

---

## Fitness to Practise Forum 23 April 2008

### Fitness to practise publications

#### Executive summary and recommendations

#### Introduction

As part of the review of the 2007-2008 fitness to practise department work plan, the department undertook a review of the public facing brochures that were available about the fitness to practise process. The brochures 'What happens if a complaint is made about me' and 'How to make a complaint about a health professional' were initially published in April 2005. Following this review and in line with the HPC's new visual identity, the following publications have been published:

- 'What happens if a complaint is made about me';
- 'How to make a complaint about a health professional'; and
- 'The fitness to practise process: Information for employers'.

'What happens is a complaint is made about me' and 'How to make a complaint about a health professional' have receive the crystal mark for clarity from the Plain English Campaign. Feedback from CONNECT (the Communication Disability Network) was also incorporated into the 'How to make a complaint about a health professional' publication.

The document 'How to make a complaint about a health professional' has now been translated in to the following ten languages

- Arabic
- Bengali
- Farsi
- French
- Polish
- Portuguese
- Russian
- Somali
- Turkish
- Welsh

8 of the languages were chosen following consultation with Language Line who advised that they were the 8 most requested languages with regard to health care. French was chosen because one of the requirements of the Healthcare

Date	Ver.	Dept/Cmte	Doc Type	Title	Status	Int. Aud.
2008-04-03	a	F2P	AGD	Fitness to Practise publications	Final DD: None	Public RD: None

Professionals Crossing Borders agreement was that information on the HPC website with regards to complaints is available in at least 2 other European Union Languages (the brochure is available in Portuguese) and to ensure HPC can continue to meet the requirements of the Welsh Language Act, the brochures have been translated into Welsh.

### **Decision**

The Forum is requested to note the document. No decision is required.

### **Background information**

None

### **Resource implications**

Employee time in writing and editing the brochures.

Publications Manager time in proofing and editing the brochures (including discussions with the Plain English Campaign)

### **Financial implications**

Each new brochure cost approximately £1700 to design and produce. This includes an initial order of 1000 brochures.

Plain English campaign advice and obtaining the crystal mark was approximately £325

### **Appendices**

Fitness to Practise brochures

### **Date of paper**

3 April 2008

---

Information for registrants

What happens  
if a complaint  
is made  
about me?

# Contents

**About this brochure 1**

## **Section 1**

**What is fitness to practise? 2**

**Who can complain? 2**

**What types of complaints can we consider? 2**

**Practice notes 3**

**What you can expect from us 3**

## **Section 2**

**What happens when we receive a complaint? 4**

**Staying on the HPC Register 5**

**Interim orders 6**

## **Section 3**

**After the investigating panel have considered the complaint 7**

**Representation 7**

**Where will the hearing be held? 7**

**Setting the hearing, adjournments and preliminary meetings 8**

**What happens at the hearing? 9**

**What powers does the panel have? 10**

**Review of conditions of practice and suspension orders 11**

**Applying for review 11**

## **Section 4**

**Appeal 12**

**Council for Healthcare Regulatory Excellence (CHRE) 12**

**Contact us 13**

# What happens if a complaint is made about me?

## About this brochure

This brochure provides information for health professionals who have had a complaint made against them. You may have received this brochure because we have received a complaint about you. Please read it carefully.

To help you get the information you need, we have split this brochure into sections.

- Section one is the introduction and contains information about what fitness to practise means.
- Section two explains the first stages of the fitness to practise process. It gives information about who can make a complaint, what we will do when we receive a complaint, our 'investigating panel' process and how and when we use interim orders.
- Section three explains what happens when a complaint is passed to a practice committee panel for a full hearing.
- Section four provides information about what happens after a hearing and lists our contact details.

# Section 1

## **What is fitness to practise?**

Fitness to practise is about more than just being competent in your chosen profession. When we say that you are fit to practise, we mean that you have the health and character, as well as the necessary skills and knowledge to do your job safely and effectively. Our main responsibility is to protect the public. This maintains the public's confidence in the professions and the professionals we regulate.

We have also published a brochure called 'Managing fitness to practise – A guide for employers and registrants' which explains more about what fitness to practise means. It also explains how you can manage your own fitness to practise.

## **Who can complain?**

Anyone can make a complaint about a registered health professional. This includes members of the public, employers and other registrants. As the professions we regulate are 'notifiable occupations', the police and courts tell us when a registrant is convicted or receives a police caution for an offence.

## **What types of complaints can we consider?**

We only consider complaints about fitness to practise. The types of complaints we can consider are those that question whether your fitness to practise is 'impaired' (negatively affected) by:

- misconduct;
- a lack of competence;
- a conviction or caution for a crime in the United Kingdom (or somewhere else for an offence that would be a crime if it was committed in England and Wales);
- your physical or mental health; or
- a determination (a decision) made by another regulator responsible for health care.

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

In the future we will also be able to consider whether your fitness to practise is impaired because you are included in the 'barred lists' run by the Independent Barring Board (and the equivalent in Scotland). For more information, you can visit the websites **[www.isa-gov.org](http://www.isa-gov.org)** or **[www.scotland.gov.uk](http://www.scotland.gov.uk)**

Because our function is to protect the public, we can consider complaints about events that may have happened many years ago, or at a time when you were not registered.

## **Practice notes**

We have published a number of practice notes on our website which explain various parts of our processes. You may find it useful to look at these documents (see the end of this brochure for contact details).

## **What you can expect from us**

If a complaint is made about you, you can expect us to treat you fairly and explain what will happen at each stage. But we can't give you advice on what to include in your responses or how you should represent yourself. It may be helpful to get advice from your union, professional body or Citizens Advice, or to get legal representation. We try to make sure our processes are as open and clear as possible and we hope the information in this brochure helps you through the fitness to practise process.

