

## THE REGISTRATION COUNCIL FOR CLINICAL PHYSIOLOGISTS

### COMPLAINTS PROCEDURE 2019

The Registration Council for Clinical Physiologists (RCCP) holds a voluntary register for practitioners in six disciplines of Clinical Physiology. Clinical Physiologists are a group of healthcare workers who are involved in the diagnosis and management of a wide range of conditions, many of which are sensitive or invasive. The RCCP is accredited by the Professional Standards Authority and aims to ensure the highest levels of safety for patients of Clinical Physiologists.

The RCCP investigates complaints about its Registrants as part of its role in protecting the public, upholding public confidence in Clinical Physiology and maintaining professional standards. The RCCP Member Bodies agreed to a unified Complaints Procedure in 2002, giving the RCCP the responsibility for considering complaints against its Registrants. The Complaints Procedure is regularly reviewed and updated in response to changes in the professional and legal frameworks within which the RCCP operates.

This Complaints Procedure is the 2019 version which supersedes all previous versions, having been approved by the Board of the RCCP on 11th March 2019 and last reviewed and amended on 2nd June 2019.

These procedures are intended to promote the handling of complaints in an efficient, effective, transparent and proportionate way.

## About this Complaints Procedure

This complaints procedure sets out the RCCP's approach to handling complaints and concerns in relation to its Registrants. All Registrants are expected to conform with the expectations of the RCCP's Code of Conduct, Standards of Proficiency and this Complaints Procedure.

The RCCP has a duty to protect the public by ensuring the fitness to practise of all RCCP Registrants. Being fit to practise requires a Registrant to have the skills, knowledge, good character and health to carry out their job safely. The RCCP provides a robust, responsive and transparent Complaints Procedure for dealing with concerns in order to maintain standards of practice.

It is the responsibility of all Registrants and Complainants to ensure that they fully understand this procedure and associated policies. Registrants should inform their patients/clients, who indicate that they have a complaint or concern about the existence of this procedure.

Complainants in bringing their complaint to the RCCP under this procedure, agree to allow their complaint and accompanying documents to be sent to the Registrant complained against, and for their complaint/concern to be dealt with in accordance with this procedure.

## Introduction

1. The RCCP will investigate a complaint/concern where there appears to be a risk to patient /public safety or where the Registrant's conduct undermines public confidence in the Clinical Physiology profession.
2. Complaints can only be considered under the RCCP complaints procedure if they concern a Registrant. Click [here](#) to go to the RCCP Register.

The RCCP holds a register of six disciplines in the Clinical Physiology profession:

- 2.1 Audiologists (including Hearing Therapists and Educational Audiologists). More information about the role of an audiologist can be found [here](#)
- 2.2 Cardiac Physiologists. More information about the role of a cardiac physiologist can be found [here](#)
- 2.3 Gastro-intestinal Physiologists. More information about the role of a gastro-intestinal physiologist can be found [here](#)
- 2.4 Neuro-physiologists. More information about the role of a neuro-physiologist can be found [here](#)
- 2.5 Respiratory Physiologists. More information about the role of a respiratory physiologist can be found [here](#)
- 2.6 Sleep Physiologists. More information about the role of a sleep physiologist can be found [here](#)

3. The RCCP is unable to investigate a complaint in relation to a former Registrant unless the complaint was received before the Registrant resigned or retired. In which case, the Registrant's membership will continue until the complaint is investigated and concluded including any Appeal. Any fee payable by the Registrant will continue to be payable to the RCCP.

4. Where the Registrant under complaint is also under investigation in relation to the same matter by an employer, another membership body, statutory regulator, the RCCP will liaise with that organisation. The RCCP may consider staying its own proceedings until the proceedings of the other organisation have concluded.
5. The RCCP Registrar holds the right to accept the decision of another membership body /statutory regulator (or register which meets similar standards) and if applicable, ratify the sanction imposed by that register/regulator without carrying out a further duplicate investigation.
6. The RCCP would not usually consider a complaint made more than five years after the event. However, where the allegation(s) are sufficiently serious and it is in the public interest to investigate, the RCCP Registrar has the discretion to investigate the complaint.
7. The RCCP Complaints Procedure can also be engaged in the absence of a complaint. This may include cases where the Registrant discloses a criminal conviction or an adverse decision by another membership body/statutory regulator. The Registrar has the discretion to engage the complaints process in circumstances where the RCCP becomes aware of any concern that may call into question a Registrant's fitness to practise. In all such cases, the Registrar will present the concerns to the Assessment Committee.

## What is Fitness to Practise

8. The RCCP will only investigate a complaint that relates to a Registrant's fitness to practise. Fitness to practise is where a Registrant has the necessary skills, knowledge, character and health to do their job safely and effectively. Fitness to practise is not just about professional performance, it also includes acts by a Registrant which may affect public safety or confidence in the profession and may include matters not directly related to professional ability/competence.

