panel development and refresher training programmes will include practical exercises and case examples to support fair and proportionate decision-making.
- 5.177 In regard to the feedback requesting that we avoid conflating culpability with blame, we do not agree with this suggestion. At this stage in the FTP process, impairment to practise has already been found, and the panel must consider the registrant's culpability in the case in order to determine an appropriate sanction. We believe our current approach will effectively protect the public and maintain public confidence in the profession while ensuring a fair and proportionate process for registrants.
- 5.178 We agree that seriousness should be considered at the sanctions stage and carried throughout the process, ensuring that the sanction appropriately reflects the seriousness of the conduct. We have strengthened the wording in the revised policy to make this clearer (see paragraph 37).

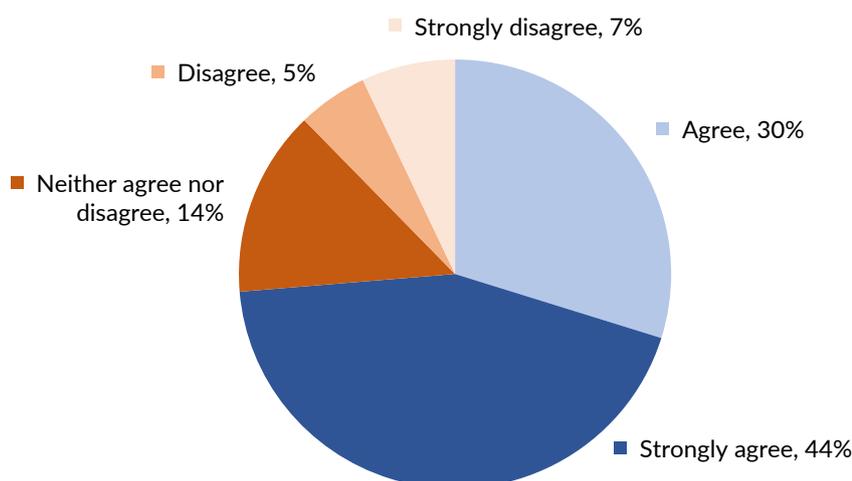
Proposal 6: Discrimination

- 5.179 We proposed to expand our guidance on discrimination to make it clear that all forms are unacceptable. The updated guidance will help panels understand what counts as discrimination, who it can affect, and how it should be addressed in decision-making.
- 5.180 Following recent updates to the HCPTS Practice Note on [Making decisions on a registrant's state of mind](#), we also proposed to provide clearer guidance on how panels should approach cases where a registrant's actions are alleged to be based on discrimination. In addition, we proposed to clarify that the principles outlined in the practice note apply to any allegations of discriminatory behaviour where a registrant's state of mind is in question.

Q6: To what extent do you agree or disagree with the proposed changes on concerns about discrimination?

5.181 In the consultation, we asked respondents about their view on our proposal on discrimination.

Discrimination



5.182 The majority of respondents (42 of 57, 74%) agreed or strongly agreed with the proposed changes, welcoming the strengthened focus on addressing discrimination and the provision of clearer guidance for panels. A small minority (seven, 12%) disagreed or strongly disagreed, expressing concerns about fairness, scope or overreach. Some respondents (eight, 14%) neither agreed nor disagreed, often seeking more clarity on definitions, practical examples, or the relevance of certain paragraphs to the sanctions stage.

Thematic analysis of discrimination responses

Q6 – Discrimination: Examples and definitions

5.183 At least eight respondents appreciated the inclusion of definitions and examples of discriminatory behaviour (in paragraphs 85–87 of the draft policy), saying these make expectations clearer. However, one suggested further refinement, for instance clarifying what constitutes 'just cause' when refusing to provide a service, or explicitly referencing religious, cultural, or conscientious objections in line with GMC's sanctions guidance.

5.184 However, two other organisations argued that paragraphs 82–87 are unnecessary at the sanctions stage, suggesting this information belongs elsewhere in regulatory guidance. They felt paragraph 88 alone contained the practical material needed for panels, and that earlier paragraphs add little operational value.

- 5.185 At least four respondents also feared this could blur the boundary between professional misconduct and lawful personal belief and suggested the HCPC provide more protections for person belief. A registrant who supports the proposal emphasised that fairness must apply both ways - protecting those who face discrimination while avoiding misuse of allegations for personal or malicious purposes. They further called for evidence-based assessment of discrimination claims and safeguards against vexatious referrals.
- 5.186 Two organisations urged the HCPC to include explicitly name types of discrimination including Islamophobia and indirect and systemic discrimination, as well as intersectional harms (e.g., where discrimination overlaps with power dynamics or harassment).
- 5.187 An organisation wanted assurance that references to 'all forms of discrimination' align with UK equality law and protected characteristics, warning that overly broad language could lead to inconsistent or subjective interpretations.

HCPC response

- 5.188 We welcome support for the inclusion of definitions and examples of discriminatory behaviour in paragraphs 82–87 of the draft policy (paragraphs 97-102 in the revised policy), which provide clarity for panels on expectations and decision-making.
- 5.189 We agree with suggestions to further clarify terms such as 'just cause' in relation to refusing to provide a service, and to acknowledge conscientious, religious, or cultural objections. While we have not explicitly referred to conscientious, religious or cultural objections, we have strengthened the clarity of this section by removing the term 'just cause' and replacing it with wording that makes it clear that a registrant must not unfairly refuse to provide a service or accept a person as a client because of who they are, or because of someone they are connected to in paragraph 102 of the revised policy. We will also consider developing a practice note to give panels further guidance.
- 5.190 With regard to aligning the policy with the principles in the GMC sanctions, we believe that our approaches to our policies are quite distinct given our different approaches to FTP processes.
- 5.191 We note concerns from a minority of responses that paragraphs 82–87 of the draft policy may be more appropriate elsewhere in regulatory guidance. However, we consider that retaining these definitions in the sanction policy

at the sanctions stage helps provide context for panels and supports consistent, evidence-based decision-making.

- 5.192 We agree that personal belief and lawful expressions of thought and belief must be upheld in the regulatory process, but we are confident that the policy does not seek to hinder personal belief or lawful expressions of those beliefs. The policy is clear that registrants must take action to ensure their personal values, biases and beliefs do not lead them to discriminate against others or detrimentally impact the care, treatment or other services they provide. Furthermore, at this stage of the FTP process, a registrant's fitness to practise will have already been found to be impaired. Therefore, we do not agree that further edits need to be made to the revised policy based on this feedback. We will also consider developing a practice note to give panels further guidance.
- 5.193 We note the recommendation to include examples of indirect, systemic, and intersectional discrimination. The policy will continue to emphasise that discrimination may occur in overt, subtle, or structural forms, including where it overlaps with power dynamics or harassment. However, we do not think it is beneficial to attempt to list every form or example of discrimination. In fact, we think this could inhibit panel discretion and have an adverse effect on fairness and proportionality.
- 5.194 We recognise requests to define different forms of discrimination. Defining types of discrimination that panels will assess sits outside of the scope of this policy. At this stage, a registrant will have already been found impaired in their practice. This section guides panels in weighing discrimination when deciding to impose, or not impose, a proportionate sanction. We are confident that our policy is aligned with UK equality law and protected characteristics. Panels are reminded in the policy to apply these principles consistently and proportionately, avoiding overly broad or subjective interpretations.