# Section 2

## What happens when we receive a complaint?

When we have confirmed that we can consider a complaint, we will:

- pass the case to a **case manager** who will be your main contact with us during the process; and
- ask for more information if we need it (for example, we might ask for more documents from your employer, or ask the police about the circumstances of a conviction).

When we have all the details of a complaint, we will write and tell you about the complaint, enclosing copies of all the documents we have. We will invite you to respond to the complaint in writing within 28 days of our letter.

If you need more than 28 days to make your response to the complaint, you can ask for more time. The case managers can give you one 28-day extension. If you need more time after this, you will need to make a written application to the investigating panel.

Even if a complaint is not made to us in the normal way, if we receive information which suggests that your fitness to practise may be impaired, we can still look into it. This legal power also means that we can take a complaint forward even if the person who made it asks to withdraw it.

We also have powers to demand information. Article 25(1) of the 2001 Order lets us insist that people or organisations give us information or documents. This power overrides the Data Protection Act. We can also insist that witnesses attend a hearing or show documents. But, we can't make you give us any information.

If a member of the public has made a complaint against you, we may need to ask your employer for more information. If we need to do this, we will write and tell you.



We can only consider complaints about your fitness to practise. When we send you the complaint it will claim that something has impaired your fitness to practise as a registered health professional. After you have had the chance to respond to the complaint, it will be passed to a panel of our **Investigating Committee** to decide whether there is a 'case to answer'. Each panel is made up of at least three people, including someone from the relevant profession and a lay person. Their task is to look at the evidence that is available and decide whether we will be likely to prove the case that has been made against you.

The panel does not decide whether the complaint is proven, they only decide whether we are likely to prove the allegation at a final hearing. If they think we will be able to, they will refer the complaint to another panel for further consideration.

The case will be referred to:

- a panel of the **Conduct and Competence Committee** for cases about misconduct, lack of competence, and convictions and cautions;
- a panel of the **Health Committee** for cases where the health of the registrant may be affecting their ability to practise; or
- another panel of the **Investigating Committee** for cases where an entry to the Register may have been made fraudulently or incorrectly.

These panels will also be made up of three people.

## **Staying on the HPC Register**

You can't take yourself off our Register while there are fitness to practise proceedings against you.

## Interim orders

If an allegation is serious enough to suggest that you may cause harm to yourself or other people, or there are other reasons in the public interest, we may apply for an interim order to prevent you from practising, or to place limits on how you can practise, until your case is heard. If an interim order is granted, it will be effective immediately.

Examples of cases where we may apply for an interim order include sexual misconduct, serious clinical mistakes, or injecting drugs in the workplace. These are not the only examples where we may ask for an interim order. Each case is considered on its own merits.

In most cases we will not ask for an interim order and that means you will be able to continue to work without us placing any restrictions on you.

If we apply for an interim order, a hearing will take place at relatively short notice. The panel hearing the application will decide whether the allegation is serious enough for an interim order.

If an interim order is placed on you, it will be reviewed by another panel after six months and then every three months after that. You can also apply for an early review of the order. The panel will decide whether it is still appropriate for an interim order to be in place.

You can find more information about interim orders in our practice note on the subject.

# Section 3

## **After the investigating panel have considered the complaint**

If a panel decides that there is a case to answer, we will arrange for your case to be heard at a hearing. We will ask solicitors to act for us and they will take witness statements. We will give you the details of the solicitors who will act for us.

We will not put information about the allegation against you on our website until four weeks before the date of your hearing. But, this information is not private and we can provide it if someone asks.

## **Representation**

You are entitled to be represented, or to represent yourself, throughout our fitness to practise processes. We have a section on our website that gives more details for the people who might represent you (see the end of this brochure for contact details).

It is up to you whether you want to be represented, but it may be helpful to get advice from your union or professional body, or to get legal advice.

## **Where will the hearing be held?**

Hearings are held in the country where you are registered. If your registered address is outside the United Kingdom, we will hold the hearing in London. In most cases, hearings for registrants who have a registered address in England are held at our offices in Kennington (South East London).

However, we are flexible about where hearings can be held and we have a practice note that explains this in detail.

## Setting the hearing, adjournments and preliminary meetings

We aim to make sure that our processes are simple, fair and easy to use. We also want to make sure that we identify the issues early on. To help us do this, we have put a number of processes in place as follows.

We will discuss the date that is scheduled for the hearing with you, your representatives and any witnesses. We will try to give you at least 60 days' notice of the hearing date and give you the material that we plan to rely on at the hearing 42 days before the hearing. You must give us your material 28 days before the date of the hearing.

If a time and venue for the hearing have been set, we will always try to carry on as planned and everyone involved should be ready to continue.

You do not have to go to the hearing but it is generally in your best interests to do so. The hearing will take place even if you are not there.

If you want an adjournment (to postpone the hearing) you need to show why it should be granted. Panels will rarely grant adjournments simply because it would be more convenient for us, you or your representative to have the hearing at another time.

If you need a witness to attend the hearing and they will not do so, the panel can insist that they attend. This is known as a 'witness order'. Please contact us if you are having any problems with this and we can arrange a preliminary hearing where you can ask the panel to order the witness to attend the main hearing. Preliminary hearings can be used to deal with any substantial procedural or evidential issues. This can include:

- to what extent any evidence is agreed by you or your representative and the HPC;
- whether there is a need for witness or disclosure orders;
- whether an expert witness is needed;

- if any measures need to be in place to support vulnerable witnesses; and
- any other needs for the hearing.