A Registrant's fitness to practise can be impaired for a number of reasons and these include:

- 8.1 Misconduct
- 8.2 Deficient Professional Performance
- 8.3 Adverse physical or mental health
- 8.4 An adverse determination by another professional regulatory body
- 8.5 A criminal conviction or caution in the UK for a criminal offence, or a conviction elsewhere for an offence which, if committed in the UK could constitute a criminal offence

## Before making a complaint

- 9. Before submitting a complaint to the RCCP, the Complainant should attempt to resolve the complaint/concern with the Registrant or their place of work. Where resolution with the Registrant is not possible or is considered inappropriate, the Complainant should provide this explanation to the RCCP.

## How to make a complaint

- 10. A complaint to the RCCP should be made in writing using the RCCP complaint form. Complainants that are unable to submit a complaint form in writing should contact the RCCP office for assistance in making their complaint. The complaint form can be found [here](#). The form along with all the necessary information should be submitted to the following address:

**RCCP Complaints Administrator**  
**The Middlewich Suite**  
**Droitwich Medical Centre**  
**Ombersley Street**  
**Droitwich**  
**WR9 8RD**

11. In order for the RCCP to investigate a complaint, the Complainant must provide the Registrant's details and clearly set out the facts giving rise to the complaint. The complaint form should include information such as, conduct, dates, places, names and supporting information relevant to the complaint. The Complainant should also provide consent to the use of their personal information for the purposes of operating the RCCP Complaints Procedure.
12. The RCCP will require the Complainant's full name and address, anonymous complaints will not be accepted unless there is corroborating or independent evidence of a fitness to practise concern. In order to ensure that the RCCP treats the Registrant fairly, they will usually need to know the source of the allegation(s) against them. The RCCP will only investigate anonymous complaints in exceptional circumstances.
13. The RCCP may decide that the complaint is not within their remit, in which case the Complaints Administrator with the advice of the Registrar will write to the Complainant explaining the reason(s) for their decision.

## Screening and Preliminary Investigation – Assessment Committee

14. Having reviewed the complaint, the Complaints Administrator will forward a copy of the documents to the Registrant within 14 days of receiving the complaint.
15. The Complaints Administrator may seek further information from the Complainant or the Registrant in order to assist in reviewing the complaint.
16. The Complaints Administrator will send the complaint documents to the Assessment Committee.
17. The Assessment Committee will consist of at least three-panel members, which will include one Registrant member from the same Clinical Physiology background as the Registrant

under complaint and at least one Lay Member. The Committee may meet in person or by telephone conference.

18. The Assessment Committee will also be provided with information of any previous formal Warning, Letter of Advice, sanction issued to the Registrant by the RCCP.
19. The Complaints Administrator will inform both the Complainant and the Registrant of the referral to the Assessment Committee and provide them with a copy of the documents along with the RCCP Complaints Procedure.
20. The Assessment Committee should meet to review the initial complaint documents as soon as practicable, but no later than 28 days. If for any reason the Assessment Committee is unable to meet, they should inform the Complaints Administrator to inform both the Complainant and Registrant explaining the delay.
21. The Assessment Committee may decide to dismiss the complaint at this stage if it considers that the complaint raises no concerns in relation to the Registrant's fitness to Practise.
22. A Complainant may only appeal against a decision of the Assessment Committee to dismiss a complaint, where there is convincing new evidence which was not available at the time of the first assessment of the complaint.
23. The Assessment Committee may request further information from the Complainant and /or Registrant in which case, the Complaints Administrator will request the further information.
24. Once the Assessment Committee has considered the further information, they may request a formal response from the Registrant. The Registrant will have 28 days to respond to the complaint documents and any specific questions posed by the Assessment Committee.
25. Once the RCCP has received the Registrant's formal response, the Complainant will be given the opportunity to comment on the Registrant's response. The Complainant will have 21 days to respond.

26. Where the Complainant or Registrant fails to respond within the time periods set out above the Assessment Committee may proceed with their decision without a response.
27. The Assessment Committee will have the discretion to receive expert advice from any relevant discipline of Clinical Physiology in order for the Committee to make a fair and proportionate decision.
28. The Assessment Committee should meet as soon as practicable, once the Complaints Administrator has received the responses from both the Complainant and Registrant.
29. The Assessment Committee will only consider written submissions.

