

# **Understanding fitness to practise hearings: script of Health Professions Council online audio-visual presentation**

## **Introduction (Narrator)**

Hello and welcome to this presentation from the Health Professions Council, the HPC. We were created to protect the public and we do this by keeping a register of all professionals who meet our standards with regards to training, professional skills and behaviour. Those on the HPC Register are called registrants.

This presentation has been produced for anyone attending, or interested in finding out about, fitness to practise hearings. It contains information about the different parts of the hearings process and explains:

- the role of the panel;
- giving evidence at a hearing; and
- the panel decision-making process.

Our fitness to practise processes are not designed to punish registrants for past mistakes. They're designed to protect the public from those who are not fit to practise. Finding that a registrant's fitness to practise is 'impaired' means that there are concerns about their ability to practise safely and effectively.

The types of allegations that we can consider are those that question whether a registrant's fitness to practise is impaired, such as:

- misconduct;
- a lack of competence;
- a conviction or caution;
- their physical or mental health; or
- a determination made by another health or social care regulator.

We can also consider allegations about whether an entry to the HPC Register has been made fraudulently or incorrectly.

A panel of the Investigating Committee will have already looked at the case and will have decided that a hearing should take place. Some typical examples of allegations include;

- self-administration of drugs at work;
- poor record keeping;
- inappropriate relationships with service users; or
- ongoing lack of competence.

Hearings are held at our offices in London as well as other venues in England, Northern Ireland, Scotland and Wales.

You're now going to hear from three participants who feature in every hearing. The parts are played by actors, but they describe the roles of the individuals who take part in the hearings.

## **Panel Chair**

Hello, I'm the Panel Chair. My role is to lead the hearing and speak on behalf of the panel. A panel is an independent decision-making body and does not represent the HPC. I try to ensure that everyone involved in a hearing understands the process. Before I talk about what the panel considers, I'll explain who else would be in the room at a hearing.

A panel is made up of a chair person, a registrant (who is from the same profession as the registrant being investigated) and a lay person, who is not registered with the HPC. Panel members do not sit on HPC hearings as an every day job, but come from a wide range of backgrounds.

Other people at a hearing include:

- the registrant and their representative (if they're there);
- a legal assessor (a lawyer who gives advice on law and procedure to everyone involved and also ensures that the proceedings are conducted fairly);
- a Hearings Officer (who ensures that the hearing runs smoothly);
- a transcriber (who makes a record of everything that is said);
- an HPC-representative (who presents the case against the registrant); and
- members of the public, who may include a media presence.

The panel considers live and documentary evidence. Cases are decided using the 'civil standard of proof'. This means that panels consider, on the balance of probabilities, whether an allegation is proven. The panel, the registrant and the HPC receive papers in advance of the hearing that will be relied on during the proceedings. Witnesses will also be provided with a further copy of their written statement at the hearing. The panel will take into account everything that has been said by all parties in a fair and impartial manner before making any decisions.

Hearings can vary in length, although most are concluded within a day or two. Registrants are encouraged to attend their hearing, but they can choose not to. If the registrant does not attend, the hearing may take place without them, if the panel is satisfied that it is fair to do so.

## **Hearings Officer**

Hello, I'm a Hearings Officer and I ensure the smooth running of HPC proceedings. I assist and advise all participants about what happens at a hearing. Upon arrival, I will direct parties to separate waiting areas. Should you be involved in a hearing, please arrive in good time. Details of the dates

and times of when you should attend will be sent out to you well in advance of the proceedings.

One of my roles is to assist anyone giving evidence. Before giving evidence, I will ask you to take an oath or an affirmation. This is giving the panel a promise that you will tell the truth.

When giving evidence it is important that you speak in a clear voice and direct your answers to the panel. Take time to think about the questions. If you do not know the answer or understand the question, you should tell the panel. When giving evidence, try to talk slowly as this gives anyone listening an opportunity to note down what you say.

Witnesses may be asked some difficult questions. If this happens, it is important that you try to give as clear an answer as possible. If the registrant comes to the hearing they can ask the witness questions – cross examine – about evidence they have given. The registrant being investigated has the right to test evidence put before the panel.

After giving evidence you should try not to talk to others who have not yet given evidence as this could affect the case.

### **Legal Assessor**

Hello, I'm a lawyer and for the purposes of a hearing I am called the Legal Assessor. My role is to ensure that the proceedings are conducted fairly. I provide impartial advice on procedure and points of law to all parties. I am not part of the panel and take no part in the decision-making process.

Before a panel can consider whether a registrant's fitness to practise is impaired, it must first determine whether the facts of the allegation are proven. It must then decide if the proven facts amount to the 'grounds' of the allegation. For example, was the behaviour due to misconduct, or a lack of competence?

The panel then decides whether the registrant's fitness to practise is impaired, and if so, what, if any, sanction to impose.

If the panel considers that a registrant's fitness to practice is impaired, and that a sanction is required, they can:

- **caution** the registrant (place a warning on their registration details for between one and five years);
- make **conditions of practice** that the registrant must comply with;
- **suspend** the registrant from practising; or
- **strike off** the registrant from the Register, which means they cannot practice.

## **Conclusion (Narrator)**

Striking off is a sanction that is used as a last resort and is only used in serious cases involving deliberate or reckless acts or where the registrant has continuing problems or lacks insight.

Suspension orders and conditions of practice orders are reviewed before they expire and depending on the registrant's progress since the previous hearing, a panel considers whether the order should be continued, changed, or ended.

Sanctions are imposed to protect the public, not as a punishment. Panels carefully consider the individual circumstances of each case and take into account all that has been said before making their decision. The decision will be read out in public at the hearing and, in most cases, details are also published on the HPC website.

## **Further information (Jonathan Dillon)**

Thank you for watching this presentation. We hope you found it useful and now understand more about the hearings process.

We have a wide range of further information available on our website. We also publish a number of brochures, which you can download from our website, or you can contact us to request hard copies.

These include:

- How to raise a concern;
- What happens if a concern is raised about me?;
- Information for witnesses;
- The fitness to practice process – Information for employers; and
- The fitness to practise annual report.

We also publish a list of forthcoming hearings on our website four weeks in advance of the date listed for the hearing.

If you would like more information, or would like to attend a hearing as an observer, please email [ftphearings@hpc-uk.org](mailto:ftphearings@hpc-uk.org) or call +44 (0) 800 328 4218.