You can contact the Fitness to Practise Department for information about witness and disclosure orders. You can also get information on what we mean by 'vulnerable witness' (see the end of this brochure for contact details).

We have practice notes on preliminary meetings, summoning witnesses, adjournments and case directions. You can find all of these documents on our website at **[www.hpc-uk.org](http://www.hpc-uk.org)**

## **What happens at the hearing?**

Hearings are usually held in public. This means that members of the public (including the press) can attend. A court reporter will also be there to record the proceedings and produce a transcript. But, all or part of the hearing can be held in private if, for example, the panel thinks they need to protect patient confidentiality or to protect the private life of the registrant. You or your representative can apply to the panel to hear all or part of a case in private.

The panel will normally be made up of three people, including a registrant and a lay person. A legal assessor will also be there. The legal assessor does not take part in the decision-making process but will give the panel and the other people involved advice and information on the law and procedure. We try to make sure the hearings are as informal as possible.

Our solicitor will normally open the hearing by presenting the case and calling our witnesses. You or your representative may cross examine (question) the witnesses. The panel may then ask some questions. After we have presented our case, you may present your case, call witnesses or make statements to the panel.

The panel will then leave to decide whether the allegation is proven. The panel first have to decide whether the incident happened as alleged, whether this amounts to 'grounds' set out in the allegation (for example, misconduct or a lack of competence) and whether, as a result, your fitness to practise is impaired. When they make their decision, the panel will look at whether your past behaviour suggests you may still present a continuing risk of harm. If the case is proven, they will say that it is well-founded.

## What powers does the panel have?

Our role is to protect the public, not to punish registrants. If the panel finds the case is well-founded, they will return to hear submissions from you or your representative and our representative about what action they should take. You may want to make a statement to the panel at this stage. The panel can do any of the following.

- They can decide to take **no further action**.
- They can make a **caution order**. This means the word 'caution' will appear against your name on the Register. (Caution orders can be for between one and five years.)
- They can place a restriction or conditions on your registration. This is known as a '**conditions of practice order**.' (This might include, for example, insisting that you work under supervision or have more training.)
- They can **suspend your registration**. (This cannot be for longer than one year.)
- They can decide to take your name off the Register. This is known as a '**striking-off order**'.

If the allegation against you is well-founded, we will put this information on our website. This will include the panel's reasons for making the decision.

You can find more detail about the sanctions the panels may use in our 'indicative sanctions policy'. You can find a copy of this document on our website at [www.hpc-uk.org](http://www.hpc-uk.org). If you can't use the internet, you can ask us to post you a copy of this document (see the end of this brochure for contact details).

## **Review of conditions of practice and suspension orders**

If a 'conditions of practice order' or 'suspension order' has been made, another panel will review it shortly before it is due to run out.

If we asked you to meet some conditions of practice, the panel will look for evidence that you met these conditions.

If you were suspended, the panel will probably look for evidence that you have dealt with the problems that caused the suspension.

A review panel will always want to make sure that the public are protected. If they don't think you are fit to practise (or if they don't think you should practise without restrictions), they may extend the conditions of practice order or suspension order. They may also replace the order that is running out with another order that could have been made at the time of your original hearing. For example, they may replace a 'suspension order' with a 'conditions of practice order' if they think this provides enough public protection. They may also consider suspending your registration or striking you off the Register.

## **Applying for review**

Although conditions of practice orders and suspension orders are automatically reviewed before they run out, you can apply to have an order reviewed. You can do this if you think the circumstances that caused the order have changed. For example, if you were ordered to have training and you finished it before you had to, or if you have taken steps to sort out the issues that caused the order. This is not the same as appealing to the courts against the decision to use the order.

# Section 4

## **Appeal**

You can appeal against the panel's decision if you think it was wrong or the sanction was unfair. Appeals are made to the High Court (or to the Court of Session if you are in Scotland). You may want to get advice before you decide to appeal.

## **Council for Healthcare Regulatory Excellence (CHRE)**

CHRE is an organisation that promotes best practice and consistency among the nine UK health-care regulatory bodies.

CHRE may also refer a regulator's final decision on a fitness to practise case to the High Court (or to the Court of Session if you are in Scotland) if they think the decision was 'unduly lenient' (not strict enough).



# Contact us

If you need any more information please contact our Fitness to Practise Department (see below for details).

The Fitness to Practise Department  
The Health Professions Council  
Park House  
184 Kennington Park Road  
London  
SE11 4BU

Phone: 020 7840 9814

Email: [ftp@hpc-uk.org](mailto:ftp@hpc-uk.org)

Website: [www.hpc-uk.org](http://www.hpc-uk.org)

Park House  
184 Kennington Park Road  
London SE11 4BU

tel +44 (0)20 7582 0866  
fax +44 (0)20 7820 9684  
[www.hpc-uk.org](http://www.hpc-uk.org)

**This document is available in  
alternative formats and Welsh  
on request.**

**Call 020 7840 9806**

**or email [publications@hpc-uk.org](mailto:publications@hpc-uk.org)**



**Mixed Sources**

Product group from well-managed  
forests, controlled sources and  
recycled wood or fiber  
[www.fsc.org](http://www.fsc.org) Cert no. SGS-COC-003142  
© 1996 Forest Stewardship Council

© Health Professions Council

Publication code: 20071114eFTPPUB (printed February 2008)

