

General Regulatory Council for Complementary Therapies



Complaints, Concerns and Fitness to Practice Procedure

MAKING COMPLAINTS AND RAISING SERIOUS CONCERNS

1. **How complaint/concern should be made/raised**
 - 1.1 Any individual may make a complaint about any therapist on the General Regulatory Council for Complementary Therapies (hereafter referred to as the Regulatory Body) National Register or raise a serious concern in relation to the physical and/or mental health fitness and/or the professional competence of any therapist on the National Register. This can include, for example, an employer, an employee, a client or a member of the public.
 - 1.2 Complaints and expressions of serious concern may relate to matters which are alleged to have taken place outside the United Kingdom or during a period when the therapist was not on the National Register.
 - 1.3 Complaints or serious concerns in relation to any registered therapist must be made in writing to the Regulatory Body at the Regulatory Body's registered office.
 - 1.4 Complaints or serious concerns about a registered therapist should be brought to the Regulatory Body's attention at the earliest possible opportunity – it is recommended within 3 months of the matter the subject of the complaint or concern arising.
 - 1.5 The individual making the complaint ("the Complainant") or raising the serious concern ("the Informant") should provide the Regulatory Body with as much information as possible about the matter the subject of the complaint/concern. This should include, if possible and appropriate, the name and contact details of any person who was present when the matters giving rise to the complaint/concern arose.

- 1.6 The Regulatory Body may refer any matter coming to its attention in any manner other than that identified in 1.3 above for consideration as a complaint or expression of serious concern (as applicable) in accordance with these provisions. The Regulatory Body may take into account matters which have come to its attention through press coverage if it deems this appropriate.

2. **The Initial Handling of Complaints**

- 2.1 If the identity of the therapist on the National Register the subject of complaint cannot be established from information received the Regulatory Body may carry out such further enquiries, as it deems necessary to verify the identity of the therapist.
- 2.2 In the event of a complaint being received the Regulatory Body will notify the registered therapist the subject of the complaint, in writing, that the complaint has been received within 14 days of the complaint being received. The Regulatory Body will notify the registered therapist of the following:
- (a) the nature of the complaint;
 - (b) an outline of the allegation(s);
 - (c) that the case will be considered by a Complaints Committee;
 - (d) that the registered therapist may respond in writing to the complaint within 28 days of the date of the letter of notification and that the response will be placed before the Complaints Committee.
- 2.3 The Regulatory Body when notifying the registered therapist of receipt of the complaint shall send to the registered therapist such documentation and/or information as the Regulatory Body deems appropriate. Such documentation and/or information shall be in such form as the Regulatory Body deems appropriate.

3. **The Initial Handling of Serious Concerns**

- 3.1 If the identity of the registered therapist the subject of serious concern cannot be established from information received the Regulatory Body may carry out such further enquiries as it deems necessary to verify the identity of the registered therapist.

3.2 In the event of a serious concern being received the Regulatory Body will notify the registered therapist the subject of concern, in writing, that the serious concern has been received within 14 days of the complaint being received. The Regulatory Body will notify the registered therapist of the following:

- (a) the nature of the concern;
- (b) an outline of the relevant matters leading to the concern being raised ;
- (c) that the case will be considered by a Screening Committee who may, in due course, request that the registered therapist submit to medical examination by a medical practitioner(s) instructed by the Regulatory Body or request that the registered therapist's competence be subject to investigation by an assessor nominated by the Screening Committee under advice from the therapy group.
- (d) that the registered therapist may respond in writing to the concern within 28 days of the date of the letter of notification to the registered therapist of receipt of the concern and may supply medical or other information which will be placed before the Screening Committee.

3.3 The Regulatory Body when notifying the registered therapist of receipt of the serious concern shall send to the registered therapist such documentation and/or information as deemed appropriate by the Regulatory Body. Such documentation and/or information shall be in such form as the Regulatory Body deems appropriate.

3.4 Where information is received by the Regulatory Body about a registered therapist which raises serious concern in relation to a registered therapist's physical and/or mental health fitness and/or her/his competence to be a registered therapist the Regulatory Body may request that any information provided be verified by way of a Statutory Declaration.

4. **Further Investigation by the Regulatory Body**

4.1 The Regulatory Body may carry out further investigation of the subject of the complaint/serious concern on its own direction or at the direction of the Complaints Committee or the Screening Committee. Such further investigation may include submission of a copy of the registered therapist's response provided in accordance with 3.2(d) to the complainant. The

registered therapist will be advised, in writing, if such an investigation is to be carried out.

4.2 If further investigation is carried out in accordance with 4.1 above the Regulatory Body will:

(a) advise the registered therapist, in writing, of the allegation(s) to be considered or reconsidered by the Complaints Committee or Screening Committee;

(b) send to the registered therapist copies of any documentation and/or information obtained during the investigation as deemed appropriate by the Regulatory Body, such documentation/information to be in a form deemed appropriate by the Regulatory Body;

(c) advise the registered therapist that a written response may be provided within 28 days of the date of notification of the allegation in accordance with 4.2 (a) above and that such a response will be considered by the Complaints Committee or Screening Committee.