## Realistic Prospect Test

30. The Assessment Committee will consider the complaint to determine whether there is any evidence to suggest that there has been a breach of the RCCP Code of Conduct and or Standards of Proficiency, which may result in a Registrant's fitness to practise being impaired. See paragraph 8 above for the grounds of Impairment of fitness to practise.
31. In coming to its decision, the Assessment Committee will apply the '**Realistic Prospect Test**'. The realistic prospect test is commonly used in healthcare regulation and is intended to ensure that regulators focus on public safety and only act when action is justified and necessary.
32. The Assessment Committee will apply the realistic prospect test to the whole allegation. This will include assessing whether there is a realistic prospect that a Professional Conduct Committee or Health Review Panel, on the balance of probabilities, will find the facts of an allegation proven, and there is a realistic prospect of those facts being found to impair the Registrant's fitness to practise to a degree that justifies action on their registration.
33. The Assessment Committee will consider the wider public interest, including protection of the public and public confidence in both the regulatory process and the Clinical Physiology

profession. Fitness to practise action must be appropriate and proportionate in order to protect the public and therefore it must be in the public interest to proceed with the action.

34. The Assessment Committee needs to be satisfied that there is a real or genuine possibility as opposed to a remote or fanciful one that the RCCP will be able to establish its case. The burden of proof lies with the RCCP and not with the Registrant.

35. The Assessment Committee will decide how to proceed and compile a report.

36. The Assessment Committee may;

36.1 Close the case without any action, where the realistic prospect test has not been met;

36.2 Issue a formal Warning or Letter of Advice to the Registrant;

36.3 Refer the matter to a Professional Conduct Committee where there is a realistic prospect of the facts being substantiated and those facts amounting to impairment of fitness to practise. (Bearing in mind the public interest considerations stated above.)

36.4 Refer the matter for Consensual Disposal where the allegations may be dealt with by an alternative outcome, rather than direct referral to a Professional Conduct Committee or Health Review Panel.

36.5 Refer the matter to a Health Review Panel where the Registrant's fitness to practise may be impaired by adverse physical or mental health.

## Warning/Letter of Advice issued by the RCCP

37. A Warning or a Letter of Advice issued by the Assessment Committee is a record of their concern, which does not require referral to a Professional Conduct Committee, but

nevertheless is potentially significant. A Warning or Letter of Advice is not shown on the public facing RCCP Register, but it is recorded against the Registrant's entry internally.

38. The Assessment Committee may issue a Letter of Advice to the Registrant which may include advice to carry out further training, CPD and feedback pertinent to the complaint in the context of adherence to the RCCP's Code of Conduct/Standards of Proficiency.
39. Warnings will only be issued by the Assessment Committee once the Registrant has been given an opportunity to make further written representations. The Assessment Committee must consider any representations made by the Registrant.
40. If the RCCP were to receive a further concern or complaint, a previous Warning or Letter of Advice will be taken into regard when considering the further concerns.

## Consensual disposal

41. Consensual disposal is an alternative outcome by which the Registrant and the RCCP agree that a complaint will be resolved without the need for a contested hearing.
42. The Assessment Committee may offer the route of consensual disposal to a Registrant where they are of the opinion, that it may be a satisfactory resolution to a complaint and the Registrant accepts responsibility for the concern(s) raised.
43. Where the Assessment Committee refers a case to the Professional Conduct Committee or Health Review Panel, the Registrant will also have 14 days to inform the RCCP that they would like to follow the consensual disposal procedure.
44. The procedure will only apply where the Registrant accepts the facts of the allegation and that their current fitness to practise is impaired.

45. The consensual disposal process will require the Registrant to provide a written statement to the RCCP to progress the complaint by consensual disposal. The written statement will include the relevant facts, admission(s) and insight into their conduct.
46. The documents will be referred to a Professional Conduct Committee/Health Review Panel but without the need for the parties to attend a full contested hearing.
47. The RCCP Registrar and the Registrant will agree on an appropriate sanction guided by the RCCP sanctions guidance.
48. The Professional Conduct Committee/Health Review Panel will consider the matter on papers and will also consider the agreement between the RCCP and Registrant as to sanction.
49. The Professional Conduct Committee/Health Review Panel will have the full sanctions available to them, as they would in a full fitness to practise hearing and will make the final decision as to sanction.
50. The Professional Conduct Committee/Health Review Panel can refer the matter to a full hearing if they believe consensual disposal is not the appropriate method for dealing with the complaint.
51. The Registrant will be notified of the sanction that the Professional Conduct Committee/Health Review Panel decide and will have the opportunity to review the agreement and accept the sanction.
52. The Professional Conduct Committee/Health Review Panel will need to be satisfied that following the consensual disposal process is not contrary to the public interest.
53. Once the Registrant has agreed the sanction and Consensual Disposal Agreement the RCCP will publish the outcome on their website. Any information in relation to health will be redacted from publication.

54. The Complainants view will be taken when considering the consensual disposal route, but the Professional Conduct Committee/Health Review Panel will not need the Complainant's consent.