This document has been produced using trees from sustainable forests

**Crystal  
Mark  
11440**



Clarity approved by  
**Plain English Campaign**

---

Information for employers

# The fitness to practise process

# Contents

## **Introduction 1**

About this brochure 1

About the HPC 1

Who does the HPC regulate? 1

About protected titles 2

## **Complaints 3**

What types of complaints can the HPC consider? 3

Who can complain? 3

How to make a complaint 3

When should complaints be made to the HPC? 4

When will the HPC commence proceedings? 6

What information does the HPC require? 6

What are the HPC's powers? 6

What can't the HPC do? 7

What happens when a health professional is referred to the HPC? 7

What happens at the hearing? 9

What powers does the panel have? 9

What happens if the HPC receives a complaint about one of my employees? 10

Supporting your employee 10

## **Useful information 11**

## **Contact us 12**

## **Protected titles 13**

# Introduction

## **About this brochure**

This brochure tells you what to do if you have concerns about a member of your staff, locums you may have employed or fellow registrants and when you should refer matters to the Health Professions Council (HPC).

## **About the HPC**

We are the Health Professions Council. We are a health regulator, and we were set up to protect the public. To do this, we keep a register of health professionals who meet our standards for their training, professional skills, behaviour and health.

## **Who does the HPC regulate?**

We currently regulate 13 health professions.

- Arts therapists
- Biomedical scientists
- Chiropodists / podiatrists
- Clinical scientists
- Dietitians
- Occupational therapists
- Operating department practitioners
- Orthoptists
- Paramedics
- Physiotherapists
- Prosthetists / orthotists
- Radiographers
- Speech and language therapists

We may regulate other professions in the future. For an up-to-date list of professions, please see our website.

## **About protected titles**

All of these professions have at least one professional title that is protected by law. This means, for example, that anyone using the titles 'paramedic' or 'dietitian' must be registered with us. For a full list of protected titles, please see the back of this document.

It is a criminal offence for someone to claim that they are registered with us when they are not, or to use a protected title that they are not entitled to use. For example, an individual should not state that they are a physiotherapist or that they provide physiotherapy when they are not registered. For more information about protection of title please contact our Fitness to Practise team on **020 7840 9814**.

## **Department of Health Circulars**

Directions given by the Secretary of State and set out in Department of Health Circular HSC 2003/008 provide that, in England, local authorities, National Health Trusts or Primary Care Trusts should only employ officers in the capacity of the professionals listed above if they are registered with the HPC.

# Complaints

## What types of complaints can the HPC consider?

We only consider complaints about fitness to practise. The types of complaints we can consider are those about whether a registrant's fitness to practise is 'impaired' (affected negatively) by:

- misconduct;
- a lack of competence;
- a conviction or caution in the United Kingdom (or elsewhere for an offence which would be a crime if committed in England and Wales);
- their physical or mental health; or
- a determination (decision reached) by another regulator responsible for health care.

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

The HPC is a UK wide statutory regulator. This means that any action we take will affect an individual's registration throughout the UK.

## Who can complain?

Anyone can make a complaint about a registered health professional. This includes members of the public, employers, the police and other registrants.

## How to make a complaint

We have a '**standard of acceptance**' that has to be met before we can deal with a complaint about a registrant. Complainants must:

- make their complaint in writing;
- sufficiently identify the registrant who is the subject of the allegation; and
- set out the nature of the allegation and the events and circumstances giving rise in sufficient detail for the registrant to understand and be able to respond to the allegation.





The Fitness to Practise team can also complete ‘statements of complaint’ on behalf of complainants. These can be taken over the telephone. The complainant is then sent the statement to check for accuracy and is required to return a signed copy.

## **When should complaints be made to the HPC?**

Anyone can make a complaint to us about a registered health professional at any time.

Employers can contact us before, during or after any action taken to help sort out a problem with an employee. Although each case is unique, the information below may assist you in deciding when to involve us.

Where events occur relating to fitness to practise, under the HPC’s standards of conduct, performance and ethics, the prime responsibility of referring to the HPC lies with the **individual registrant** who has had action taken against them. This is particularly the case when a registrant has been convicted/cautioned, suspended or placed under a practice restriction by their employer. However, this may not always occur, so the employer/manager should also bring concerns about fitness to practise to the attention of the HPC.

- We should be informed when the behaviour or actions of a registrant have raised concerns about his or her fitness to practise.
- We should always be informed if a registrant is dismissed by their employer or in cases of serious misconduct.
- We should also be kept informed if you take the decision to downgrade the status of an individual registrant – for instance from ‘Paramedic’ to ‘Ambulance Technician’, or to any other role where registration is not required.

The need to inform us will vary from case to case, and will depend on the circumstances and seriousness of the matter. If you are unsure or unclear about this please contact the Fitness to Practise Department (see the end of this document for details).

In the past, cases that have resulted in **action being taken** at a final hearing have included the following.

**Convictions or cautions for criminal offences – including:**

- theft;
- child pornography; and
- violence.

(We are informed through the Home Office Notifiable Occupations Scheme when a registrant is convicted or cautioned for an offence.)

**Misconduct – including:**

- self administration of drugs;
- attending work under the influence of alcohol;
- authorisation of incorrect results;
- poor record keeping and clinical assessment;
- inadequate treatment of patients;
- poor communication with service users;
- inappropriate intervention;
- misinterpretation of examinations;
- accessing inappropriate websites in the workplace;
- failure to follow correct procedure with regard to the administration of drugs;
- falsely claiming sickness or study leave; and
- inappropriate sexual relationships with patients.

This is not an exhaustive list. We still consider each case on its individual merits.

**HPC standards**

You may also find it helpful to refer to our standards of conduct, performance and ethics when deciding whether to complain to us

about an employee. You can download copies of these standards from our website.