4.3 The Regulatory Body may, at any stage, before a final decision is made in a case by the Screening Committee request that an informant verify her/his serious concern by way of a Statutory Declaration.

5. **Notification of a Complaint or Serious Concern to a Registered Therapist**

5.1 Any notification given in writing to a registered therapist in accordance with 2.2, 3.2 or 4.2 above and the provision of any documentation/information to the registered therapist in accordance with 2.3, 3.3 or 4.2(b) above will be sent by special delivery post to the registered therapist's address as contained in the Regulatory Body's National Register or such other later address as known to the Regulatory Body.

6. **Temporary Suspension by the Regulatory Body**

6.1 The Regulatory Body may impose a temporary suspension of a registered therapist's registration if the Regulatory Body considers that this is necessary in the interests of public safety or the registered therapist's own interests.

- 6.2 A temporary suspension imposed by the Regulatory Body will be reviewed three monthly by the Regulatory Body.
- 6.3 Subject to review in accordance with 6.2 above, a temporary suspension imposed by the Regulatory Body will remain in force until such time as the registered therapist's case is considered by the Complaints Committee or the Screening Committee and the relevant Committee has either **not** considered it necessary to impose an interim suspension of the registered therapist's registration in the interests of public safety or the registered therapist's own interests **or** the relevant Committee has considered it necessary to impose an interim suspension of the registered therapist's registration in the interests of public safety or the registered therapist's own interests and the relevant Committee has convened and determined that a direction of interim suspension is necessary in the interests of public safety or the registered therapist's own interests.

7. **Additional Role/Responsibility of the Regulatory Body**

- 7.1 The Regulatory Body shall be responsible for the convening of the Complaints Committee, Disciplinary Committee, Screening Committee and Health and Competence Committee meetings in accordance with these provisions.
- 7.2 The Regulatory Body shall notify the registered therapist and other parties of decisions made by the Complaints Committee, the Disciplinary Committee, the Screening Committee and the Health and Competence Committee in accordance with these provisions.
- 7.3 The Regulatory Body can give such publicity as the Regulatory Body considers appropriate and in such form or manner as the Regulatory Body considers appropriate to the following decisions and the specified reason(s) for those decisions being made:
- (a) a decision of the Regulatory Body to impose or remove a temporary suspension of a registered therapist's registration.
 - (b) a decision of the Complaints Committee or the Screening Committee to impose or remove an interim suspension of a registered therapist's registration.

- (c) a decision of a Disciplinary Committee or Health and Competence Committee to remove, suspend or restore a registered therapist's name to the National Register or to issue a caution to a registered therapist.
- 7.4 If the Regulatory Body is aware of a registered therapist (or ex registered therapist) the subject of any decision identified in 7.3(a) to 7.3(c) above being a registered therapist (either within or outside of the UK) of another professional or occupational body or a registrant on a professional register the Regulatory Body will notify the relevant professional/registration body of the decision(s) made and the specified reason(s) for the decision(s) being made.
- 7.5 The Regulatory Body shall, at the request of the Complaints Committee, notify those identified in 9.10 below of the referral of a matter by the Complaints Committee to the Disciplinary Committee.
- 7.6 The Regulatory Body has responsibility for maintaining the National Register and may add a registered therapist's name to the Register, remove a registered therapist's name from the Register or alter any entry on the Register which would otherwise be inaccurate.
- 7.7 The Regulatory Body's functions and responsibilities under these provisions may be carried out by any person authorised by the Regulatory Body to act and acting on its behalf.
- 7.8 The Regulatory Body may seek legal and/or investigative advice and/or assistance and/or instruct a solicitor and/or investigator to obtain such evidence as the solicitor/investigator deems appropriate.

THE COMPLAINTS COMMITTEE

8. **The Constitution of the Complaints Committee**
- 8.1 The Complaints Committee will comprise three individuals selected from the governing council, and there must be at least one registered therapist and at least one lay member.
- 8.2 The Complaints Committee will be quorate if it comprises three members as specified in 8.1 above.
- 8.3 If a case referred by the Regulatory Body to the Complaints Committee is referred back to the Regulatory Body the case will be proceeded with by the

Regulatory Body in accordance with 2.2 to 6.3 of these provisions as applicable.

9. **General Procedures of the Complaints Committee**

- 9.1 The Complaints Committee will meet in private.
- 9.2 The Complaints Committee will consider a complaint(s) against the registered therapist including any documentation and/or information supplied to the registered therapist in accordance with 2.3 and 4.2b above and any response made by the registered therapist in accordance with 3.2d and 4.2c above.
- 9.3 Following such consideration the Complaints Committee will decide whether the allegation(s) should be:
- (a) Subject to further investigation by the Regulatory Body;
 - (b) Subject to no further action and the matter closed with or without advice or guidance being provided to the registered therapist;
 - (c) Referred to the Health and Competence Screening Committee;
 - (d) Referred to a Disciplinary Committee.
- 9.4 The Complaints Committee will refer a case to the Disciplinary Committee if the Complaints Committee decides that the allegation(s), if proven, is likely to lead to the imposition of a sanction by the Disciplinary Committee.
- 9.5 The Complaints Committee may, at any stage, refer an allegation(s) to the Screening Committee if the Complaints Committee considers that the complaint raises serious concern regarding the registered therapist's physical and/or mental health fitness to be a registered therapist.
- 9.6 The Complaints Committee may impose an interim suspension of a registered therapist's registration pending further investigation or a final decision being made in a complaint by the Complaints Committee or the Disciplinary Committee if the Complaints Committee considers that this is necessary in the interests of public safety or the registered therapist's own interests.
- 9.7 The Complaints Committee may at any stage adjourn the consideration of an allegation(s) against the registered therapist.
- 9.8 If a case is referred to the Complaints Committee by the Health and Competence Committee or Screening Committee (in accordance with 29.4(a)