Q6 – Discrimination: Fairness and proportionality

- 5.195 It was noted by an organisation that while discrimination must be taken seriously, its seriousness and intent can vary, for example, between overt hostility and unintentional bias. They further recommended training and contextual guidance to ensure panels differentiate between deliberate discriminatory behaviour and errors stemming from unconscious bias, lack of awareness, or neurodivergence. A registrant also noted that reasonable adjustments and neurodiversity awareness should be embedded in assessments to prevent unfair outcomes.
- 5.196 A few respondents felt the policy could infringe registrants' freedom of speech or belief, particularly around sensitive issues such as gender identity

or religion. They emphasised the importance of distinguishing between discriminatory conduct and professionally expressed belief, referencing legal protections for philosophical and religious beliefs under the Equality Act.

- 5.197 Four respondents urged the HCPC to ensure its own processes do not inadvertently perpetuate discrimination and to remain alert to structural or institutional bias.

HCPC response

- 5.198 We acknowledge the need to differentiate between deliberate discriminatory behaviour and actions resulting from unconscious bias, lack of awareness, or neurodivergence. Panels are encouraged in the policy to consider context, intent, and the impact on affected individuals, including any reasonable adjustments or mitigations. Targeted training and guidance for panel members will support consistent, fair assessments.
- 5.199 We recognise the importance of protecting registrants' lawful freedom of expression and beliefs. The sanctions policy makes clear that personal values and beliefs, when exercised or expressed within legal protections such as the Equality Act 2010, are distinct from discriminatory conduct. Panels are instructed to assess each case carefully, ensuring allegations of discrimination are evidence-based and not used vexatiously. Further guidance to panels is set out in the Practice Note on [Freedom of expression](#).
- 5.200 We remain committed to ensuring our FTP processes proportionally assess discrimination in cases and function in a non-discriminatory manner. We will continue to promote regular monitoring, EDI and unconscious bias training, and review of institutional practices aim to uphold fairness, equity, and transparency across all stages of the FTP process.

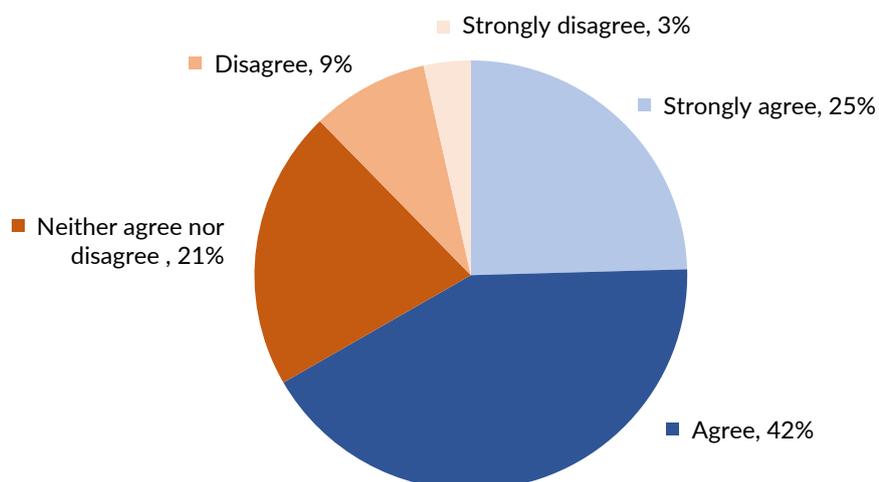
Proposal 7: Dishonesty

- 5.201 We proposed to provide clearer guidance to help panels assess how dishonest behaviour by registrants can impact trust and cause harm to support more consistent and informed decisions in serious cases involving dishonesty.

Q7: To what extent do you agree or disagree with the proposed changes on concerns about dishonesty?

5.202 In the consultation, we asked respondents about their view on our proposal on dishonesty.

Dishonesty



5.203 The majority (38 of 57 respondents, 67%) agreed or strongly agreed with the proposed changes, welcoming greater clarity, structure, and consistency in assessing dishonesty. A sizeable minority (12, 21%) neither agreed nor disagreed, often citing lack of detailed examples or limited change from existing guidance. A small minority (seven respondents, 12%) disagreed or strongly disagreed, raising concerns about fairness, proportionality, and overuse of dishonesty allegations.

Thematic analysis of dishonesty responses

Q7 – Dishonesty: Definitions and legal alignment

5.204 A registrant asked for a clearer definition and threshold for dishonesty and a consistent legal test to assess it. Comparisons were drawn to GMC guidance, which provides structured criteria to distinguish lower-risk dishonesty (e.g., one-off, minor, non-patient-related) from more serious forms. At least five respondents emphasised the importance of intent, repetition and impact as core differentiating factors in dishonesty cases.

5.205 A few respondents, including organisations, wanted clearer guidance on how panels should differentiate low-level and high-level dishonesty, or dishonesty under coercion and how each level maps to potential outcomes such as suspension or striking off.

HCPC response

- 5.206 We acknowledge requests for a clearer definition and consistent legal threshold for assessing dishonesty. We agree that intent, repetition, and impact are key considerations in determining the seriousness of dishonesty and are already reflected in our approach. The legal test for dishonesty is well established in case law,²¹ and we therefore do not propose to introduce a new or alternative definition. We note concerns about unfair application of dishonesty without a clear legal definition or threshold, particularly in relation to disabled registrants, and we will ensure that panel training and guidance continue to emphasise the need for fair and consistent application of this test in line with relevant legal principles.

Q7 – Dishonesty: Fairness and proportionality

- 5.207 Five respondents expressed concern that dishonesty is sometimes overused or misapplied in HCPC cases. Some cautioned against blanket treatment of all dishonesty as ‘striking off territory,’ arguing for greater nuance and individual assessment.

HCPC response

- 5.208 We recognise the concerns raised about the potential overuse or misapplication of dishonesty in FTP cases. We agree that dishonesty should not automatically lead to striking off and that each case must be assessed on its individual facts and context. The policy provides panels with guidance on how to assess each case and the relevant factors to consider. Our aim is to promote a balanced, fair approach that distinguishes between different levels of dishonesty and their implications for public protection, confidence, and professional integrity.
- 5.209 Dishonesty requires intent - unintentional or accidental misleading behaviour does not meet this threshold. In cases where a registrant’s state of mind is relevant, such as self-referrals or errors made under stress, panels will be guided by the existing Practice Note on [Making decisions on a registrant’s state of mind](#). Our aim is to promote a balanced, fair approach that distinguishes between different levels of dishonesty and their implications for public protection, confidence, and professional integrity.

Q7 – Dishonesty: Implementation and training

- 5.210 At least three organisations stressed that panel training will be essential to ensure consistent application and avoid misinterpretation. Others called for clearer signposting between dishonesty guidance, a more structured breakdown approach similar to discrimination guidance, and reference to practice notes and related policies to support panels, such as those on seriousness and culpability.

²¹ [Ivey v Genting Casinos \[2017\] UKSC 67](#)

HCPC response

5.211 We agree that training is crucial to ensure panels apply the guidance consistently and proportionately. We will reinforce these principles through ongoing training, including case-based discussions and reference to practice notes. We have made amendments to strengthen the signposting between dishonesty guidance, seriousness and culpability sections, and other related policies, ensuring a coherent and accessible framework.

Q7 – Dishonesty: Clarity and intent

5.212 An organisation felt the section was too similar to existing guidance, with little substantive change or practical examples. Another organisation requested further explanation of how dishonesty affects trust or causes harm, and how different types of dishonesty relate to public protection.

5.213 There was also strong support for recognising degrees of dishonesty, from one-off occurrences to deliberate deception, to ensure proportionate outcomes. It was also felt that the policy does not allow registrants to effectively remediate. In particular, a respondent felt that accidental dishonesty, particularly related to self-referrals for health, should be carefully considered. Others felt that clearer links should be made between dishonesty, trust, and transferable risks when dishonesty occurs outside professional practice.