## **When will the HPC commence proceedings?**

Informing the HPC does not necessarily mean that we will seek to commence fitness to practise proceedings. We seek to work with employers on a collaborative basis wherever possible, and will discuss matters on a case-by-case basis. We may also wait until the conclusion of any internal disciplinary process before we take any action.

## **What information does the HPC require?**

If you have taken action against one of the health professionals that we regulate, or have concerns about their fitness to practise, it would be helpful if you could provide the following.

- The details of someone we can contact if we need any further information about the case or need to clarify any issues.
- The information that was used during the processes operated by the employer.
- Contact details of the relevant police service or court (if you have advised us that a registrant has been charged, convicted or cautioned for any offence).

## **What are the HPC's powers?**

Article 22(6) of the Health Professions Order 2001 provides that if an allegation is not made in the normal way, the Council can take the matter forward if it appears that a fitness to practise allegation should be made. This means that even if someone who has referred a matter to the HPC wants to withdraw their complaint, we may still take the matter forward.

We also have powers to demand information. Article 25(1) of the 2001 Order provides that HPC can require individuals or organisations to supply information or produce documents. This power overrides the provisions of the Data Protection Act. We can require witnesses to attend or produce documents at a hearing.

It is a criminal offence not to comply with a demand for information or attend a hearing when you have been ordered to do so. (You will find more information about being a witness later in this document.)

### **Staying on the HPC Register**

Registrants cannot remove themselves from the HPC Register whilst there are fitness to practise proceedings outstanding against them.

### **Interim orders**

Panels impose interim orders when they feel that the public or the registrant involved require immediate protection. We can take immediate action to place interim suspensions or conditions of practice on the registrant. This has effect wherever the registrant is working in the UK.

### **What can't the HPC do?**

We are not a professional body or a trade union. Our role is different. We cannot provide legal advice or representation. We cannot resolve employment disputes or cases concerning 'office politics'. It is only if the case concerns the fitness to practise of a registrant that the HPC can get involved.

### **What happens when a health professional is referred to the HPC?**

When a complaint or concern is received, the matter is allocated to a **case manager**. We then investigate the complaint. This includes seeking any documentation collated by the employer, clarifying issues and seeking patient records. If the complaint reaches the standard of acceptance we are obliged to provide the registrant with 28 days in which to respond to the complaint. We do not 'screen out' any allegations unless they do not meet the standard of acceptance. If a complainant states that they are making an allegation concerning fitness to practise and it meets the standard of acceptance, we will follow the process set out below. (See 'How to make a complaint', earlier in this brochure, for information on the standard of acceptance.)

After investigation, the case will be put before a panel of our **Investigating Committee** to determine whether there is a 'case to answer'. 'Case to answer' means that there is a *prima facie* case against the registrant that their fitness to practise is impaired. This panel meets in private and considers, on the basis of the available documents, whether we need to take any further action. Each panel is made up of at least three people, including a chairman, someone from the relevant profession and a lay person.

This panel does not make a decision about whether the complaint is proven; they only decide whether it is probable that the HPC will be able to prove the allegation at a final hearing. If they believe it can, they will refer the complaint to another panel for further consideration.

#### **The case will be referred to:**

- a panel of the **Conduct and Competence Committee** for cases about misconduct/lack of competence and convictions/cautions;
- a panel of the **Health Committee** for cases where the health of the registrant may be affecting their ability to practise; or
- another panel of the **Investigating Committee** for cases where an entry to the Register may have been obtained fraudulently or incorrectly.

These panels will also be made up of three people.

#### **Post case to answer**

If there is a case to answer against a registrant, we then instruct lawyers to present the case on our behalf. They may need to contact you or some of your employees to take a witness statement. We may also need you to attend the hearing and give evidence.

#### **Witnesses**

If you have got any concerns about giving a witness statement or giving evidence, please do let us know. We have a witness support programme in place which is designed to make the process as straightforward and comfortable as possible. Furthermore, if there are a number of witnesses from the same place of employment or any witnesses have been assessed as

vulnerable, we endeavour to hold the hearing at a convenient location for all. This can contribute to minimising disruption and ensures the best possible evidence can be given.

## What happens at the hearing?

Hearings are usually held in public. This means that members of the public (including the press) are able to attend. A shorthand writer will also produce a transcript. However, the hearing may sometimes be held in private if the panel feels this is in the interests of patient confidentiality or to protect the private life of the registrant concerned.

The panel will normally be made up of a chairperson, a registrant and a lay partner. A legal assessor will also be present. They play no part in the decision-making process but will advise the panel and the other people involved on points of law and procedure. We try to make sure the hearings are as informal as possible.

Our solicitor will normally open the hearing by presenting the case and calling our witnesses. The registrant or their representative may cross-examine the witnesses. The panel may then ask some questions. Once our case is complete, the registrant may call witnesses or make statements to the panel.

The panel will normally retire to decide whether the allegation is proven. If they decide the case is proven, they say that it is 'well founded'.

## What powers does the panel have?

The role of the HPC is to protect the public, rather than to punish registrants. If the panel finds the case to be well founded, they will return to hear from those present about what action they should take. The panel will return to hear any statements on what they should do. The panel has the following options available.

- They can decide to take **no further action**.
- They can impose a **caution order**. This means that the word 'caution' will appear against the registrant's name on the Register. (Caution orders can be between one and five years long.)

# Useful information

- They can place some sort of restriction or conditions on the registrant's registration. This is known as a '**conditions of practice order**'. (This might include demanding that the registrant work under supervision or has further training.)
- They can **suspend registration**. (This may not be for longer than one year.)
- They can decide to remove the registrant's name from the Register. This is known as a '**striking-off order**'.