or 25.5(d) below) the Complaints Committee will proceed in accordance with 9.1 to 9.12 as applicable.

- 9.9 The registered therapist and the Complainant will be notified in writing by the Regulatory Body of the decision(s) of the Complaints Committee and the specified reason(s) for the decision(s) within seven days of the decision(s) being made.
- 9.10 The Complaints Committee may direct the Regulatory Body to notify the following (if known) of its decision to refer a matter to the Disciplinary Committee;
- (a) the employer of the registered therapist or anyone to whom the registered therapist is known to be providing services as a therapist and/or
 - (b) any another professional or occupational body or professional register of which the registered therapist is a member/registrant.
- 9.11 Any question put to the vote of a Complaints Committee shall be put in the form of a motion. The Chair shall:
- (a) call on all members to vote for or against the motion by raising their hands, and;
 - (b) declare that the motion has been carried or not carried as the case may be.
- 9.12 No member of the Complaints Committee is permitted to abstain from voting.

THE DISCIPLINARY COMMITTEE

10. **The Constitution of the Disciplinary Committee**
- 10.1 The Disciplinary Committee will comprise three individuals selected from the governing council, two of which must be lay members and one registered therapist.
- 10.2 The Disciplinary Committee will be quorate if it comprises three members as specified in 10.1 above.
- 10.3 No individual can sit as member of a Disciplinary Committee considering a case if she/he has previously been a member of the Complaints Committee or of the Screening Committee who considered the same case.

- 10.4 A legal advisor appointed by the Regulatory Body may be in attendance at the Disciplinary Committee hearing to provide advice to the Disciplinary Committee on any legal issues arising in the Disciplinary Committee proceedings. The legal advisor will not be a member of the Disciplinary Committee. The legal advisor will announce in public any legal advice given to the Disciplinary Committee in private.

Disciplinary Committee Procedures Prior to a Hearing

- 10.5 When a case has been referred to the Disciplinary Committee by a Complaints Committee the Regulatory Body will send to the registered therapist a Notice of Proceedings in accordance with 10.7 below. The Notice will be sent by registered post to the registered therapist's address as contained in the Regulatory Body's National Register or such other later address as known to the Regulatory Body.
- 10.6 The notification will be posted to allow a period of at least 28 days to elapse between the date on which the notification is posted and the date fixed for the Disciplinary Committee hearing unless the registered therapist agrees otherwise.
- 10.7 The Notice of Proceedings will specify the following:
- (a) the place and address where the Disciplinary Committee hearing is to take place and the identity of the members of the Committee;
 - (b) the time and date of the hearing;
 - (c) the particulars of the allegation(s) against the registered therapist;
 - (d) the identity of witnesses, if any, whom the Regulatory Body proposes to call to give evidence at the hearing;
 - (e) that the registered therapist is entitled to attend the hearing with or without a representative of their choice (including a legal representative) and present evidence and call witnesses in her/his defence;
 - (f) that the registered therapist should submit any written submissions, or such other documents as the registered therapist considers relevant (including any witness statements which may be available) which the registered therapist wishes to have considered by the Disciplinary Committee at least 14 days prior to the date of the hearing;

(g) that the registered therapist is required to notify the Regulatory Body, within 14 days from the date of posting of the Notice of Proceedings to the registered therapist:

- (i) whether the registered therapist intends to appear in person or to be represented at the hearing and, if so, the name and address of her/his representative,
- (ii) whether the registered therapist intends to call witnesses, and if so, to provide their names and;
- (iii) whether the registered therapist believes that a conflict of interest may arise in relation to any member of the Disciplinary Committee and, if so, the reason for that belief.

10.8 The Notice of Proceedings shall have annexed to it:

- (a) any documents which were before the Complaints Committee together with any additional documents which the Regulatory Body proposes to produce to the Disciplinary Committee (subject to these not having previously been provided to the registered therapist in accordance with these provisions);
- (b) any witness statements which may be available in respect of witnesses identified in accordance with 10.7(d) above (subject to these not having previously been provided to the registered therapist in accordance with these provisions); and
- (c) a copy of these provisions.

10.9 A copy of the Notice of Proceedings will be provided to the Complainant in the case with the registered therapist's personal details, save for the registered therapist's name, omitted.

10.10 The Notice of Proceedings will only contain allegations which are consistent with the substance of the allegations previously considered by the Complaints Committee.

