
Information for employers and managers

The fitness to practise process

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Information you'll need to provide

<p>About you</p>	<ul style="list-style-type: none"> - Name - Role - Organisation - Correspondence address, phone number and email address - If you are not going to be our point of contact for the case, you'll be asked who is
<p>About the registrant</p>	<ul style="list-style-type: none"> - Name - Profession - HCPC registration number - Work address and home address (if you know it) - How long they have been employed by your organisation and in what roles - If they are registered with any other body - The details of any locum agency if relevant - We will also need to know if the registrant is aware you have referred this matter to us, and whether you have contacted any other organisation about these concerns - Details of any other organisation you have contacted about the matter (for example, the police or the Disclosure and Barring Service)
<p>Your concern</p>	<ul style="list-style-type: none"> - A brief account of the events of incidents that concern you, including the dates or times - Details of any local investigations or action you have taken already, or which is ongoing - Details of any restrictions that have been placed on the registrant
<p>Documents to support your referral (this will depend on the nature of the concern but we are likely to need everything you have considered when making the referral to us)</p>	<ul style="list-style-type: none"> - Internal investigation reports, disciplinary and appeal documents - Correspondence between your organisation and the registrant - Relevant service user records - If you are reporting that a registrant has been charged, the contact details of the relevant police force - If you are reporting a conviction or caution, a copy of a CRB check or a certificate of conviction or caution

Anything you send to us will be copied to the registrant you are referring to us so they can respond. If there is anything you would prefer we did not send to the registrant, you should tell us. However, if it is an important piece of evidence, we may have to send it to the registrant anyway. We will not share any information that might compromise a criminal investigation.

Any information you provide will be used as evidence in proceedings against the registrant. If the case goes as far as a hearing, the details may become public as hearings are usually held in public and the press regularly attend.

Compromise agreements

If you have entered a compromise agreement with the registrant you are referring, you should tell us. We do not need the details of the agreement, but just need to know that one exists. If you have a confidentiality clause in the compromise agreement, it will not prevent us from investigating the concerns about the registrant, nor does it prevent you or any witnesses from passing information about the registrant to us. When drafting the agreement, you should make clear to the registrant that any confidentiality clause does not apply to information being passed to us.

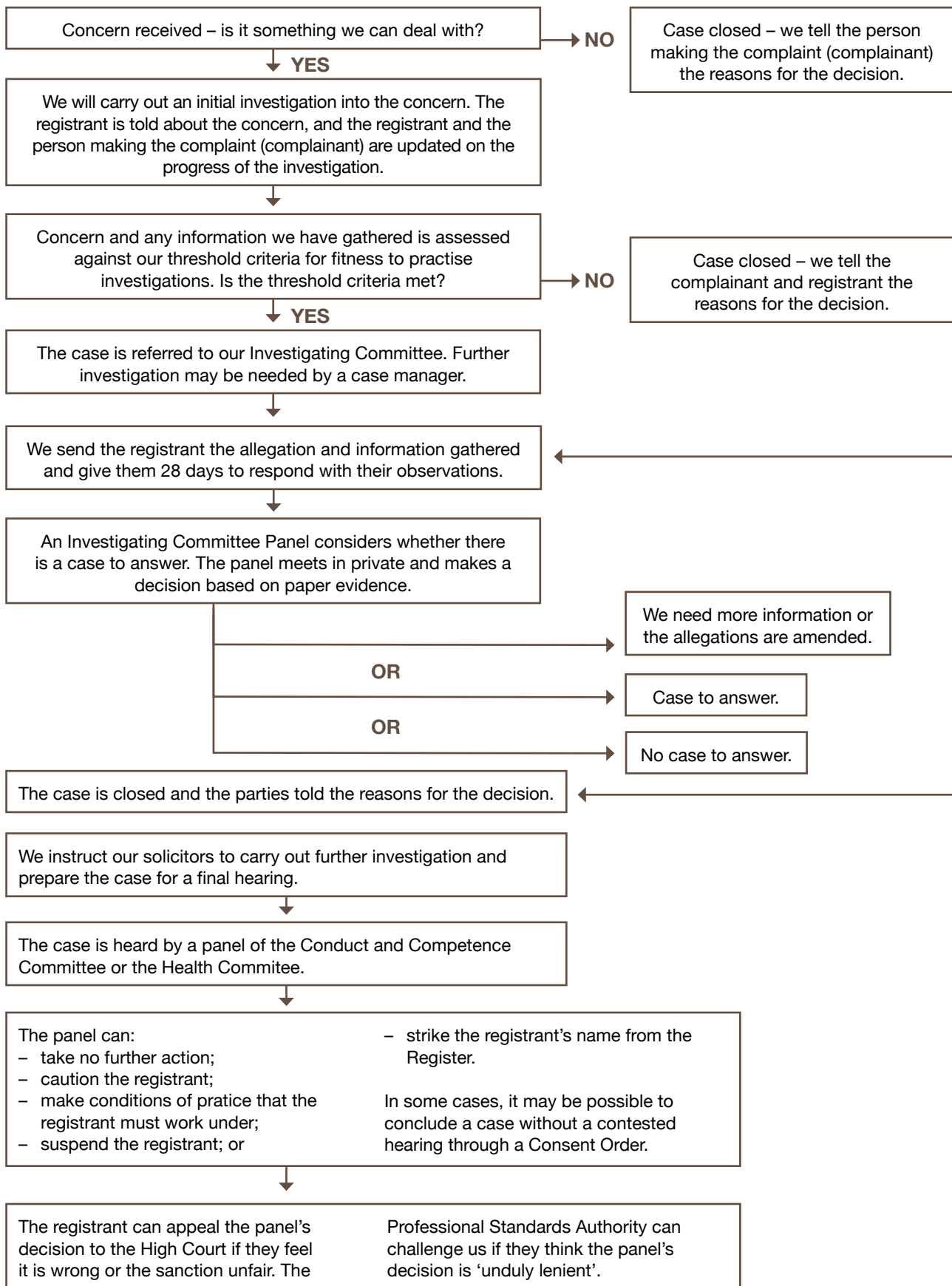
How much of my time do you need?