## **What happens if the HPC receives a complaint about one of my employees?**

We sometimes receive complaints from members of the public which may require us to seek further information from the registrant's employer. This may include the patient records of the person who has complained.

We seek to cooperate with employers where possible, however, until you need to be contacted in connection with the investigation, or there has been a formal case to answer decision, we cannot inform you about complaints made against your employees. This is because investigating panels meet in private. Furthermore, the case may not become a formal allegation. The Health Professions Order 2001 provides that we can inform you once a case to answer decision has been made by the panel.

## **Supporting your employee**

We understand that employers often want to provide guidance and support to their employees and have concerns about the fitness to practise process. It is only if we take interim order action against the registrant that they may not be able to work, or have to do so on a restricted basis, until the final hearing (information about what happens at hearings is set out earlier in this brochure).

If you need any information, please contact the Fitness to Practise team. The details are listed at the back of this document.

# Contact us

More information for people who employ health professionals on our website can be found at

**<http://www.hpc-uk.org/aboutregistration/employers/>**

We have also published a brochure called ‘Managing fitness to practise – A guide for employers and registrants’ which explains what fitness to practise means. It also explains how registrants can manage their own fitness to practise and the concept of ‘scope of practice’.

You may also find useful the Department of Health publication ‘Handling Concerns about the Performance of Healthcare Professionals: Principles of good practice of use.’

## **Fitness to practise alerts**

These bi-monthly alerts list all upcoming cases as well as the outcomes of all hearings which have taken place and the sanctions applied. To sign up for FTP alerts please email **[ftp@hpc-uk.org](mailto:ftp@hpc-uk.org)**

We also publish upcoming hearings on our website four weeks before the date of the hearing.



# Protected titles

The titles below are protected by law. Anyone using one of these titles must be registered with the HPC, or they may be subject to prosecution and a fine of up to £5,000.

<b>Profession</b>	<b>Protected title</b>
Arts therapists	Art psychotherapist Art therapist Dramatherapist Music therapist
Biomedical scientists	Biomedical scientist
Chiropodists / podiatrists	Chiropodist Podiatrist
Clinical scientists	Clinical scientist
Dietitians	Dietitian Dietician
Occupational therapists	Occupational therapist
Operating department practitioners	Operating department practitioner
Orthoptists	Orthoptist
Prosthetists / orthotists	Prosthetist Orthotist
Paramedics	Paramedic
Physiotherapists	Physiotherapist Physical therapist
Radiographers	Radiographer Diagnostic radiographer Therapeutic radiographer
Speech and language therapists	Speech and language therapist Speech therapist

Park House  
184 Kennington Park Road  
London SE11 4BU

tel +44 (0)20 7582 0866  
fax +44 (0)20 7820 9684  
[www.hpc-uk.org](http://www.hpc-uk.org)

**This document is available in  
alternative formats and Welsh  
on request.**

**Call 020 7840 9806**

**or email [publications@hpc-uk.org](mailto:publications@hpc-uk.org)**



**Mixed Sources**

Product group from well-managed  
forests, controlled sources and  
recycled wood or fiber  
[www.fsc.org](http://www.fsc.org) Cert no. SGS-COC-00314  
© 1996 Forest Stewardship Council

© Health Professions Council

Publication code: 20070914aFTPPUB (printed November 2007)

This document has been produced using trees from sustainable forests

---

Information for members of the public

# How to make a complaint about a health professional

# Contents

<b>About this brochure</b>	<b>1</b>
<b>What is the HPC?</b>	<b>1</b>
<b>What is fitness to practise?</b>	<b>2</b>
<b>What if you are not happy with a registrant?</b>	<b>2</b>
<b>Who can complain?</b>	<b>2</b>
<b>What types of complaints can we consider?</b>	<b>3</b>
<b>How to make a complaint</b>	<b>4</b>
<b>What happens next?</b>	<b>5</b>
<b>How long will it take?</b>	<b>6</b>
<b>What happens at the hearing?</b>	<b>6</b>
<b>What powers does the panel have?</b>	<b>7</b>
<b>Witness support and giving evidence</b>	<b>8</b>
<b>What can't we do?</b>	<b>8</b>
<b>Keeping your information confidential</b>	<b>9</b>
<b>Other regulatory bodies</b>	<b>10</b>
<b>Other contacts</b>	<b>11</b>

# How to make a complaint about a health professional

## About this brochure

This brochure tells you what to do if you are not happy with the care you received from a registered health professional. We (the Health Professions Council or HPC) are responsible for protecting the health and wellbeing of people who use the services of registered health professionals.

If you are not happy with treatment you are given, or if you are worried about the behaviour or health of a registered health professional, you can always talk to us.

## What is the HPC?

We currently register members of 13 different health professions, and we might register members of other professions in the future. We only register people who meet certain standards of professional skills, behaviour and health. In this brochure, we call health professionals who are registered with us 'registrants'.

We currently regulate the following professions.

- Arts therapists
- Biomedical scientists
- Chiropodists / podiatrists
- Clinical scientists
- Dietitians
- Occupational therapists
- Operating department practitioners
- Orthoptists
- Paramedics
- Physiotherapists
- Prosthetists / orthotists
- Radiographers
- Speech and language therapists

To learn more about the role of a particular health professional, you can find information on our website at

**[www.hpc-uk.org/aboutregistration/professions/](http://www.hpc-uk.org/aboutregistration/professions/)**

You can also find information about health professionals from their professional bodies. You can look on our website for details of the professional bodies for the health professions we regulate.