11. **General Procedures of the Disciplinary Committee**

11.1 The Disciplinary Committee will hold its hearings in private.

11.2 The Disciplinary Committee may adjourn consideration of a case as it sees fit. The Regulatory Body will advise the registered therapist of any such

adjournment as soon as reasonably practicable and will serve a further Notice of Proceedings (containing the particulars detailed in 10.7 above) when a resumed hearing date has been fixed.

- 11.3 The Disciplinary Committee may deliberate in private at any time for any purpose and exclude the registered therapist and/or her/his representatives.
- 11.4 At any stage before making a final decision in the case the Disciplinary Committee may refer a case to the Screening Committee if the Disciplinary Committee considers that the complaint raises serious concern regarding the registered therapist's physical and/or mental health fitness to be a registered therapist.
- 11.5 The registered therapist is entitled to attend the Disciplinary Committee hearing in person and be represented by any person of her/his choice, including a legal representative.
- 11.6 The case may proceed in the absence of the registered therapist provided the Disciplinary Committee is satisfied that notice of the hearing has been sent to the registered therapist in accordance with 10.7 above.
- 11.7 At any stage prior to the commencement or in the course of a Disciplinary Committee hearing the Chair of the Disciplinary Committee may amend the contents of any Notice of Proceedings submitted to the registered therapist in accordance with 10.7 or 11.2 above provided that no injustice would be caused to the registered therapist by such amendment. If the circumstances of the amendment(s) so require the Chair may direct that the hearing be postponed.
- 11.8 If a case which has previously been referred to the Screening Committee is referred back to the Disciplinary Committee the Disciplinary Committee will commence or resume consideration of the case in accordance with these provisions.

12. **The Procedure at a Disciplinary Committee Hearing**

- 12.1 The Chair of the Disciplinary Committee shall confirm the identity of the registered therapist against whom the allegation(s) has been made.
- 12.2 The Chair of the Disciplinary Committee shall set out the allegation(s) against the registered therapist.

- 12.3 If the registered therapist raises any legal objection to any allegation then the Chair of the Disciplinary Committee may reply to such an objection. The Disciplinary Committee will then determine, in private, whether or not to uphold the objection. The Chair of the Disciplinary Committee will announce the Disciplinary Committee's decision.

Evidence of conviction

- 12.4 If it is alleged that a registered therapist has been convicted of a criminal offence (including in the context of these provisions a court appearance leading to the imposition of a conditional or absolute discharge) the production to the Disciplinary Committee of a certificate of conviction granted by a competent officer of the Court or Court-martial (in respect of a conviction by or before a Court in England, Wales or Northern Ireland or before a Court-martial) shall be conclusive evidence of the conviction and of the commission of the relevant offence by the registered therapist unless the registered therapist can prove to the satisfaction of the Disciplinary Committee that one of the grounds identified in 12.15(a) and/or 12.15(b) below is made out.
- 12.5 If no evidence is produced concerning any particular conviction the Chair of the Disciplinary Committee will announce that the conviction has not been proved

Procedure on the admission of an allegation(s) or on an allegation(s) based on a non denied conviction

- 12.6 If the allegation is
- (a) not founded on the basis of conviction of an offence and is admitted by a registered therapist either attending in person or by a representative or
 - (b) is not founded on the basis of conviction of an offence and is admitted in writing by the registered therapist or by a representative acting on her behalf in response to a Notice of Proceedings or
 - (c) is founded on the basis of conviction of an offence and a certificate of conviction or extract conviction in the form identified in 12.4 above is produced to the Disciplinary Committee and one of the grounds specified in 12.15 (a) and/or 12.15 (b) below has not been made out to the satisfaction of the Disciplinary Sub-committee

the Chair of the Disciplinary Committee will announce that the allegation has been proven.

- 12.7 The Chair of the Disciplinary Committee may address the Committee and present written evidence and call witnesses relating to the circumstances of the proven allegation(s).
- 12.8 The registered therapist, if attending in person or by a representative, may then address the Disciplinary Committee and present written evidence and call witnesses relating to the proven allegation(s).
- 12.9 If the registered therapist is not in attendance in person or by a representative the Chair of the Disciplinary Committee will then produce to the Disciplinary Committee any documentation relevant to the admitted allegation(s) provided by the registered therapist to the Regulatory Body in accordance with 10.7(f) above.

Procedure on the non-admission of an allegation(s)

- 12.10 If an allegation, not founded on the basis of conviction, of an offence is
 - (a) not admitted by a registered therapist either attending in person or by a representative or
 - (b) not admitted in writing by the registered therapist or by a representative acting on her behalf in response to a Notice of Proceedingsthe Chair of the Disciplinary Committee will present written evidence and call witnesses relating to the allegation(s).
- 12.11 The registered therapist, if attending in person or by a representative, may then address the Disciplinary Committee and present written evidence and call witnesses relating to the allegation(s).
- 12.12 The Chair of the Disciplinary Committee may adduce written evidence and call witnesses in rebuttal of any evidence produced by the registered therapist. If such evidence is called the registered therapist may make an address to the Disciplinary Committee limited to rebutting evidence.
- 12.13 If the registered therapist is not in attendance in person or by a representative the Chair of the Disciplinary Committee will then produce to the Disciplinary Committee any documentation relevant to the denied allegation(s) provided

by the registered therapist to the Regulatory Body in accordance with 10.7(f) above.