## Complaints Referred to a Professional Conduct Committee

55. Where a complaint is referred to the Professional Conduct Committee, the Empanelment Committee will appoint three-panel members to hear the complaint and one of the members will be appointed Chair. The Panel will include at least one Registrant Member preferably from the same Clinical Physiology background as the Registrant under complaint, and at least one Lay Member.
56. The hearing will usually be held in public, however, the Professional Conduct Committee will have the discretion to hold all or part of the hearing in private, in circumstances where maintaining the privacy of the person concerned or the third party outweigh the public interest in holding the hearing in public.
57. The RCCP will appoint a legal representative (Case Presenter) to represent the RCCP. The Complaints Administrator will send the RCCP Case Presenter all the documents in relation to the complaint.
58. At any time after the referral from the Assessment Committee, the Complaints Administrator or the RCCP Case Presenter may collate further necessary evidence in relation to the complaint. This may include a witness statement from the Complainant and any third parties. The RCCP Case Presenter will draft the particulars of allegation(s) and compile the evidence that the RCCP intends to rely upon at the hearing.
59. The Complaints Administrator under the supervision of the RCCP Case Presenter will send the

Registrant under complaint the following documents:

- 59.1 The particulars of allegation(s) against the Registrant;
  - 59.2 A paginated copy of the documents/reports/witness statements the RCCP Case Presenter will rely upon at the hearing including a witness list;
  - 59.3 A paginated copy of any unused material relevant to the complaint;
  - 59.4 A canvassing schedule with an indication of the length of the hearing;
  - 59.5 A copy of the RCCP Complaints Procedure.
60. The Complaints Administrator having consulted with the Professional Conduct Committee will agree on a provisional date(s) to hold the hearing. The Complaints Administrator will try to accommodate all individuals attending the hearing but is not obliged to do so, if canvassing for dates becomes problematic.

## Notice of Hearing

61. Having arranged the date(s) of the hearing the Complaints Administrator will send the notice of hearing by the Royal Mail "Signed For" service to the Registrant's registered address.
62. The notice of hearing will also include a copy of the particulars of allegation(s). The hearing should not take place before 28 days after the service of the notice. Unless the Registrant consents to waive the 28 days' notice. The service of notice of hearing will be taken to have been received the day after posting.
63. The notice of hearing shall clearly set out the following:
- 63.1 Date, time, length of hearing and venue;
  - 63.2 Particulars of allegation(s);
  - 63.3 The Registrant's right to attend the hearing and be represented;
  - 63.4 The procedure at the hearing and possible sanctions open to the Panel in the event of a finding of impairment;

- 63.5 The Panel's power to proceed and determine the matter in the absence of the Registrant/Registrant's Representative at the hearing.
64. The Complaints Administrator may appoint a Legal Assessor to attend the hearing and provide independent legal advice to the Professional Conduct Committee. The Legal Assessor will advise on matters of law, evidence and procedure.
65. At least 21 days before the date of the hearing the RCCP Case Presenter and the Registrant must send by post and by email to the other party the following:
- 65.1 Any documents the party seeks to rely upon at the hearing.
- 65.2 A witness list together with the witness statements that each party seeks to rely upon at the hearing. All witness statements must be signed and dated.
66. Further in the case of the Registrant, whether the Registrant:
- 66.1 Admits or denies the allegations within the particulars of allegation(s);
- 66.2 Intends to appear in person and/or to be represented at the hearing, and if so, the name and address of his or her Representative;
- 66.3 Intends to make any application to the Professional Conduct Committee and if so, provide details of the grounds upon which the said application is to be made.
67. The documents should be clearly paginated and compiled in a bundle. Any document that has not been submitted in compliance with the above, will need express permission from the Professional Conduct Committee to be considered as part of the proceedings.
68. The RCCP Case Presenter and the Registrant/ Registrant's Representative shall wherever

possible agree a paginated hearing bundle of relevant documents and a copy of the bundle shall be provided by the Complaints Administrator to the Legal Assessor. Where a bundle is agreed the Complaints Administrator shall arrange for a copy to be sent to the members of the Professional Conduct Committee 14 days prior to the hearing.

69. If the bundle is not agreed, the documents under dispute should be taken out before sending to the Professional Conduct Committee. The Legal Assessor should be sent the entire bundle including the documents in dispute. The parties will make representations to the Legal Assessor after which the Legal Assessor will advise the Committee on admissibility. The Professional Conduct Committee will have a discretion on what weight it shall give to the documents.
70. The RCCP Case Presenter and the Registrant/ Registrant's Representative shall agree where possible which witness evidence is admitted, and which witnesses are required for cross-examination.

## Case Management Meeting

71. At the request of the RCCP Case Presenter or the Registrant/ Registrant's Representative, the Chair of the Professional Conduct Committee at any time after the issue of the notice of hearing may give directions for the management of the case. This includes making findings on preliminary applications as the Chair sees fit, such meetings may also include the presence of the Legal Assessor. Case Management meetings may at the discretion of the Chair be conducted by telephone conference.

