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Document Name

Assessment Committee

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Overview

The Assessment Committee is the first formal stage of investigation into the details surrounding a reported complaint against a Registrant. RCCP has a duty of care to protect the public, uphold public confidence in Clinical Physiology and help maintain the highest level of professional standards.

Purpose

To provide guidance and consistency of process and procedures during a formal investigations of complaints against Registrants by the RCCP Assessment Committee

Process

Assessment Committee will follow the RCCP Complaints Procedure 2019 guidelines

The Assessment Committee should meet as soon as practicable, once the Complaints Administrator has received the responses from both the Complainant and Registrant.

The Assessment Committee is responsible for maintaining a respectful working relationship with RCCP Office Staff.

The Assessment Committee will only consider written submissions.

The Assessment Committee will be forwarded all investigation papers facilitated by the Complaints Administrator through Hydrasync, a secure file transfer.

Meeting notes and documents containing information of a personal, private and confidential nature, shall be kept securely by all panel members at all times and be available only to the members of the Assessment Committee panel members.

The Assessment Committee will be provided with information of any previous formal Warning, Letter of Advice, sanction issued to the Registrant by the RCCP by the complaints administrator.

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.

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.

Procedures

The Assessment Committee may request further information from the Complainant and /or Registrant in which case, the Complaints Administrator will request the further information

Once the Assessment Committee has considered the further information, they may request a further 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.

Once the RCCP has received the Registrant's response, the Complainant will be given the opportunity to comment on the Registrant's response. The Complainant will have 21 days to respond.

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.

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.

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 Standards of conduct, performance and ethics and or Standards of Proficiency, which may result in a Registrant's fitness to practise being impaired. See paragraph 8 of the RCCP Complaints Procedure for the grounds of Impairment of fitness to practise.

In coming to its decision, the Assessment Committee will apply the 'Realistic Prospect Test' to ensure a focus on public safety and only act when action is justified and necessary.

The Assessment Committee will apply the realistic prospect test to the whole complaint. 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 the alleged conduct 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.

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.

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.

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

Outcome

The Assessment Committee may only decide on one of the following;

- close the case without any action, where the realistic prospect test has not been met;
- issue a formal Warning or Letter of Advice to the Registrant
- 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
- 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
- refer the matter directly to a Health Review Panel where the Registrant's fitness to practise may be impaired by adverse physical or mental health.

The Assessment Committee Chair will compile a report of the decision and forward it to the Complaints Administrator within 7 days for activating.

Documentation Version Control

Version	Date	Author
1	06.01.2020	Kelly St. Pier