- 12.14 The Disciplinary Committee may allow the Chair of the Disciplinary Committee and the registered therapist or her/his representative an opportunity to address the Disciplinary Committee by way of summing up.

Procedure on the denial of an allegation based on a conviction

- 12.15 The grounds specified in 12.4 and 12.6(c) are that either;
- (a) the person referred to in the certificate of conviction or extract conviction is not the registered therapist and/or;
 - (b) that the offence referred to in the certificate of conviction or extract conviction is not the offence for which the registered therapist was convicted

If the conviction is denied on one or both of these grounds then the registered therapist may address the Disciplinary Committee and call evidence relating only to the matters specified in 12.15(a) and 12.15(b) above and the Chair of the Disciplinary Committee may call evidence in rebuttal. The relevant ground(s) must be made out to the Committee's satisfaction beyond reasonable doubt.

Procedure in relation to all non- admitted allegations

- 12.16 At the conclusion of the proceedings under 12.10 to 12.15 above the Disciplinary Committee will decide, in private, whether the allegation(s) or any of them or any part of any of them have been proven to its satisfaction. This decision and the reason for the decision will be announced by the Chair to the hearing. If applicable the Chair will specify whether or not the relevant ground(s) specified in 12.15(a) and/or 12.15(b) have been made out to the satisfaction of the Disciplinary Committee beyond reasonable doubt.
- 12.17 If the allegation(s) or any of them or any part of any of them is/are found proven the Chair of the Disciplinary Committee may then address the Disciplinary Committee and provide evidence of the registered therapist's employment and/or professional history and/or information in relation to any previous conviction of the registered therapist and may call witnesses and adduce other evidence in relation to these matters.

- 12.18 The registered therapist or the registered therapist's representative may then address the Disciplinary Committee and call witnesses and adduce other evidence in mitigation of sanction.
- 12.19 The Disciplinary Committee will then consider and determine, in private, what sanction, if any, should be imposed.
- 12.20 The Disciplinary Committee may impose such sanction as it deems appropriate which may include:
- (a) removal of the registered therapist's name from the National Register for a specified period of time with or without recommendations;
 - (b) removal of the registered therapist's name from the National Register with no limit as to time with or without recommendations;
 - (c) suspension of the registered therapist's name from the National Register until conditions specified by the Disciplinary Committee have been satisfied. Such conditions may include, for example, the undertaking and satisfactory completion of specified training and/or the satisfactory completion of an assessment/examination in a specified area of knowledge and/or practice.
 - (d) issue a caution as to the registered therapist's future conduct to remain on record for a period to be determined by the Disciplinary Committee.
- 12.21 The decision and the reason(s) for the decision will be announced by the Chair of the Disciplinary Committee to the hearing.
- 12.22 The Regulatory Body will be directed by the Disciplinary Committee to remove the registered therapist's name from the National Register, suspend the practitioner's name from the National Register, or record on the National Register the issue of a caution in accordance with the decision of the Disciplinary Committee.

13. **Witnesses**

- 13.1 The Disciplinary Committee may require any person to attend and give evidence or to produce documents or other material evidence at the Disciplinary Committee hearing.
- 13.2 Any witness who gives evidence to a Disciplinary Committee may be subject to cross-examination, re-examination and questions from the Disciplinary

Committee and, with the leave of the Chair of the Disciplinary Committee, the Disciplinary Committee's legal advisor.

13.3 Witnesses may be recalled at any stage during a Disciplinary Committee hearing.

13.4 The Regulatory Body will pay the reasonable expenses in relation to witnesses called by a registered therapist up to a maximum of £50 per witness for a maximum of two witnesses or such other number or amount as the Regulatory Body may consider appropriate in exceptional circumstances.

14. **Procedure Where Allegations are Based on Conviction and Other Matters**

14.1 In any case where complaints against a registered therapist are founded on an allegation(s) of conviction and on an allegation(s) founded on other matters the allegation(s) in relation to the other matters will be proceeded upon first in accordance with 12.1 to 12.16 as applicable and then the allegation(s) founded on conviction will be proceeded upon in accordance with 12.1 to 12.16 as applicable.

15. **Procedure Following Announcement of a Disciplinary Committee's Final Decision**

15.1 The Regulatory Body, within seven days of the date of the Disciplinary Committee's final decision in a case, will send a letter to the registered therapist by special delivery post informing the registered therapist of the decision of the Disciplinary Committee and the specified reason(s) for that decision, and;

(a) where the Disciplinary Committee's decision has not lead to the removal or suspension of the registered therapist from the National Register the letter will inform the registered therapist of any fee which may be due;

(b) where the Disciplinary Committee has decided to remove or suspend the registered therapist's name from the National Register the letter will require the registered therapist to return to the Regulatory Body, within 21 days, any documentation or items issued by the Regulatory Body which indicates registration status. With the letter will be sent a form to be signed by the registered therapist and returned to the Regulatory Body

acknowledging receipt of the Disciplinary Committee's decision and confirming that the contents of the letter are understood.