## Proceeding in absence

72. Where a Registrant fails to attend and is not represented at the hearing, the Professional Conduct Committee may nevertheless continue with the proceedings, provided they are;

72.1 Satisfied the Registrant was served the notice of hearing in accordance with

rule 61 above and/or all reasonable efforts were made to notify the Registrant of the hearing.

and

72.2 That it is in the public interest to proceed with the hearing.

73. The Registrant may be legally represented by a Solicitor or Counsel. The Complainant if attending as a witness can bring with them a supporter providing the RCCP have been given notice.

## Amendment of the allegations

74. At any stage before making its findings of fact, the Professional Conduct Committee may of its own motion or following an application of one of the parties, amend the particulars of allegation(s) unless it is of the view that the required amendment would prejudice the fairness of the proceedings. Before making any amendment, the Committee must consider any representations by the RCCP Case Presenter, Registrant/Registrant's Representative and also take advice from the Legal Assessor.

## Special Measures

75. Where a witness including the Complainant feels that they are unable to give their best evidence in an open hearing, they should let the RCCP Complaints Administrator know at least 21 days before the hearing. An application for special measures will then be made by the RCCP Case Presenter to the Professional Conduct Committee.

76. The Registrant/Registrant's Representative may also apply to the Professional Conduct Committee for special measures.

77. The Committee after hearing representations from each party in relation to the applications and taking advice from the Legal Assessor may adopt any process, they think appropriate and fair.

78. Where a Registrant faces allegations of a sexual nature, the Registrant will not be able to cross-examine the Complainant in person unless the Complainant has provided explicit consent.

## Evidence

79. A certificate of conviction issued by a court in the UK is admissible as conclusive proof of that conviction and the findings of fact on which it is based.
80. The Standard of Proof shall be the civil standard of proof, namely the balance of probabilities.
81. The burden of proof as to proving the facts of the case shall at all times remain with the RCCP.
82. The Professional Conduct Committee may admit any evidence they consider fair and relevant to the case before them.

## Procedure at Hearing

83. The procedure at the hearing shall be determined at the discretion of the Professional Conduct Committee, where not expressly provided for by these rules. During a hearing, the Committee follows a three-stage process before it reaches a decision on whether to impose a sanction.

83.1 Findings of Fact

83.2 Findings of Impairment

83.3 Sanction

84. The Chair of the Committee shall introduce the members of the Committee present and confirm the identity of the Registrant against whom the allegation(s) are made.
85. The Chair of the Committee shall ask the Registrant/ Registrant's Representative and the RCCP Case Presenter whether there are any preliminary applications before the hearing proceeds. The

Committee shall then determine the procedure for considering the applications.

86. The Clerk to the hearing shall read the allegation(s) against the Registrant. The Chair shall inquire of the Registrant whether there are any admissions to the particulars of allegation(s).
87. Where any of the facts are admitted the Chair of the hearing should formally announce that such facts have been found proved.
88. Where any of the allegations are not admitted, the RCCP Case Presenter will open the case against the Registrant and present evidence in relation to the alleged facts, including the calling of witnesses.
89. At the end of the evidence presented by the RCCP Case Presenter, the Registrant/Registrant's Representative will present evidence and advance witnesses in support of their case with regards to the alleged facts.
90. Witnesses shall be examined by the party calling them and may then be cross-examined by the opposing party. The party calling the witness may then re-examine the witness.
91. The Professional Conduct Committee may question any of the witnesses, the RCCP Case Presenter, Registrant/ Registrant's Representative.
92. Once each party has presented their evidence in relation to the facts both the RCCP Case Presenter and Registrant/Registrant's Representative will provide closing submissions to the Professional Conduct Committee summing up their evidence to the alleged facts.
93. The Legal Assessor will provide their advice to the panel in public. The parties will be given the opportunity to make representations in respect of such advice.
94. For arriving at any decision in relation to the hearing, the panel shall sit in private and in the absence of the parties. Any announcement of a decision shall be made in public. The Panel will deliberate in the presence of the Legal Assessor, but the Legal Assessor will not take part in the legal deliberations and only provide support in relation to the law and procedure.

95. The Professional Conduct Committee will provide their findings of facts as soon as possible. The Committee will provide reasons for its findings within their determination on facts.
96. In a case where the Registrant's conduct is substantiated or any of the alleged facts found proven, the Professional Conduct Committee may receive further evidence and hear any further submissions from the parties before making their decision on whether the Registrant's Fitness to Practise is currently impaired.
97. The Legal Assessor will give legal advice to the Committee on the relevant laws and procedures. Both the RCCP Case Presenter and the Registrant/Registrant's Representative shall be permitted to make submissions to the Committee in respect of such advice.
98. The Impairment stage will require the Professional Conduct Committee to consider two separate questions:
  - 98.1 Whether on the basis of the facts admitted or found proved the conduct in question amounts to one of the grounds set out in paragraph 8 above?
  - 98.2 If so, whether the Registrant's current fitness to practise is impaired?
99. The Committee will consider and announce its findings on the question of whether the Registrant's fitness to practise is currently impaired and give its reasons for that decision.
100. In a case where the Committee finds impairment to fitness to practise, the RCCP Case Presenter and the Registrant/Registrant's Representative may present evidence relating to the Registrant's history and character and any mitigating circumstances.
101. The Registrant/Registrant's Representative may present references and testimonials and call character witnesses in support. Where character witnesses are called, they may be questioned by the RCCP Case Presenter and the Professional Conduct Committee. It also possible that

such evidence is presented at the Impairment stage.