5.214 Three respondents highlighted the need for panels to consider intent, motivation, and contextual pressures, such as dishonesty under stress, fear, or coercion, rather than for personal gain, cultural, systemic, or discriminatory pressures influencing behaviour, misrepresentation of professional competence, or ‘intellectual dishonesty,’ as a form of serious misconduct.

HCPC response

5.215 We acknowledge feedback that the section on dishonesty may benefit from greater differentiation from existing guidance and from the inclusion of more practical examples. We have reviewed the text to ensure it clearly explains how dishonesty impacts trust and causes harm, including its relevance to public confidence and professional standards.

5.216 We have removed reference to an early admission of dishonesty on the registrant’s behalf so that panels do not assume that admitting dishonesty after the incident has been identified automatically mitigates seriousness. We also acknowledge the feedback regarding the recognition of varying degrees of dishonesty, from isolated incidents to deliberate deception, and the need for outcomes that are proportionate to the circumstances.

5.217 In response, we have added further clarity in this section that each case must be considered on its own merits, taking full account of context, state of mind,

and any relevant mitigating or aggravating factors. We believe that the policy is already clear that dishonesty both in and outside professional practice can have an impact on trust and therefore pose a risk to public safety and confidence in the profession (see paragraph 88 of revised policy). We have also referenced existing guidance and removed the illustrative examples of dishonesty to better align with our approach to the policy and to encourage panels to seek examples and further guidance from the Practice Note on [Making decisions on a registrant's state of mind](#).

- 5.218 We agree that panels should take account of contextual factors such as stress, fear, coercion, or systemic pressures when assessing dishonesty. However, these factors would have already been assessed by panels at the determination of impairment stage of the FTP process before the sanction stage. Therefore, we do not agree that we need to make any further changes to the policy. However, we will continue to review our practice notes which will be used by panels at earlier stages of the FTP process, to provide additional guidance for panels where necessary.
- 5.219 While some respondents proposed expanding dishonesty to include 'intellectual dishonesty' or misrepresentation of competence, we consider this unnecessary, as the guidance already encompasses a broad range of dishonest conduct, both inside and outside the workplace. The policy is clear that the examples provided are not exhaustive but intended to support panels in interpreting behaviour within the existing legal framework.

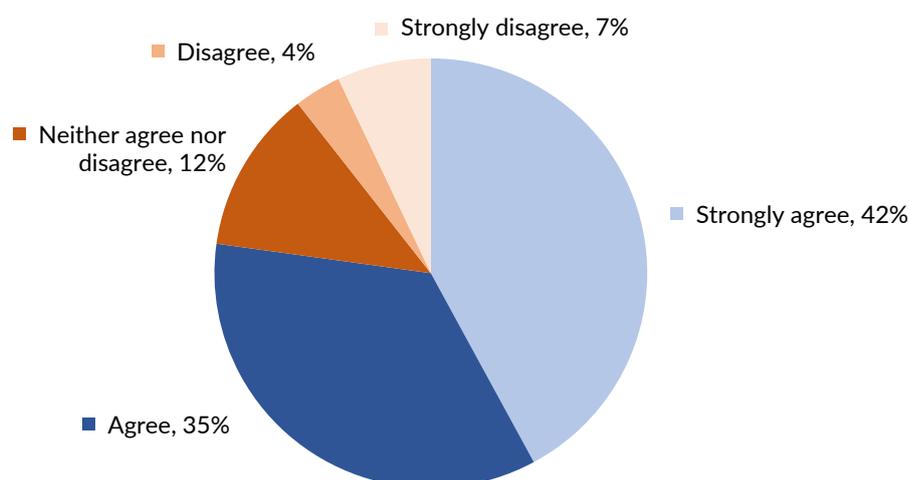
Proposal 8: Sexually motivated misconduct

- 5.220 We proposed to strengthen our guidance on sexually motivated misconduct to ensure panels consider both the behaviour and the registrant's intent. This will help panels make fair, consistent decisions and better protect the public in these serious cases.

Q8: To what extent do you agree or disagree with the proposed changes on sexually motivated misconduct?

5.221 In the consultation, we asked respondents about their view on our proposal on sexually motivated misconduct.

Sexually motivated misconduct



5.222 The majority of respondents (44 of 57, 77%) strongly endorsed the explicit inclusion of 'sexually motivated misconduct,' viewing it as a necessary clarification that captures non-physical but still harmful behaviours. Many noted this addition would help ensure serious and consistent treatment of sexual boundary violations and misconduct in professional contexts. Some also welcomed the recognition of non-physical or covert abusive behaviour, and the zero-tolerance approach for high-harm cases (e.g., sexual abuse of children, indecent images of children).

5.223 We received seven (12%) neutral responses which highlighted the need for clarity, examples, and evidence-based assessment guidance. Six (11%) responses opposing the proposal focused on perceived gaps in the policy's guidance, including lack of clarity on definitions, inconsistent treatment of serious misconduct, and concerns that intent-based assessments could be misapplied or unfairly penalise registrants.

Thematic analysis of sexually motivated misconduct responses

Q8 – Sexually motivated misconduct: Examples and definitions

5.224 Two organisations noted that the policy text did not fully reflect the intentions set out in the consultation. Specifically, there was concern that the definition of sexual motivation and the reference to intent-based assessment were missing or underdeveloped in the policy document. They recommended cross-referencing relevant practice notes to provide the necessary clarity and

further suggested including a definition of sexual motivation. One organisation expressed that while the consultation document highlights assessing both conduct and motivation, the policy document lacks guidance on assessing motivation.

- 5.225 Another organisation recommended strengthening the guidance by clarifying that misconduct towards colleagues is as serious as towards service users.
- 5.226 Two organisation respondents also made reference to PSA guidance on sexual boundaries with one suggesting we provide links to the PSA guidance within the policy.

HCPC response

- 5.227 We welcome the overall support for the expanded guidance and note requests for clearer references to digital boundary breaches.
- 5.228 We agree that the policy could be clearer, and therefore, we have amended the policy to include explicit reference to online and digital actions, such as inappropriate messaging or offences involving indecent images (see paragraph 118). We have also added cross-references in this section to the paragraphs on vulnerability (paragraphs 114-116) and predatory behaviour (paragraphs 110-113) and the Practice Note on [Making decisions on a registrant's state of mind](#) to promote consistency and understanding across cases and to guide panels in assessing motivation.
- 5.229 We acknowledge that the policy text could more explicitly reflect the intention set out in the consultation, particularly regarding the definition of sexual motivation and the reference to intent-based assessment. We have reviewed the drafting to ensure that key legal principles are clearly reflected, drawing on established case law principles.
- 5.230 We agree with the suggestion to clarify our position on misconduct towards colleagues and have amended the revised policy (see paragraph 120).
- 5.231 We note stakeholder requests to link to external documents such as PSA guidance on sexual boundaries. While we recognise the value of such resources, we do not consider it appropriate to embed external guidance directly in our policy, as these materials may be revised, archived, or withdrawn over time. Instead, we will ensure our guidance remains consistent with broader regulatory principles while maintaining our own clear and authoritative standards.