(c) where the Disciplinary Committee has decided to issue a caution the letter will record that caution and the period for which the Disciplinary Committee has determined that the caution should remain on record.

15.2 The Regulatory Body will notify the Complainant of the final decision of the Disciplinary Committee and the specified reason(s) for that decision.

15.3 Where the Disciplinary Committee has decided to remove or suspend the registered therapist's name from the National Register the Regulatory Body will delete or suspend the registered therapist's name from the National Register in accordance with that decision.

15.4 A record of a previous suspension or a previous removal from the National Register will be retained by the Regulatory Body with no limit of time and may be taken into consideration by the Regulatory Body, the Complaints Committee, the Disciplinary Committee and the Screening Committee when exercising their power in accordance with these provisions.

16. **Adjournment and Resumption of Disciplinary Committee Proceedings**

16.1 Where a Disciplinary Committee adjourns the hearing of a case under provision 11.2, and determines to resume the hearing the Regulatory Body will send a notice to the registered therapist, by special delivery post, not later than 28 days before the day fixed for the resumption of the hearing, containing the following information:

- (a) the date, place and address and time of the resumed hearing;
- (b) the particulars of the allegation(s) against the registered therapist and;
- (c) an invitation to the registered therapist to appear at the hearing with or without representation and present evidence and call witnesses in her/his defence.

16.2 A copy of the notice to the practitioner specified in 16.1 above will be provided to the Complainant with the registered therapist's personal contact details, except the registered therapist's name, omitted.

16.3 The Disciplinary Committee will proceed in accordance with 11.1 to 16.2 of these provisions as appropriate.

17. **Procedure where the Complaint relates to more than one registered therapist.**

17.1 The Disciplinary Committee may hold one hearing into complaints against two or more registered therapists where it considers that this procedure is appropriate. If such a hearing is held the above provisions above will be applied with any necessary amendment.

17.2 Each registered therapist will be given the opportunity to exercise any rights under all applicable provisions (including provisions amended in accordance with 17.1 above) separately.

18. **Procedure for Application for Restoration to the Register or Termination of Suspension from the Register**

18.1 Where a person's name has been removed from the National Register for a limited period of time in accordance with 12.20(a) above that person's name shall be restored to the National Register on the expiry of the period determined by the Disciplinary Committee.

18.2 Where a person's name has been:

(a) removed from the National Register with no limit of time in accordance with 12.20(b) above, or

(b) suspended from the National Register until conditions specified by the Disciplinary Committee have been satisfied in accordance with 12.20(c) above,

any application for restoration must be made in writing signed by the applicant and addressed to the Regulatory Body stating the grounds on which the application is made.

18.3 Within seven days of receipt of a letter of application in accordance with 18.2 above the Regulatory Body will send to the applicant a letter including:

(a) an outline of the application procedure;

(b) re-notification to the applicant of any recommendations made by the Disciplinary Committee at the time of removal or conditions specified at the time of suspension of registration (as applicable);

- (c) a form on which the applicant must provide the names and addresses of two or more persons with knowledge of the facts found against her/him able and willing to identify the applicant and give evidence as to either:
 - (i) her/his character and/or
 - (ii) her/his employment/worksince the date of the removal or suspension of her/his name from the National Register and, if practicable, prior to that removal or suspension;
- (d) a declaration indicating whether or not the applicant has been;
 - (i) convicted of a criminal offence since the date of removal or suspension of the applicant's name from the National Register
 - (ii) is the subject of any current criminal proceedings
 - (iii) is the subject of any Police, Customs and Excise, Home Office or Department of Health investigation.

If the applicant has been so convicted or is currently the subject of such proceedings or investigation the applicant must provide details of these matters including the judgement and the address of the court at which the proceedings took place or are taking place and the address and contact details of the person leading any investigation.

- (e) a declaration as to whether or not the applicant has knowingly represented herself/himself to be a registered therapist since the date of the removal or suspension of her/his name from the National Register;
- (f) if the application is for termination of a suspension the applicant shall be invited to provide to the Regulatory Body documentation and/or information and/or witness statements confirming that any condition(s) specified by the Disciplinary Committee has been satisfied.
- (g) a statement of the fee for restoration (following removal or termination of suspension) should the application be successful; and
- (h) a statement of any registration fee which may be due.

19. **Procedure to Apply for Restoration to the National Register following Removal or Suspension**

- 19.1 The Regulatory Body or the Disciplinary Committee may require the applicant to verify any information made in her/his application by way of statutory declaration.
- 19.2 On receipt of the duly completed documentation and information specified in 18.3 the Regulatory Body will apply for information from those persons whose names and addresses have been provided by the practitioner in accordance with 18.3(c).
- 19.3 On receipt by the Regulatory Body of the information requested in accordance with 19.2 above the Regulatory Body will:
- (a) convene a Disciplinary Committee to determine the application;
 - (b) notify the applicant of the time, date and place when the application will be considered by the Disciplinary Committee;
 - (c) provide the applicant with a copy of information obtained by the Regulatory Body in relation to the application.
- 19.4 Applications for restoration will only be considered in the presence of the applicant unless the Disciplinary Committee determines that there are exceptional reasons for the applicant not attending.
- 19.5 If the Disciplinary Committee determines that there are exceptional reasons for an applicant not attending in person it may direct the Regulatory Body to obtain the applicant's written response to specific questions it wishes to raise.