## **What is fitness to practise?**

When a health professional is described as 'fit to practise', this means you can be confident that they have the health and character, as well as the necessary skills and knowledge, to do their job safely and effectively.

The behaviour and level of skills and knowledge we can expect from a registrant are set out in the 'Standards of conduct, performance and ethics' and the 'Standards of proficiency'. For more information on the standards, please see our website at

**[www.hpc-uk.org](http://www.hpc-uk.org)**

The Fitness to Practise Department is responsible for handling complaints. These are known as 'allegations' and question whether professionals who are registered with us are fit to practise.

## **What if you are not happy with a registrant?**

If you have worries about the behaviour or health of a registrant, or if you are not happy with the treatment you have received, you may want to complain to us about it.

## **Who can complain?**

Anyone can make a complaint to us about a registered health professional. This includes members of the public, employers, the police and other registrants.

## What types of complaints can we consider?

We only consider complaints about fitness to practise. The types of complaints we can consider are those that question whether a registrant's fitness to practise is 'impaired' (negatively affected) by:

- misconduct;
- a lack of competence (not having the necessary skills and knowledge);
- a caution or conviction for an offence in the United Kingdom (or somewhere else for an offence that would be a crime if it was committed in England and Wales);
- their physical or mental health; or
- a determination (a decision) made by another regulator responsible for health care.

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

We are a UK-wide regulator. This means that any action we take will affect a person's registration throughout the UK.

Whether you need to tell us about a matter will depend on the circumstances and how serious it is. If you are not sure about this, please contact the Fitness to Practise Department (see the end of this brochure for our contact details).

In the past, cases that have resulted in us taking action at a final hearing have included the following.

### **Convictions or cautions for criminal offences, including:**

- theft;
- child pornography; and
- violence.

(Under the Home Office Notifiable Occupations Scheme we are told when a registrant is convicted or cautioned for an offence in England and Wales.)

### **Misconduct, including:**

- working under the influence of alcohol;
- confirming results that are wrong;
- not carrying out clinical assessments well enough;
- not keeping records properly;
- not treating patients to a high enough standard;
- not communicating well enough with service users;
- accessing inappropriate websites at work;
- falsely claiming sickness or study leave; and
- having sexual relationships with patients.

This is not a complete list. We still look at each case separately.

### **How to make a complaint**

If you want to make a complaint about a registrant you can do this in one of the following ways.

#### **1 In writing**

Send your complaint to the following address.

Director of Fitness to Practise  
Health Professions Council  
Park House  
184 Kennington Park Road  
London  
SE11 4BU

You will need to include:

- your full name and address;
- as much information about the registrant as you can give, such as their name, profession and place of work;
- if possible, the registrant's HPC registration number, which can be found on the online Register; and



- as much information about the incident as you can provide, such as names, dates and places.

You may also find it helpful to fill in our complaints form. You can download this from the complaints section of our website at **[www.hpc-uk.org](http://www.hpc-uk.org)**. If you have any problems using this form, please phone the Fitness to Practise Department on the number below and we will send you a copy in the post.

## **2 Over the phone**

We understand that it is not always possible for complaints to be in writing. For more information on how to make a complaint over the phone, please call the Fitness to Practise Department who will arrange a convenient time and date to call you.

The number is **020 7840 9814**.

### **What happens next?**

If your complaint is about one of our registrants, we will do the following.

- A member of the Fitness to Practise Department will deal with your complaint. We will give you their details.
- We will write to tell you that we have received your complaint.
- We will also carry out an investigation into your complaint.
- We will write to the registrant to tell them that a complaint has been made against them.

The information will be passed to a panel of our Investigating Committee. They will meet in private and consider the documents available to see whether we need to take any more action.

Each panel is made up of at least three people, including someone from the relevant profession and a lay person (someone who is not on our Register). This panel does not decide whether the complaint is proven, they only decide whether it raises any worries about fitness to practise.

If they think it does, they will pass the complaint to another panel. If they decide that a complaint should go forward, they say that there is a 'case to answer'.

If the panel decides that the complaint does not need to be taken any further, they will give reasons for this. We will write to you (and the registrant) to tell you about this. We can't consider the same complaint twice.

If the panel decides that there is a case to answer, they will pass the case to one of our fitness to practise committees and give a solicitor instructions to deal with the case for us.

## **How long will it take?**

We understand that making a complaint can be stressful, so we will try to consider your complaint as quickly as we can. If the panel decides that your complaint should go forward (that there is a 'case to answer'), we will give you an idea of how long our enquiries will take.

## **What happens at the hearing?**

Hearings are usually held in public. This means that members of the public (including the press) can attend. A court reporter will also be there to record what happens and produce a transcript. All or part of the hearing may be held in private (for example, if the panel thinks they need to protect patient confidentiality or to protect details about the registrant's health).

The panel will normally be made up of three people, including a registrant and a lay person. A legal assessor will also be there. The legal assessor does not take part in the decision-making process, but they will give the panel and the other people involved advice and information on the law and procedure. We try to make sure the hearings are as informal as possible.

Our solicitor will normally open the hearing by presenting the case and calling our witnesses. The registrant or their representative may cross examine (question) the witnesses. The panel can then ask some questions. After we have made our case, the registrant may call witnesses or make statements to the panel.

The panel will normally leave the room to decide whether the allegation is proven. If they decide the case is proven, they will say that it is 'well-founded'.

### **What powers does the panel have?**

Our role is to protect the public, rather than to punish registrants. If the panel finds the allegation to be well-founded, they will return to hear submissions from the registrant or their representative and from our representative about what action they should take. The panel has the following options available.