Q8 – Sexually motivated misconduct: Fairness, consistency and proportionality

- 5.232 Five respondents in support of the proposal emphasised the need for decisions to remain evidence-based and proportionate, recognising the gravity of such allegations.
- 5.233 At least four respondents expressed concern around the challenges in establishing intent, especially for neurodivergent individuals or complex cases and proportionality of sanctions. Some called for panel training on evaluating state of mind, intent, and cultural or neurodiverse communication differences.
- 5.234 At least one respondent felt that the section (paragraph 95 of the draft policy) conflated different scenarios (e.g. contacting a service user vs a colleague) without adequate distinction of gravity. Two other respondents, agreed that all sexual misconduct is serious but suggested the policy should better differentiate degrees of harm and intent, ensuring proportionate sanctions. Another suggested that victims' safety was not prioritised within the policy and recommended inclusion of specialist expertise in cases of sexual violence, and an organisational respondent recommended emphasising that panels should not consider sexual misconduct against colleagues as less serious than sexual misconduct against service users.
- 5.235 Around five respondents questioned whether the proposed approach could lead to overreach or subjectivity, particularly where evidence of motivation is ambiguous.
- 5.236 At least two respondents raised concerns that paragraph 103 may have implied that individuals involved in child sexual abuse could remain in restricted practice which created inconsistency in the drafting of the policy.

HCPC response

- 5.237 We welcome the support for ensuring that decisions in these cases remain evidence-based and proportionate, reflecting the seriousness of the allegations involved.
- 5.238 We also acknowledge the concerns raised about the challenges in establishing intent, particularly in complex cases or where neurodiversity may be a factor. Our processes are designed to ensure procedural fairness, and we will continue to embed robust safeguards to protect registrants from unfair outcomes, including through consistent evidential thresholds, well-trained panels, and clear, well-reasoned decisions. We have also reinforced in the policy, the need to carefully consider contextual factors, communication differences, and evidence of intent before reaching conclusions on motivation.

- 5.239 In addition, we have added paragraph 120 to the revised policy to clarify that misconduct toward colleagues is as serious as misconduct toward service users, to ensure parity and clarity.
- 5.240 We note the concerns about prioritising victims' safety and the potential inclusion of specialist expertise in cases involving sexual violence. We recognise and appreciate the importance of victim support, and we have raised these concerns with our FTP team. However, these considerations relate to how hearings are conducted and are therefore outside the scope of this policy.
- 5.241 We also agree with feedback that the policy should distinguish between degrees of harm, context, and intent while maintaining the principle that all sexually motivated misconduct is inherently serious. Therefore, we have added cross-references to other sections in the policy to guide panels to consider vulnerability and predatory behaviour when assessing sexual or sexually motivated misconduct. Our revisions and ongoing training will reinforce this balance to ensure decisions remain proportionate and protect public confidence.
- 5.242 We understand concerns that paragraph 103 in the draft policy may have implied that individuals involved in child sexual abuse could remain in restricted practice. The revised policy has been amended to clarify that such cases are likely to lead to striking off, aligning the wording to the paragraph on offences related to indecent images of children to ensure consistency (see paragraphs 124 and 127). This ensures that all forms of sexual abuse, including those involving indecent images of children, are treated consistently and proportionally.

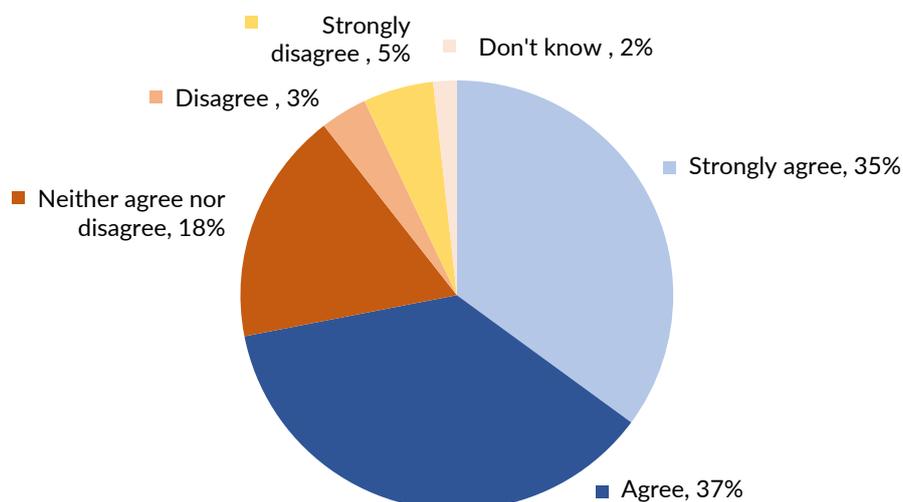
Proposal 9: Professional boundaries

- 5.243 We proposed a new section on professional boundaries to help panels assess concerns about registrants maintaining appropriate relationships with service users and colleagues. This reflects recent updates to our standards and the HCPTS Practice Note on [Professional boundaries](#), ensuring a consistent and fair approach. This new addition will align the proposed sanctions policy with our revised standards and practice notes, supporting panels to make clear, structured, and well-reasoned decisions in these cases.

Q9: To what extent do you agree or disagree with the proposed changes on professional boundaries?

5.244 In the consultation, we asked respondents about their view on our proposal on professional boundaries.

Professional boundaries



5.245 41 (72%) respondents strongly agreed or agreed with the introduction of a dedicated section on professional boundaries, welcoming the clarity it provides for panels and registrants. Many felt it strengthens protection for service users and promotes consistent decision-making and aligns well with the Practice Note on [Professional boundaries](#) and our [standards](#). However, ten (18%) respondents expressed neutral views, often noting that further examples or clearer definitions were needed before they could form a view.

5.246 Five (9%) respondents disagreed or strongly disagreed raising concerns that the section does not go far enough to ensure fairness, consistency, or contextual proportionality across different professions or highlighting inconsistencies with caution around oversimplifying complex cases.

Thematic analysis of professional boundaries responses

Q9 – Professional boundaries: Proportionality and clearer distinction

5.247 41 (72%) respondents endorsed the new section, describing it as a necessary and well-considered addition to the sanctions policy. They added that the inclusion of specific examples and structured guidance helps panels apply proportional sanctions, distinguishing minor or accidental breaches from serious misconduct.

- 5.248 However, around five respondents highlighted the need to distinguish the types of boundaries for example between sexual, emotional, financial, and social boundary breaches, as well as between minor boundary lapses and serious misconduct. One respondent sought a breakdown as to the type of professional boundaries that exist through the use of subheadings to cover examples already outlined at paragraph 92 of the draft policy. Another suggested the predatory behaviour should be considered across allegation types, similar to the GMC's approach. Two respondents urged the HCPC to include a spectrum of severity and guidance on mitigating factors such as insight, repetition, and harm.
- 5.249 At least two organisational contributors criticised the policy for being either too broad or inconsistent with the HCPTS Practice Note on [Professional boundaries](#). They felt that the section 'conflates' different contexts, for example, contacting a service user versus a colleague via social media, and risks confusion or disproportionate interpretation.
- 5.250 At least three respondents recommended that the guidance explicitly include misconduct toward colleagues, students, trainees and supervisees, particularly where there is a power imbalance or abuse of authority. Others urged recognition of professional overreach (e.g. acting outside competence, misusing expert authority) as a form of boundary violation.
- 5.251 One registrant felt that the section could be strengthened by specifically including a section on sexually motivated breaches. Another suggested that the guidance should make clear that a boundary breach must relate to professional role and conduct. A different respondent felt that the policy was not specific enough to give guidance to registrants and panels, especially for professional who may work in people's homes. They sought profession-specific guidance.