102. The Legal Assessor shall then advise the Committee as to the range of sanctions available to the Committee and relevant case law. The RCCP Case Presenter and Registrant/Registrant's Representative may make representations as to the advice given to the Committee by the Legal Assessor. The Committee shall then determine the relevant sanction, if any, by using the RCCP's sanctions guidance.

## Sanctions

103. Sanctions are intended to protect the public, and the wider public interest, not to punish the Registrant. Following a decision of impairment to fitness to practise a Professional Conduct Committee may impose the following sanctions:
  - 103.1 A Reprimand, which will remain on the RCCP Register for a period of five years unless the Committee determines a lesser period;
  - 103.2 A Conditions Order. This should specify the conditions relevant to the Registrant's membership and the period for which it has effect;
  - 103.3 A Suspension Order. This shall specify the period of suspension (not exceeding 12 months). The Committee should state whether there is the need for a review hearing before the Registrant can return to the RCCP Register.
  - 103.4 Termination of Registration and Removal from the RCCP Register.
104. The Notice of Decision shall be sent to the Registrant/ Registrant's Representative and Complainant within 7 days of the conclusion of the hearing, the Notice must set out clearly the findings of the Professional Conduct Committee.

## Condition(s) Order

105. The Professional Conduct Committee/ Health Review Panel may impose specific conditions on the Registrant's registration, this may include a requirement to undergo further training, supervision, continuing professional development and any other conditions that the Committee find appropriate. Where a Committee/Panel decide conditions are appropriate, they will set a timeframe for compliance with the conditions. The Professional Conduct Committee/Health Review Panel may also impose a requirement for a Review Hearing before the conditions expire.
106. Where the Registrant fails to comply with the conditions set by the Professional Conduct Committee/Health Review Panel the Registrant will be in breach of the conditions and the RCCP will hold a Review Hearing.

## Review Hearing

107. Where the Professional Conduct Committee/Health Review Panel determines a sanction of suspension or conditions, they may also impose a Review Hearing. In such circumstances, the Committee will direct that a Review Hearing takes place before the period of suspension or conditions expire.
108. A further hearing will be held to conduct the review, preferably with the same Professional Conduct Committee/Health Review Panel. The Review Panel will have a discretion on how to proceed with the hearing.
109. Where the original Committee imposed conditions the hearing panel will hear evidence of compliance of those conditions. The Registrant should compile a report to demonstrate compliance with the conditions.
110. Where the original Committee imposed a sanction of suspension, the Registrant should show evidence of any CPD, supervision and work experience carried out during the suspension.

111. At a Review Hearing, any finding of Impairment made by the Reviewing Committee must be based on the original allegation. The Committee will need to consider whether the Registrant's fitness to practise remains impaired after considering all the information available to them. The Registrant is expected to provide evidence that any past impairment has been addressed.
112. The Reviewing Committee has the discretion to continue the suspension/conditions or vary as they see fit or alternatively take no further action.

## Health Cases

113. Where the RCCP becomes aware of a concern in relation to a Registrant's fitness to practise due to ill health, the RCCP may ask the Registrant to undergo a medical assessment.
114. The RCCP will bear the cost of the medical assessment and will ask the independent Medical Assessor to compile a report. This report will include information such as details of the Registrant's past medical history, current medication, treatment, the investigations the Medical Assessor carried out and diagnosis. The report will also contain an opinion regarding the Registrant's fitness to practise
115. The RCCP will provide the Registrant with a copy of the medical report.
116. Once the RCCP has received the Medical Assessor's report, the Registrar will consider the contents of the report and determine whether the case meets the criteria for referral to the Assessment Committee.
117. Where there is a complaint which raises concerns in relation to a Registrant's fitness to practise due to ill health and a further ground set out in paragraph 8, the Assessment Committee will refer the matter to a Health Review Panel.
118. The Health Review Panel will be constituted in the same way as a Professional Conduct Committee, however, at least one member of the Panel will be medically qualified.