20. **Procedure at a Disciplinary Committee Restoration Hearing**

- 20.1 The applicant may be represented by a representative of her/his choice (including a legal representative).
- 20.2 At the meeting at which the application is being considered the following provisions will apply:
- (a) the Regulatory Body will be invited by the Chair of the Disciplinary Committee to advise the Committee of the facts established at the hearing which resulted in removal or suspension of the applicant's name from the National Register and of any recommendations made or conditions specified by the Disciplinary Committee at that time;

- (b) the Chair of the Disciplinary Committee may request the Regulatory Body to inform the Disciplinary Committee of any known activities of the applicant since the applicant's name was removed from the National Register.
- (c) the Disciplinary Committee will consider the evidence submitted in respect of the application. The Disciplinary Committee and (with the Chair of the Disciplinary Committee's consent) the Disciplinary Committee's legal adviser may put questions to the applicant.
- (d) the Disciplinary Committee will determine, in private, whether the applicant's name will be restored to the National Register. The decision will be announced by the Chair of the Disciplinary Committee:
 - (i) if the applicant's name is to be restored to the National Register the Disciplinary Committee will determine the date when the restoration will take effect and shall notify the Regulatory Body accordingly. The Regulatory Body will notify the applicant of the Disciplinary Committee's decision in writing by recorded delivery post within seven days of the determination being announced. Upon payment by the applicant of any fee for restoration and registration fee the Regulatory Body will restore the applicant's name to the register.
 - (ii) if the Disciplinary Committee determine to reject the application it may provide advice and or guidance about any further applications. The Regulatory Body will notify the applicant of the Disciplinary Committee's decision in writing by recorded delivery post within seven days of the determination being announced.

20.3 The Disciplinary Committee hearing an application for restoration to the National Register may follow such procedures as it determines are appropriate in the interests of justice.

20.4 The burden of proof in relation to the application for restoration to the National Register shall lie on the applicant.

21. **Standard and Burden of Proof**

21.1 The burden of proof at a Disciplinary Committee is on the Regulatory Body save as varied by these provisions.

21.2 That standard of proof required at a Disciplinary Committee is a criminal standard – "beyond reasonable doubt"

22. **Evidence**

22.1 The Disciplinary Committee may receive oral, documentary or other evidence of any fact which it appears to the Disciplinary Committee is relevant to the case being considered by it. If an objection is raised to any evidence being placed before the Disciplinary Committee the Disciplinary Committee will consult with the legal advisor and thereafter determine if, in the interests of justice, it is appropriate for the evidence to be received, or received in such a form, by the Disciplinary Committee.

22.2 The Disciplinary Committee may require the Regulatory Body to call any person as a witness to give evidence in a matter being considered by it.

22.3 Any witness giving evidence as to fact, other than the registered therapist the subject of the proceedings may not be present during the hearing before the Disciplinary Committee prior to giving evidence.

23. **Statement of Committee Members' Interests**

23.1 No person may sit as a member of a Complaints Committee, Disciplinary Committee, Screening Committee or Health and Competence Committee if she/he has a professional or personal interest in the case being considered by that Committee.

23.2 If a member of a Complaints Committee, Disciplinary Committee, Screening Committee or Health and Competence Committee becomes aware that she/he has a professional or personal interest in a case the member will withdraw from the Committee's deliberations.

24. **Voting**

24.1 Any question put to the vote of a Disciplinary Committee shall be put in the form of a motion. The Chair shall:

- (a) call on all members to vote for or against the motion by raising their hands, and;
- (b) declare that the motion has been carried or not carried as the case may be.

24.2 No member of the Disciplinary Committee is permitted to abstain from voting.

25. **The Screening Committee**

25.1 The Screening Committee will comprise three individuals selected from the governing council, and there must be at least one registered therapist and at least one lay member.

25.2 The Screening Committee will be quorate if it comprises the three individuals specified in 25.1 above.

25.3 The Screening Committee may adjourn its consideration of a case as it sees fit.

25.4 No person may sit as a member of a Screening Committee considering a registered therapist's case if she/he has previously sat as a member of a Complaints Committee or Disciplinary Committee who considered the same case.

25.5 The Screening Committee may:

- (a) seek such medical information and/or opinion and/or other evidence/information as it wishes to assist it in reaching a determination in accordance with 25.7 below and/or
- (b) impose an interim suspension of the registered therapist's registration if the Screening Committee considers that this is necessary in the interests of public safety or the registered therapist's own interest, pending a final determination of the case by the Health and Competence Committee.

25.6 The Screening Committee will review on a three monthly basis any interim suspension imposed by it in accordance with 25.5(b) above.