HCPC response

- 5.252 We welcome the strong overall support for the inclusion of this section and are pleased that respondents viewed the structured guidance and examples as helpful in promoting consistency and proportionality.
- 5.253 We recognise the suggestion of distinguishing between different types of boundary breaches – sexual, emotional, financial, and social – or allegation types. However we are of the view that the published HCPTS Practice Note on [Professional boundaries](#) provides robust examples and guidance for panels to understand, and have redrafted the section to ensure that the practice note is clearly referenced within the section.
- 5.254 We note feedback suggesting that the section could be clearer and more closely aligned with the practice note. We do not agree that the policy does

not align with the professional boundaries practice note, but we have more prominently referenced the practice note to ensure there is consistency and clarity. It is a fair comment that the practice note does not deal with predatory behaviour in the way that it is set out in the draft policy, so we will further develop the practice note accordingly rather than remove it from the policy. The intent of the guidance is to support panels in applying sanctions that protect the public and that are proportionate and context-sensitive, while maintaining high professional standards.

- 5.255 We acknowledge recommendations to explicitly include misconduct toward colleagues, students, and supervisees, especially in situations involving a power imbalance or abuse of authority. We agree that boundary violations can arise in these contexts so have amended the guidance to provide better reference to the [practice note](#) which reflect this more explicitly. Cases involving professional overreach, such as misuse of expertise or authority, are now clearly identified as boundary concerns within the revised policy. We have also included further guidance to help panels assess potential power imbalances with service users, carers or colleagues (see paragraph 105-116).
- 5.256 We were asked to include a specific reference to sexually motivated breaches in this section. However, we do not consider that this section would benefit from an additional entry on these types of misconduct, as these topics are already covered in sufficient detail elsewhere in the policy (see paragraphs 117-122). To improve clarity, we have updated the policy to add cross-references to relevant sections.
- 5.257 In relation to the suggestion that boundary breaches must relate to the professional role, the [standards of conduct, performance and ethics](#) do not limit breaches in this way. There may be circumstances where a registrant's conduct outside their professional role is relevant to their fitness to practise, and it is important that the policy continues to reflect this.
- 5.258 We also note the feedback that the policy should be more specific to different professions and the unique context they face, particularly for registrants working in people's homes. While we recognise the importance of context, we do not consider that profession-specific guidance is appropriate within this policy. The sanctions policy is intended to apply consistently across all professions on the Register. In practice, panels already include registrant members from the same part of the Register who can bring professional expertise to the FTP process. Additionally, some of the contextual considerations raised may be more appropriately addressed at an earlier stage of the process, for example, in determining impairment, rather than within the sanctions policy itself.

Q9 – Professional boundaries: Vulnerability, culture, and context

- 5.259 Four respondents emphasised the importance of contextual assessment, recognising vulnerability, cultural norms, and workplace dynamics, to avoid unfair or biased judgments.
- 5.260 Three respondents said the section should use firmer language (e.g. 'breach of professional boundaries' rather than 'abuse of professional position') and provide explicit reference to restrictive or striking off sanctions in serious cases.

HCPC response

- 5.261 We agree that panels must consider vulnerability, cultural norms, and workplace context when assessing boundary issues. Our approach is to ensure the guidance helps panels apply consistent standards while remaining sensitive to individual circumstances. These considerations are addressed throughout the sanctions policy. However, we do not consider it appropriate to restate them within this specific section.
- 5.262 We note feedback recommending firmer language and clearer indication of when more restrictive sanctions may be appropriate. The guidance already signals that serious or exploitative breaches of professional boundaries are likely to result in more restrictive sanctions, and we have reviewed the terminology to ensure this is stated consistently and unambiguously throughout the section.

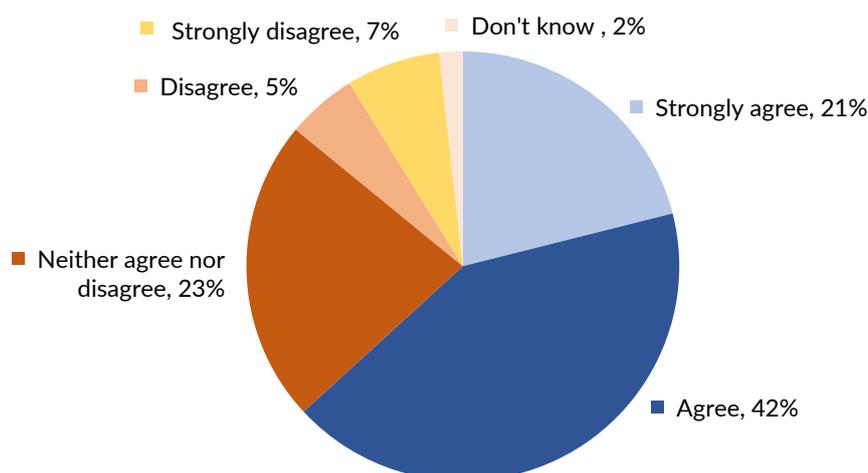
Proposal 10: Structure and editorial improvements

- 5.263 To improve readability and help panels apply the guidance consistently and fairly, we proposed minor structural and editorial updates to make the proposed sanctions policy clearer and easier to follow. This includes:
- better explanations of where sanctions fit in the FTP process;
 - clearer guidance on areas like criminal convictions and conditions of practice;
 - and
 - improved use of subheadings to highlight key topics such as insight, remorse, and reasons for decisions.

Q10: To what extent do you agree or disagree that the structural and editorial improvements are clear?

5.264 In the consultation, we asked respondents about their view on our proposed structural and editorial improvements.

Structural and editorial improvements



5.265 A majority of respondents (36 out of 57, 63%) agreed or strongly agreed that the structural and editorial changes improved the clarity, readability, and accessibility of the sanctions policy. Respondents welcomed clearer headings, improved signposting, simplified tone, and a more logical sequencing of topics. They believed these revisions will help panels, registrants, and the public better understand how sanction decisions are made and the reasoning behind them.

5.266 However, around a quarter of respondents (14, 25%) were neutral or did not know, often citing difficulty in assessing the changes without a comparison version of the policy, or uncertainty about how panels will apply them in practice.

5.267 A small but significant minority (seven respondents, 12%) disagreed or strongly disagreed, arguing that the layout and structure are confusing, poorly formatted, or contain typographical errors. Some professional and legal respondents described the document as unclear or even misleading, warning that it could disadvantage unrepresented registrants.

Thematic analysis of structural and editorial improvement responses

Q10 – Structure and editorial improvements: Accessibility, usability and inclusion

- 5.268 Seven respondents, including representative bodies, recommended going further to ensure accessibility, for example, producing an 'Easy Read' version, adding glossaries or flowcharts, and providing formats compatible with screen readers or translated into British Sign Language (BSL). They emphasised the importance of ensuring clarity for neurodivergent registrants and those for whom English is not a first language.
- 5.269 Six respondents supported improved signposting but called for better explanations of where sanctions fit, additional hyperlinks between related sections (e.g., insight, seriousness, sanctions). At least four suggested adding visual aids such as decision flowcharts or summary tables to help panels apply the guidance consistently.
- 5.270 Five respondents found the revised structure confusing; reporting that topics were not logically grouped, the index was unhelpful, and formatting issues hindered navigation. Two respondents cited typographical errors as evidence of inadequate editing.
- 5.271 Four respondents noted that the improvements in structure did not resolve substantive ambiguities, citing for example, unclear language around repeated misconduct or health-related competence issues. They argued that improved editing could not compensate for what they felt was conceptual vagueness in the underlying policy.