119. If the allegations are of a serious nature the Health Review Panel may impose interim measures in order to restrict the Registrant's registration.
120. The Health Review Panel hearing will be held in private. The hearing will be conducted in the same way as the Professional Conduct Committee hearing with the same sanctions available to the panel; however, the Health Review Panel may not remove a Registrant from the Register solely due to ill-health.
121. The Registrant may instruct an independent expert to prepare their own medical report. The report must be sent to the RCCP within 21 days before the hearing.
122. The Health Review Panel also has the discretion to request the RCCP to arrange for an independent Clinical Advisor to be present at the hearing for the assistance of the panel. The Clinical Advisor will not be representing either party but will be present throughout the hearing to advise the Panel and will state their advice in public. The Clinical Advisor will not be present during the Committee's private deliberations.
123. The decision of a Health Review Panel may be appealed through the same Appeal process as for a decision made by the Professional Conduct Committee.

## Appeal

124. A decision of the Professional Conduct Committee/Health Review Panel may be appealed by the Registrant or the RCCP's Case Presenter on behalf of the RCCP. The Complainant may also request the RCCP to lodge an Appeal. An Appeal will be considered on the following grounds:
  - 124.1 The findings of the Professional Conduct Committee/Health Review Panel are disproportionate to the gravity of the conduct and/ or unjust in all the circumstances.
  - 124.2 The sanction imposed by the Professional Conduct Committee/Health Review

Panel is disproportionate to the findings and/or unjust.

124.3 There is evidence of serious procedural irregularity in the proceedings before the Professional Conduct Committee/Health Review Panel.

124.4 There is new evidence that was not available at the time of the Hearing.

125. The grounds for an appeal will be considered by the Registrar and a decision will be made as to whether the leave to appeal is accepted or rejected. If the leave to appeal is rejected, the Registrant and the Complainant will be notified in writing of this decision, which will be final.

126. If the leave to appeal is accepted both the Registrant and the Complainant will be informed. An Appeal Committee shall be constituted by the Empanelment Committee. The Appeal Panel will include three-panel members drawn from the RCCP panellist pool. One of the panel members will be appointed Chair of the Committee. The panel will include at least one Registrant Member and one Lay Member.

## Notice of Appeal

127. A written notice of appeal must be sent to the RCCP Registrar within 28 days of the receipt of the written Notice of Decision of the Professional Conduct Committee/Health Review Panel.

128. The Notice of Appeal shall:

128.1 Specify the grounds of appeal - The arguments in support of the appeal.

128.2 Include any documentary evidence relied upon.

129. The proceedings of the Appeal shall be conducted at the discretion of the Appeal Committee.

130. Unless the Appeal Committee decides otherwise, the Committee shall not receive oral evidence.

131. An independent Legal Assessor will be appointed to advise the Appeal Committee in relation to the law and procedure. The Appeal Committee will consider all the relevant documents and any written submissions provided by both parties to decide whether the appeal is upheld or not.
132. If the appeal is upheld, the Appeal Committee can make any decision regarding the complaint that could have been made by the Professional Conduct Committee/Health Review Panel, in accordance with the Sanctions Guidance.
133. The Appeal Committee may determine that the case be referred back to a differently constituted Professional Conduct Committee/Health Review Panel for a rehearing.
134. The Appeal Committee shall issue to the appellant and any interested party a written decision within 7 days of the determination of the appeal.

## Publication

135. The RCCP shall publish information concerning its decision as to the sanction imposed on a Registrant's registration: -
  - 135.1 On a website which it maintains from the expiry of the time permitted to appeal as set out within these rules (or the expiry of any appeal process).
  - 135.2 A Reprimand will remain on the RCCP website for a period of five years unless the Committee determines a lesser period.
  - 135.3 A Conditions Order will remain on the RCCP website for the length of time the Order has effect.
  - 135.4 A Suspension Order will remain on the RCCP website for the length of time the Order has effect.
  - 135.5 A Consensual Disposal Agreement outcome will be publicised according to the sanction that is determined and will remain on the RCCP website for the length of time the Order has effect.
  - 135.6 In the event that a sanction is made removing a Registrant from the RCCP

Register, the terms of the Sanction shall remain on the website for a period of five years.

136 If the outcome of fitness to practise proceedings against the Registrant indicate that there may be a real risk to the safety of children or vulnerable adults, 'safeguarding issues' then additional measures will be taken.

136.1 The Chair of the Committee will consult the Legal Assessor on the case about whether to write to the Disclosure and Barring Service in order for them to decide whether the individual should be barred from working with vulnerable adults and children.

136.2 The Chair of the Committee may also refer information to the police if an investigation indicates that it is necessary to do so and will always do so if there is evidence of a criminal offence which hasn't already been considered by the police.

137 The Registrar will notify the Registrant's employer, any other relevant regulatory body/accredited register of any decisions made by the RCCP that may affect the Registrant's Registration.

138 Interim measures are displayed on a Registrant's status and on the RCCP's website while they are active and removed from publication when they are lifted. Detailed determinations/decisions of Interim Orders are not published.