- They can decide to take **no further action**.
- They can make a **caution order**. This means the word 'caution' will appear against the registrant's name on the HPC Register. (Caution orders can be for between one and five years.)
- They can place a restriction or some conditions on the registrant's registration. This is known as a '**conditions of practice order**'. (This might include demanding that the registrant works under supervision, or has more training.)
- They can **suspend registration**. (This cannot be for longer than one year.)
- They can decide to remove the registrant's name from the Register. This is known as a '**striking-off order**'.

## **Witness support and giving evidence**

When you make a complaint about a health professional and the investigating panel decides to refer the case for a hearing, we may need to talk to you and take a witness statement. You may also need to give evidence at a hearing. We have a witness support programme in place which is designed to make the process as straightforward and comfortable as possible. Please contact our Fitness to Practise Department if you have any questions or worries about this (see the back of this brochure for contact details).

## **What can't we do?**

We are not a professional body or trade union. Our role is different. We can't provide legal advice or representation. We can only get involved if the case is about a registrant's fitness to practise.

We can't:

- look at complaints about professionals who are not in the professions listed on page 1;
- look at complaints about hospitals (we only deal with complaints about individual registrants); or
- help you make a claim for compensation.

## **Keeping your information confidential**

We understand that making a complaint can be stressful. Please be aware that when we are investigating a complaint, we will need to tell the registrant who made the complaint.

Our main purpose is to protect the public. If an anonymous complaint (one where the person making the complaint does not give us their name) raises serious and credible (realistic) doubts about whether a registrant is fit to practise, we will still consider whether we should take further action. But it can be very hard to do so if we can't contact the person who made the complaint for more information.

If you have any worries about this, please contact the Fitness to Practise Department (see below for details).

Fitness to Practise Department  
Health Professions Council  
Park House  
184 Kennington Park Road  
London  
SE11 4BU

Phone: 020 7840 9814

Email: [ftp@hpc-uk.org](mailto:ftp@hpc-uk.org)

## **Other regulatory bodies**

The organisations that can consider complaints for other health professionals are listed below.

### **Chiropractors**

General Chiropractic Council  
Phone: 020 7713 5155  
Website: [www.gcc-uk.org](http://www.gcc-uk.org)

### **Doctors**

General Medical Council  
Phone: 0845 357 8001  
Website: [www.gmc-uk.org](http://www.gmc-uk.org)

### **Dentists**

General Dental Council  
Phone: 020 7887 3800  
Website: [www.gdc-uk.org](http://www.gdc-uk.org)

### **Nurses**

Nursing and Midwifery Council  
Phone: 020 7637 7181  
Website: [www.nmc-uk.org](http://www.nmc-uk.org)

### **Opticians**

General Optical Council  
Phone: 020 7580 3898  
Website: [www.optical.org](http://www.optical.org)

### **Osteopaths**

General Osteopathic Council  
Phone: 020 7357 6655  
Website: [www.osteopathy.org.uk](http://www.osteopathy.org.uk)

## **Pharmacists**

Royal Pharmaceutical Society

Phone: 020 7735 9141

Website: [www.rpsgb.org](http://www.rpsgb.org)

Pharmaceutical Society for Northern Ireland

Phone: 028 9032 6927

Website: [www.psni.org.uk](http://www.psni.org.uk)

## **Other contacts**

The following organisations may be useful for finding advice or support about your complaint.

### **Citizens Advice**

The Citizens Advice service helps people deal with their legal, money and other problems by providing free, independent and confidential advice.

Phone: 020 7833 2181 (to find out where your local office is)

Website: [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

### **Healthcare Commission**

You can make a complaint about the NHS here if you are not satisfied with the care you have received, or if it has not been successfully dealt with at a local level.

Phone: 020 7448 9200

Website: [www.healthcarecommission.org.uk](http://www.healthcarecommission.org.uk)

### **Patient Advice and Liaison Service (PALS)**

PALS provides information on and explains NHS complaints procedures and how you can get in touch with someone who can help. They are available in all NHS Trusts. You can contact PALS by phoning your local hospital, clinic, GP surgery or health centre and asking for details of PALS, or by phoning NHS Direct on the number below.

Phone: 0845 1558 121

Website: [www.pals.nhs.uk](http://www.pals.nhs.uk)

### **Board of Community Health Councils in Wales**

This organisation can provide you with free, confidential help if you have a problem or complaint with NHS services.

Phone: 0845 644 7814

Website: [www.patienthelp.wales.nhs.uk](http://www.patienthelp.wales.nhs.uk)

### **WITNESS**

WITNESS is a charity dedicated to helping people who have been abused by health and social care workers and working to prevent abuse.

Phone: 08454 500 300

Website: [www.popan.org.uk](http://www.popan.org.uk)





Park House  
184 Kennington Park Road  
London SE11 4BU

tel +44 (0)20 7582 0866  
fax +44 (0)20 7820 9684  
[www.hpc-uk.org](http://www.hpc-uk.org)

**This document is available in  
alternative formats and Welsh  
on request.**

**Call 020 7840 9806**

**or email [publications@hpc-uk.org](mailto:publications@hpc-uk.org)**



**Mixed Sources**

Product group from well-managed  
forests, controlled sources and  
recycled wood or fiber  
[www.fsc.org](http://www.fsc.org) Cert no: SGS-COC-003142  
© 1996 Forest Stewardship Council

© Health Professions Council

Publication code: 20071205eFTPPUB (printed February 2008)

This document has been produced using trees from sustainable forests

**Crystal  
Mark  
11441**



Clarity approved by  
Plain English Campaign