HCPC response

- 5.272 We welcome the strong support for improving accessibility and usability. We are committed to ensuring that our guidance is as clear and inclusive as possible for all users. However, it is also important to emphasise that the sanctions policy sets out the principles and factors that panels must consider when imposing a sanction. It is not intended to be prescriptive or overly detailed, as doing so could risk constraining the panel's ability to apply professional judgment to the circumstances of each case. The policy aims to strike a balance between providing clarity and allowing flexibility to ensure proportional and fair decision-making.
- 5.273 We welcome the suggestions to produce accessible versions of the document to ensure readability. However, we believe this is outside of the scope of the policy. The sanctions policy is internally facing, meaning it is written as guidance for panels, not as an explanatory document on our process. Furthermore, the sanctions policy is a legal document that is subject to judicial scrutiny, meaning the language in the document is purposefully nuanced and specific.

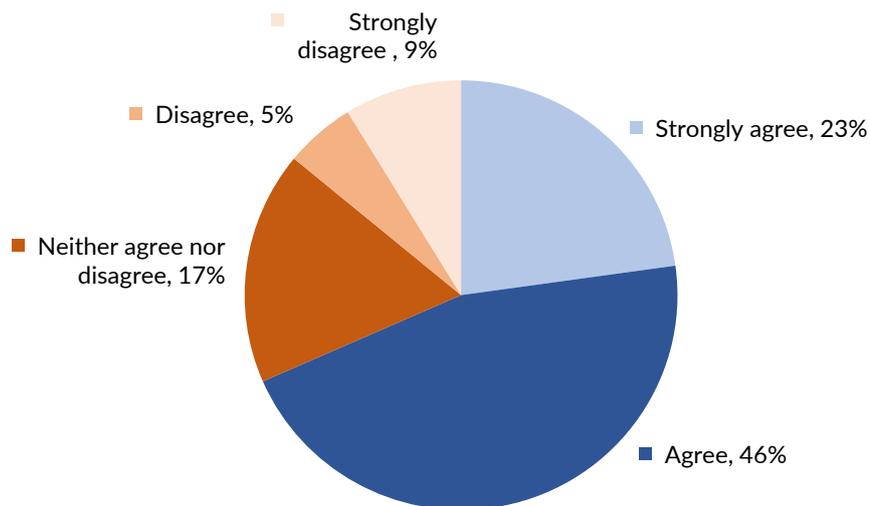
- 5.274 For these reasons, it would not be appropriate to develop the accessible versions suggested, such as Easy Read versions, glossaries or flowcharts. However, the [HCPTS website](#) already provides a range of visual and assessable resources designed to explain our processes clearly for registrants and witnesses. We will continue to explore ways to support individuals engaging with the FTP process, including through producing accessible guides and explanatory materials. In response to comments about accessibility, we have also incorporated plain English phrasing into our policy where possible.
- 5.275 We note the suggestions to strengthen signposting and include more hyperlinks between related sections. In response, we have added clearer subheadings, cross-references, and hyperlinks to improve navigation, while ensuring that the guidance remains concise and user-friendly. We will continue to review how we can make our processes and guidance more assessable to all stakeholder groups.
- 5.276 We acknowledge that some respondents found the revised structure confusing and identified issues with formatting, grouping of topics, and typographical errors. We have addressed these issues as part of our final editing process, ensuring that the structure is logical, the index is useful, and the document is free from typographical errors.
- 5.277 We recognise that some respondents felt that structural and editorial improvements alone did not address underlying policy ambiguities, such as those relating to repeated misconduct or health-related competence issues. These are important points that go beyond editorial clarity and relate to the substance of the policy. However, we are confident that the policy sufficiently addresses these concerns in the proportionality section.

Additional questions

Q11: To what extent do you agree or disagree with the proposed changes to our sanctions policy in general?

5.278 In the consultation, we asked respondents about their view on our proposed changes to our sanctions policy in general.

Proposed changes in general



5.279 A majority (39 of 57 respondents, 68%) agreed or strongly agreed with the proposed changes to the sanctions policy overall. Respondents viewed the revisions as a meaningful step toward greater clarity, consistency, transparency, and proportionality in FTP decision-making. Many professional bodies, unions, and individuals welcomed the clearer guidance on issues such as professional boundaries, dishonesty, discrimination, and sexually motivated misconduct, noting that these updates would improve fairness for both registrants and the public. Respondents also welcomed alignment with updated standards, case law, and best practice, as well as the focus on public protection.

5.280 However, ten (18%) respondents expressed neutral views, often stating that they needed to see the final version or specific examples before forming a definitive opinion. These respondents tended to emphasise the importance of ensuring that implementation is supportive rather than punitive.

5.281 A smaller group (eight respondents, 14%) disagreed or strongly disagreed, arguing that the changes either do not go far enough to protect registrants or that the policy remains overly complex, confusing, or inconsistent. Some felt that the approach remains too punitive and insufficiently focused on fairness, wellbeing, and case-by-case judgment.

Thematic analysis of views on proposed changes in general

Q11 – Proposed changes in general: Structure, clarity, and tone

5.282 Four respondents felt that the revisions are superficial or confusing. Some of these respondents said that while the document is updated, it does not materially improve guidance for panels or ensure fairness.

HCPC response

5.283 We welcome the constructive feedback on the structure, clarity, and tone of the proposed sanctions policy. While most respondents found the updates helpful, we note that a small number felt that the revisions did not go far enough to improve guidance or ensure fairness. Following stakeholder feedback, we have reviewed the document's structure and language to ensure it provides clear and practical support for panels and promotes consistency in decision-making.

Q11 – Proposed changes in general: Fairness and proportionality

5.284 Four respondents agreed with the direction of the changes but stressed that their success depends on consistent application, robust training for panels, and improved timeliness of FTP proceedings. They warned that without strong implementation the benefits of clarity and fairness might not be realised.

5.285 Around five respondents called for a greater focus on fairness, wellbeing, and rehabilitation. They asked the HCPC to consider the emotional and psychological impact of the FTP process, particularly on registrants from marginalised or neurodivergent backgrounds, and to embed principles of compassionate regulation.

HCPC response

5.286 We agree with respondents who emphasised that the effectiveness of the proposed sanctions policy will depend on its consistent application and strong implementation. To support this, we are developing a comprehensive training programme for FTP Partners, including legal assessors, alongside supporting materials to reinforce consistent interpretation and application of the guidance. Although this is outside the scope of this work, we also acknowledge the importance of improving the timeliness of FTP proceedings and continue to prioritise work in this area.

5.287 We particularly welcome the feedback highlighting the need to embed fairness, wellbeing, and rehabilitation within our regulatory approach. The HCPC is committed to progressing work on compassionate regulation and to considering the emotional and psychological impact of our processes, especially for registrants from marginalised or neurodivergent backgrounds. We have embedded these principles throughout the policy.

Q12: Are there any further changes we should consider to the sanctions policy?

- 5.288 In the consultation, we asked respondents about further changes we should consider to the sanctions policy. These were free text questions and did not ask respondents to indicate their level of agreement using multiple-choice.
- 5.289 A majority of respondents answered 'No', 'N/A', or had no further suggestions, with some noting the policy aligned with regulatory needs and best practice. However, a minority of respondents offered detailed recommendations focused on fairness, accessibility, proportionality, and inclusivity. Many respondents helpfully used their response to this question to summarise their feedback across the rest of the consultation. Where respondents have provided feedback already accounted for in this consultation response, we have not repeated them in this section.
- 5.290 At least four respondents welcomed the updates but urged greater clarity, fairness, and accessibility including in relation to mental health. Priorities included clearer guidance on review hearings and updating legally outdated sections on criminal convictions.
- 5.291 Four respondents also urged expansion of misconduct categories (to cover bullying, harassment, psychological abuse, digital misconduct, and intellectual dishonesty), and recognition of managerial accountability. One respondent requested specific guidance on registrants acting as expert witnesses.
- 5.292 A few respondents also provided some procedural suggestions including decision tools, dashboards, faster FTP processes and exploring innovative measures such as educational or reverse mentoring sanctions in discrimination cases.