139 In Health cases, the determination will be kept private, but the decision will be published.

## Restoration

140 Where a Registrant has been removed from the Register under these procedures, they can reapply to the RCCP after a period of five years.

- 141 The former Registrant (Applicant) is expected to reapply explaining their reasons for wanting to re-join the RCCP Register and demonstrate insight in relation to the conduct that led to their removal.
- 142 The Applicant should clearly set out their CPD activities and work history since their removal.
- 143 The request for restoration will be submitted to the Registrar for consideration. The RCCP Registrar has the discretion to decide upon the application.
- 144 Where the Registrar considers the application should be further considered by a Panel, the Registrar will request the Empanelment Committee to allocate a Lay member and a Registrant member to consider the request.
- 145 The panel members may decide to interview the Applicant if necessary, in order to establish whether the Applicant is currently fit to practise and return to the RCCP Register. The Panel also has the discretion to contact any third parties in making their decision such as the Applicant's current employers.
- 146 The panel will report their findings to the Registrar by way of a report outlining their reasons for their decision.
- 147 The Restoration Panel may:
- 147.1 Allow the Applicant onto the Register without any restrictions.
  - 147.2 Deny the Applicant registration.
  - 147.3 Allow the Applicant Registration but with restrictions/conditions. The conditions may include imposing requirements for Continuing Professional Development, supervision, limitations on seeing a category of patients or any other proportionate restriction.

147.4 Allow the Applicant registration for a provisional period and require a review thereafter.

- 148 The Registrar will send out the decision to the Applicant within 7 days of receiving the report from the panel.
- 149 If the Restoration Panel rejects the application there will be no right of appeal and a further application can only be considered after a period of two years.

## Interim Measures

- 150 During an investigation into a Registrant's Fitness to Practise, the Interim Measures Panel may impose Interim Measures on the Registrant's registration of its own motion or by an application from the RCCP. The Interim Measures Panel will consist of three members and at least one Lay Member and one Registrant Member.
- 151 Interim Measures temporarily suspend or restrict a Registrant's registration while the RCCP investigate a complaint. The Registrar will carry out a risk assessment of each complaint when the RCCP receives it. Where the Registrar identifies a risk, he/she will refer the complaint to an Interim Measures Panel.
- 152 If the complaint has already reached the Assessment Committee/Professional Conduct Committee/Health Review Panel, these Committee's/Panel's will also be able to implement Interim Measures by holding Interim Measure Powers.
- 153 The Interim Measures Panel must give the Registrant at least 7 days' notice. The Notice will explain the reason(s) that the RCCP are considering imposing Interim Measures. The Registrant will have the opportunity to provide written submissions to the Interim Measures Panel. In exceptional circumstances, the Interim Measures Panel may carry out an oral hearing.
- 154 The Registrant will be notified that if the Registrant does not respond within the notice period,

the Panel may go ahead with imposing the Interim Measures, in the absence of any submissions from the Registrant.

155 The Panel will deliberate in private, but a Legal Assessor may be present to advise on the law and procedure.

156 The Panel will consider the following in deciding whether Interim Measures are appropriate. Where the Panel forms the view that Interim Measures are:

156.1 Necessary for the protection of the public

156.2 In the public interest

156.3 In the interest of the Registrant

157 If the Panel concludes that Interim Measures are appropriate, they will decide the most proportionate outcome, whether to implement an Interim Suspension or impose Interim Conditions on the Registrant's practise.

158 As soon as reasonably practicable after the conclusion of the meeting of the Interim Measures Panel, the RCCP shall send a notice of decision to the Registrant. The Registrant will be notified of their right to appeal a decision of the Interim Measures Panel.

159 The Interim Measures Panel may impose Interim Measures for a period of 12 months, which must be reviewed every 6 months.

160 At any review, the Interim Measures Panel must fully consider all the circumstances relating to the case, including any new information. It must decide whether the Interim Measures should be maintained, varied, replaced or revoked.

161 The Registrant may make written representations at the review. Where the Registrant does not object to the continuation of the Interim Measures the review may be waived with the written consent of the Registrant.

162 The Interim Measures Panel can consider a review of the Interim Measures at any time they consider appropriate to do so and will consider holding a review where:

162.1 The RCCP or Registrant requests that a review takes place.

162.2 The terms of the Interim Measures have been breached.

162.3 New evidence relevant to the Interim Measures has become available.

163 Interim Measure reviews will continue until the Professional Conduct Committee/Health Review Panel or the Appeal Panel revoke the Measures.

**The RCCP is committed to promoting equality, diversity and inclusion when carrying out its' duties. The RCCP values diversity and individuality in all staff, the professionals in our Board and Council. We aim to ensure that our procedures and processes are fair, objective, transparent and free from discrimination and that all stakeholders receive the highest level of service.**