The amount of time we will need from you if you raise a concern will depend on how complicated the case is. We are likely to need to ask for more information from you during the course of our investigation.

If the case goes forward to a final hearing, you or members of staff may need to meet with our solicitors to provide a witness statement. You may also have to come to the hearing and give evidence. This can sometimes involve an overnight stay if the hearing takes place away from your home town. You can find more information about this in our brochure called Information for witnesses. You can download this brochure from www.hcpts-uk.org/aboutus/publications/hcpts---information-for-witnesses

The investigation process at a glance

At all stages of the process we can apply for an interim order to prevent the registrant from practising, or to place conditions on their practice, until the case has been closed by a panel.



What happens when we receive a concern?

We will first consider whether a concern is something that we can deal with. This assessment takes place during our triage stage. If a concern is not a matter for us, we will take no further action. We will then write to the person making the complaint (complainant) to explain why.

If we have made a decision at the triage stage that a matter is something we can deal with, we will carry out an initial investigation to get the relevant information about the concern. This may involve gathering information from a number of sources.

We will contact the registrant if we have begun an initial investigation into concerns about their fitness to practise. We will also notify their employer if they are not the complainant.

Once we have completed our initial investigation we will assess the concern, and the information we have gathered about it, against our threshold criteria for fitness to practise investigations. This is to decide whether the concern, and the information we have gathered, amounts to an allegation that a registrant's fitness to practise may be impaired. We will take into account whether the matter could amount to a breach of our standards.

If we consider that the threshold has not been met, we will close the case and take no further action.

If we find that the concern does meet the threshold, the matter will be referred to our Investigating Committee.

You can find a copy of our Threshold policy for fitness to practise investigations on our website www.hcpc-uk.org/resources/policy/threshold-policy-for-fitness-to-practise-investigations

What can I expect from you?

If you raise a concern with us about a registrant, you can expect us to treat everyone involved fairly and explain what will happen at each stage. We will give you the details of a case manager who you can contact if you have any questions and who will keep you up to date with the progress of our investigation.

Role of the case manager

We allocate a case manager to each case. The allocated case manager may change during the course of the investigation, depending on what stage the case is at. If this happens, we will tell you and you will always have a named contact. Case managers are neutral and do not take the side of either the registrant or the person or organisation who makes us aware of the concerns. Their role is to manage the progress of the case through the process and to gather relevant information. They act as a contact for everyone involved in the case.