HCPC response

- 5.293 We welcome the thoughtful feedback provided by respondents on potential further changes to the sanctions policy. We note that while the majority of respondents did not suggest additional amendments, those who provided more detailed comments raised valuable points regarding fairness, accessibility, proportionality, and inclusivity.
- 5.294 We also acknowledge feedback on the need for fairness and compassion, particularly for registrants experiencing ill health. We agree that health should be addressed in the policy and have made explicit reference to considerations of a registrant's health throughout the revised policy. The sanctions policy describes in detail the mitigating and aggravating factors that a panel should consider, including remediation, before it discusses suspension

or striking off, emphasising that panels should consider the full context of the case and not impose a purely punitive sanction.

- 5.295 We recognise respondents' concerns about the impact of the FTP process on registrants, particularly those with ill health. Any registrant going through the FTP process has access to the FTP [registrant support service](#). We have already developed guidance on differentiating between misconduct, competence, and health impairment. This is available through the [Impairment Practice Note](#), and we have provided a link in the policy to ensure that this is easily accessible and consistent with our aim to be transparent. The policy continues to reflect the principle that sanctions should be proportionate to the level of risk posed to the public.
- 5.296 We are encouraged that respondents recognised the alignment of the updated policy with regulatory needs and best practice. We also acknowledge the constructive feedback highlighting areas where greater clarity and accessibility could further strengthen the policy. In particular, we have decided to:
- Remove the detail in the section on Review Hearings. There is a separate Practice Note on [Review of Article 30 sanctions](#) which the policy now directs panels to. We now believe that the detail previously included on Review Hearings is outside of the scope of the policy.
 - Provide more clarity on how we front-load and fast-track our decision-making process.
- 5.297 We will also continue to embed cultural competence, trauma-informed, and neurodiversity-aware approaches in our processes through internal review groups, PSA feedback, and ongoing panel training. Any new or updated practice notes will continue to include input from an EDI perspective.
- 5.298 We agree that it is helpful for panel to include wording on digital conduct, including breaches of confidentiality or online harassment. We have also added additional guidance to panels regarding bullying and why this is considered serious misconduct. Repeated or multiple concerns are already recognised as aggravating factors, and additional aggravating factors such as predatory behaviour between colleagues are now reflected in the policy (see paragraphs 108-109).
- 5.299 In response to providing specific guidance on registrants acting as expert witnesses, we do not consider this to fall within the scope of the sanctions policy. Conduct standards for expert witnesses are a matter for professional bodies rather than for inclusion in the sanctions policy.

5.300 We appreciate the procedural suggestions aimed at improving consistency and transparency. While our FTP process is not precedent-based and each case is determined on its own merits, we do publish [annual FTP data](#) including data on concern and case outcomes and demographic statistics, and we are exploring ways to share more detailed data in future.

Q13: Do you think the proposed changes have any positive or negative impacts on groups or individuals who share one or more of the protected characteristics under the Equality Act 2010 and equivalent Northern Ireland legislation? (If so, please provide details).

5.301 In the consultation, we asked respondents about their views on impact of our proposed changes on groups or individuals who share one or more of the protected characteristics under the Equality Act 2010 and equivalent Northern Ireland legislation. These were free text questions and did not ask respondents to indicate their level of agreement using multiple-choice.

5.302 Nine respondents highlighted that the proposed changes could improve fairness, clarity, and inclusivity for registrants. Strengthened guidance on discrimination, professional boundaries, sexual misconduct and cultural competence was seen as enhancing protection against discrimination based on protected characteristics. They noted that improved clarity and accessibility were expected to benefit all registrants, particularly disabled, neurodivergent, and international professionals, while explicit recognition of cultural factors and different communication styles was seen as promoting fairer and more inclusive decision making.

5.303 However, concerns were raised about potential indirect disadvantage for older registrants, pregnant women or women returning from maternity leave, and disabled professionals, particularly if limited access to remediation is treated as an aggravating feature of the of the case. A registrant felt the emphasis on 'public confidence' can unfairly disadvantage those with mental health conditions or disabilities.

5.304 Four respondents highlighted the risks of bias and stereotyping for Black, Asian and minority ethnic registrants, neurodivergent registrants, and those for whom English is not a first language. Respondents also warned of disproportionate impacts on visa-dependent registrants and those with mental health conditions.

5.305 To mitigate risks and strengthen the policy, some respondents called for EDI to be embedded as a cross-cutting principle rather than separate references. They also called for stronger guidance on mitigating factors, references to the EIA within the policy, and more explicit statements on the need to avoid stereotypes, prejudice, or cultural misinterpretation.

5.306 In addition, respondents suggested regular monitoring of FTP data for disproportionality, panel training on unconscious bias and cultural competency, publication and regular reviews of the EIA alongside the policy, and plain English versions to ensure accessibility for registrants and the public.

HCPC response

5.307 We welcome the recognition in the consultation of how the proposed changes could support greater fairness, clarity, and inclusivity for registrants with protected characteristics. The strengthened guidance on discrimination, professional boundaries, sexual misconduct, and cultural competence represents an important step toward ensuring that regulatory processes are more equitable and responsive to the diversity of registrants and service users and carers.

5.308 We particularly support the emphasis on improving clarity and accessibility, which is likely to benefit disabled, neurodivergent, and internationally trained and recruited professionals. We have embedded explicit recognition of cultural factors, neurodivergence and differing communication styles throughout the revised policy to help foster fairer and more inclusive decision-making.

5.309 We also note the concerns raised by respondents regarding potential indirect impacts, including for older registrants, pregnant women or those returning from maternity leave, and disabled professionals. We agree these are important factors for panels to consider, for example when weighing remediation in proportionality. In response, we have included references in the revised policy to guide panels on considering protected characteristics (see paragraph 82, for example). We believe this will help mitigate some of the risks identified through the consultation.

5.310 We have amended the sections on remediation and lack of remediation to guide panels to consider the variety of remediation evidence that a registrant might submit (see paragraph 67 of the revised policy) and to consider the barriers to remediation that might exist for registrants (paragraph 82). However, we have a statutory duty to impose sanctions where they are necessary to maintain public confidence in the profession and in the regulatory process. Therefore, we will not be making any edits related to this language in the policy.

5.311 We have decided to provide or continue to provide:
clearer guidance on the consideration of mitigating factors, including health, caring responsibilities, and workplace context;

stronger safeguards to prevent stereotyping or cultural misinterpretation;
ongoing monitoring of [FTP data](#) to identify and address any disproportionate impacts where possible;
regular panel training on unconscious bias and fair decision making; and
clear instruction to panels to consider health and disability and other relevant contextual factors when assessing proportionality and making decisions on what, if any, sanction to impose.

5.312 We have also published an updated EIA alongside the revised policy to promote accessibility for registrants and the public. However, we do not agree that the policy should reference the EIA document itself. The EIA is a process document for the life of the consultation and policy development stages, and therefore it would not be beneficial or appropriate to reference in a policy.

Q14: Are there any additional steps we should take to ensure the proposed changes do not unintentionally disadvantage any groups?

5.313 In the consultation, we asked respondents about additional steps we should take to ensure the proposed changes do not unintentionally disadvantage any groups. These were free text questions and did not ask respondents to indicate their level of agreement using multiple-choice.