Case managers cannot give legal advice but they can explain how the process works and what panels consider when making their decision.

How long will it take?

We understand that the investigation process can be stressful for the employer or manager who has raised the concern and the registrant involved, so we try to consider cases as quickly as we can.

We aim to:

- have a case considered by the Investigating Committee within eight months of receipt of a concern (if the concern meets our threshold); and
- hold a final hearing within nine months of the Investigating Committee Panel's decision that there is a case to answer.

While these are our aims, the time a case takes to reach the end of the process can vary depending on the nature of the investigation we need to carry out and how complicated the issues are. As a result of this, each stage of the process may take either a shorter or longer period of time.

Your case manager will keep you informed of the progress of the case, but if you have any questions about what is happening, or why it may be taking longer than our aims, you can contact them for an update.

What happens if someone else raises a concern about one of my employees?

We may receive information from members of the public or another source about one of your employees which may mean we need to ask you for information as their employer or manager. This may include the service-user records of the person who has complained or more information about a particular incident.

Article 25(1) of the Health and Social Work Professions Order 2001 gives us the power to require an organisation to provide us with information relevant to fitness to practise allegations. There are some exceptions to this power, listed in the Article from paragraph (3) – (5). You can find a copy of the order at www.hcpc-uk.org/about-us/corporate-governance/legislation

This power overrides the General Data Protection Regulation 2018 and other data-protection safeguards, such as Caldicott Guardian arrangements.

If you have any concerns about providing information to us, you should speak to your case manager. They cannot give you legal advice but they will be able to explain why we are making the request. Or, you can arrange your own legal advice.

What can you tell me?

Fitness to practise investigations are private and we do not publicise the fact that we are investigating a registrant. If we are investigating one of your employees, we will let you know. We will update you on the progress of the case and tell you the outcome.

We issue an alerts list every month giving details of case outcomes and registrants who have had interim orders made against them. To receive these alerts, please email us at ftp@hcpc-uk.org

We also publish details of forthcoming hearings, four weeks before the date of the hearing, at www.hcpts-uk.org/hearings/calendar

What can an employee do during an investigation?

Registrants can continue to practise while we investigate a case unless we have imposed an interim order preventing them from practising or

placing restrictions on their practice. Registrants cannot remove themselves from our Register while there are fitness to practise proceedings outstanding against them.

Supporting your employee

We understand that employers and managers often want to provide guidance and support to employees when they are the subject of a fitness to practise investigation. It may be helpful to suggest that the registrant gets advice from their union or professional body (if they are a member of either) or Citizens Advice, or to get independent legal advice.

Employing a registrant who is the subject of a current fitness to practise investigation

Being the subject of a fitness to practise investigation does not automatically make a registrant unsuitable for employment as registrants can continue to practise unless we have imposed an interim order preventing them from practising or placing restrictions on their practice. You can find out if a registrant has an interim order made against them by searching our online register at www.hcpc-uk.org/check-the-register

If a registrant has been suspended, they cannot work until that suspension order has been removed. If we have placed conditions on a registrant's registration, they can work but under restriction. In these cases, as their employer or manager, a registrant may ask for your help with their conditions. For example, they may only be able to work under supervision or with a chaperone, or they may need to provide a review hearing with references from senior colleagues.

What happens if previous concerns have been raised about an employee?

When considering whether there is a case to answer in relation to a concern about a registrant, the Investigating Committee Panel has the legal power to take into account any other similar concerns made against the registrant within the previous three years.

The purpose of this power is to make sure that a concern which has been dismissed, because a case to answer could not be established, can still be taken into account if another similar concern is

made against a registrant, and it is relevant to do so. The previous concern will be taken into account as similar-fact evidence and will not be re-opened as a new investigation.

Useful information

You can find more information on our website or through the following methods.

Practice notes

We have published a number of practice notes which explain various parts of our fitness to practise process. You may find it useful to look at these documents. You can download our practice notes from

www.hcpts-uk.org/aboutus/publications or phone us on +44 (0)800 328 4218 and we will send you copies in the post.

Other documents

We publish a brochure for registrants who have a fitness to practise concern raised against them, called What happens if a concern is raised about me? You can download this brochure from www.hcpc-uk.org/resources/guidance/what-happens-if-a-concern-is-raised-about-me

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