5.314 Respondents provided comments around panel awareness, training, and procedural safeguards to prevent unintended disadvantage to registrants with protected characteristics. They also indicated a need for improved accessibility, recommending alternative formats (e.g., braille, large print, audio, plain-language guides). In addition, respondents called for regular monitoring of FTP outcomes by protected characteristic, equality audits, independent reviews, and stakeholder engagement and co-production, particularly involving registrants with lived experience of FTP processes.

HCPC response

5.315 We welcome the strong emphasis from respondents on the importance of taking proactive steps to ensure the proposed changes do not unintentionally disadvantage any groups on the basis of any protected characteristics.

5.316 We have addressed most of the points raised throughout this document so will only address the point not already covered.

5.317 We endorse the emphasis on stakeholder engagement and co-production with those who have lived experience of FTP processes, as well as

representative organisations, trade unions, and groups supporting neurodivergent, disabled, and internationally trained professionals.

- 5.318 To support this, we actively collect and review feedback from the PSA, members of the HCPC FTP Partnership Forum (which includes registrants and the representatives who support them in FTP proceedings), and our EDI Forum members made up of diverse groups of registrants. We also regularly engage with stakeholder organisations with expertise in EDI and lived experiences and the Professional Bodies Forum made up of representatives from our professional body organisations.
- 5.319 Furthermore, we have hosted this public consultation for 13 weeks and conducted thorough stakeholder engagement to ensure interested stakeholders had the opportunity to respond. We had a wide range of stakeholders respond to the consultation from professional bodies and other regulatory bodies to HCPC registrants who have gone through the FTP process. We consider this consultation a fundamental part of the co-production process.

6. Summary of decision

- 6.1 We have carefully considered all the comments we received to the consultation and have used them to revise the sanctions policy. In line with the consultation results, we will move forward with the proposals we consulted on as outlined below, providing minor additional edits to the policy arising from feedback received via the consultation responses.
- 6.2 In alignment with consultation responses, we have also revised the EIA which addresses stakeholder feedback and to strengthen consideration of protected characteristics throughout the policy. The updated EIA identifies potential impacts and outlines mitigations to support fairness and inclusivity across all stages of the FTP process. We have also taken steps to make the policy clearer and more accessible.
- 6.3 These improvements are reflected in a number of changes, including structural and editorial enhancements to improve clarity and usability; clearer guidance to panels on considering contextual factors and the potential impact on registrants with protected characteristics; strengthened language regarding misconduct towards colleagues (emphasising respect, professionalism, and equality); additional explanation and clarification to aid understanding of key principles and expectations; and greater consistency across the policy to ensure alignment with equality and diversity objectives. For more information on the final EIA, see [here](#).
- 6.4 We aim to implement the updates to the sanction policy by early 2026 following implementation planning and robust panel training.

Decision on proposal 1: Suspension order

- 6.5 We are moving forward with our proposal to clarify the approach that panels should take when considering what sanction to apply, ensuring alignment with case law. The policy will clarify that panels must assess whether the proven misconduct demonstrates behaviour that is fundamentally incompatible with continued registration. If so, a suspension order should not be imposed solely because some or all of the factors listed in the sanctions policy are present. In such cases, a striking off order may still be necessary if it is required to protect the public and uphold wider public interest considerations.

Decision on proposal 2: Interim order

- 6.6 We are providing additional guidance on how panels should consider a registrant's prior interim order when determining the proportionate length of a sanction.
- 6.7 Panels may take into account whether a registrant has been subject to an interim order as a relevant factor in their decision-making. However, panels should not simply deduct or discount the time a registrant was previously restricted or suspended under an interim order from the substantive sanction. Panels should assess each case individually, considering all relevant circumstances.

Decision on proposal 3: Apology

- 6.8 We are strengthening our guidance on apologies in the sanctions policy to better align them with existing guidance and standards. The policy clarifies that an apology offered by a registrant will not, in itself, be treated as an admission of guilt.
- 6.9 The policy also states that while an apology may be a relevant mitigating factor in assessing a registrant's insight and remediation, panels must consider the reasons why an apology might not be given or might be delayed.
- 6.10 We have separated guidance on insight, remorse, and apology to provide greater clarity and ensure decision-making panels are supported with more tailored guidance.

Decision on proposal 4: Striking off

- 6.11 We are refining the wording in the policy on striking off to ensure greater clarity. In addition to removing the reference to striking off as a 'sanction of last resort', we clarify that some cases may be so serious that striking off is the only appropriate sanction.

Decision on proposal 5: Assessing seriousness and culpability

- 6.12 We are moving forward with our proposed changes to assessing seriousness and culpability. We emphasise the importance of a structured approach to evaluating seriousness, ensuring that aggravating, mitigating, and all other relevant contextual factors are fully considered and clearly recorded in the panel's written decision. Panels are instructed to assess the level of risk posed by the registrant's actions, the degree of culpability, and the potential or actual harm caused.

Decision on proposal 6: Discrimination

- 6.13 We are proceeding with expanding our guidance on discrimination. The policy directs panels on how to approach cases where a registrant's actions are alleged to be based on discrimination. Furthermore, we signpost panels to the Practice Note on [Making decisions on a registrant's state of mind](#). These changes are intended to provide robust protection for everyone who is subject to discrimination, including service users, carers, and colleagues.

Decision on proposal 7: Dishonesty

- 6.14 We are expanding our guidance to make it easier for panels to assess how the dishonest actions of registrants may affect trust or cause harm, to support more informed and consistent decisions in serious cases.

Decision on proposal 8: Sexually motivated misconduct

- 6.15 We are clarifying and strengthening our guidance for panels in relation to sexually motivated misconduct. We explicitly include sexually motivated misconduct to ensure that panels consider the nature of the behaviour and the registrant's intent. Panels are instructed to refer to the Practice Note on [Making decisions on a registrant's state of mind](#) in these cases.

Decision on proposal 9: Professional boundaries

- 6.16 We are introducing a new section on professional boundaries to ensure that panels appropriately address concerns about registrants failing to maintain professional relationships with service users, carers and colleagues. This addition reinforces the importance of maintaining professional standards while ensuring that panels are fair in their assessment of cases. The policy now better reflects the guidance in the HCPTS Practice Note on [Professional boundaries](#).

Decision on proposal 10: Structural and editorial improvements

- 6.17 We are making minor structural and editorial revisions to the policy to make it clearer and easier to understand. For example, we are adding an introduction to better explain where sanctions fit in the FTP process and the role of evidence and submissions. We are also providing greater clarity in our guidance for criminal convictions, cautions and conditions of practice.
- 6.18 We are improving signposting in the document by making greater use of subheadings and cross-referencing.

7. Next steps

- 7.1 We will conduct thorough panel training on the updated policy, with a particular emphasis on eliminating unconscious bias and recognising different EDI considerations.
- 7.2 We will continue to consider updating relevant practice notes to ensure ongoing alignment between different guidance documents.
- 7.3 We will continue to monitor our [FTP data](#) to identify and address any disproportionate impacts. We will also monitor any impacts of the new sanctions policy through the Decision Review Group.
- 7.4 The [sanctions policy](#) and this [outcomes document](#) are also translated into Welsh and published on our website.
- 7.5 The revised sanctions policy will be published and implemented in early 2026. The policy will come into effect shortly after the publication date. Hearings that start before the date of implementation will follow the [2019 sanctions policy](#).

8. Annexes

- 8.1 [Sanctions policy document](#)
- 8.2 [Post-consultation EIA](#)