25.7 The Screening Committee will consider the evidence (including any evidence before the Complaints Committee or the Disciplinary Committee who decided to refer a case to the Screening Committee) and reach one of the following determinations:

- (a) that there is no reasonable evidence to support the serious concerns raised in relation to a registered therapist's physical and/or mental health fitness and/or competence to be a registered therapist. The Regulatory Body will then be directed to inform the registered therapist and the Informant of this determination.
- (b) that there is reasonable evidence to support the serious concerns raised in relation to a registered therapist's physical and/or mental health fitness to be a registered therapist. The Screening Committee shall then:
 - (i) direct the Regulatory Body to write by recorded delivery post to the registered therapist in accordance with 25.8 below and
 - (ii) proceed and direct the Regulatory Body to proceed in accordance with 25.9 to 25.12 below (as applicable).
- (c) that there is reasonable evidence to support the serious concern raised in relation to the competence of a registered therapist to be a registered therapist. The Screening Committee shall then
 - (i) direct the Regulatory Body to write by recorded delivery post to the registered therapist in accordance with 25.13 below and
 - (ii) will proceed and direct the Regulatory Body to proceed in accordance with 25.14 to 25.17 below (as applicable).
- (d) that the case be referred to the Complaints Committee.

Notification and consideration of concerns regarding a registered therapist's physical and/or mental health fitness

25.8 Notification to the registered therapist in accordance with 25.7(b) above will:

- (a) invite the registered therapist to agree within 14 days to submit to examination at the Regulatory Body's expense by a medical practitioner to be chosen by the Screening Committee and to agree that the medical practitioner should furnish to the Regulatory Body a report on the registered therapist's physical and/or mental health fitness to be a registered therapist;
- (b) advise the registered therapist that the registered therapist may nominate another medical practitioner to carry out an examination at the

registered therapist's own expense and to report to the Regulatory Body on the practitioner's physical and/or mental health fitness to be a registered therapist;

- (c) that in the event of the medical practitioners nominated by the Screening Committee and by the registered therapist being unable to agree on the result of their examinations that a third medical practitioner may be appointed by the Screening Committee to examine the registered therapist and furnish to the Regulatory Body a report on the registered therapist's physical and/or mental health fitness to be a registered therapist;
- (d) any practitioner appointed in accordance with 25.8(a) and 25.8(c) above will be appointed with regard to the nature of the physical and/or mental health condition allegedly being experienced by the registered therapist;
- (e) indicate that the registered therapist may submit additional information and/or documentation regarding her/his physical and/or mental health fitness to be a registered therapist.

25.9 All information provided to the Regulatory Body in accordance with 25.8(a) to 25.8(e) above shall be provided by the Regulatory Body to the Screening Committee.

25.10 The Screening Committee may at any stage request that additional enquiries be made by the Regulatory Body in relation to any matter put before it.

25.11 Subject to prior agreement being received from the registered therapist, the Regulatory Body shall make arrangements for the medical examination of the practitioner by the medical practitioner chosen in accordance with 25.8(a) and 25.8(c) (if applicable). Such a medical practitioner(s) will:

- (a) be provided with any information received by the Regulatory Body or the Screening Committee during their consideration of the matter; and
- (b) be asked to report on the physical and/or mental health fitness of the registered therapist to be a registered therapist and give recommendations for the management of the registered therapist's health condition.

25.12 On consideration of the report(s) from the medical practitioner(s), including any report from a medical practitioner nominated by the registered therapist,

the Screening Committee will decide whether or not it appears to it that the registered therapist is fit to be a registered therapist without conditions:

- (a) where there is no or no sufficient evidence that the registered therapist is not fit to be a registered therapist or not fit to be a registered therapist without conditions then the Screening Committee will direct the Regulatory Body to inform the registered therapist accordingly;
- (b) if the Screening Committee is of the view that the registered therapist may not be fit to be a registered therapist or may not be fit to be a registered therapist without restriction then it shall direct that the Regulatory Body forward all information before the Screening Committee to the Health and Competence Committee.

Provisions relating to concerns regarding a Registered Therapist's Competence to be a Registered Therapist

25.13 Notification to the registered therapist in accordance with 25.7(c) above will:

- (a) invite the registered therapist to agree within 14 days to submit to an investigation of her/his competence to be a registered therapist at the Regulatory Body's expense by an assessor nominated in accordance by itself or by the Regulatory Body as the Screening Committee deem appropriate and to agree that the assessor should furnish to the Regulatory Body a report on the registered therapist's competence to be a registered therapist;
- (b) advise the registered therapist that the registered therapist may nominate another appropriate assessor to carry out an investigation of the registered therapist's competence at the registered therapist's own expense and to report to the Regulatory Body on the registered therapist's competence to be a registered therapist;
- (c) that in the event of the assessor's nominated in accordance with 25.13(a) and by the registered therapist being unable to agree on the result of their investigations that a third assessor may be nominated in accordance with 25.13(a) to investigate the registered therapist's competence to be a registered therapist and furnish to the Regulatory Body a report on the registered therapist's competence to be a registered therapist;

- (d) any assessor appointed in accordance with 25.13(a) will be appointed with regard to the nature of the therapy practised by the registered therapist and may carry out such enquiries, review such records or carry out such observations or other investigations as the assessor deems appropriate in her/his absolute discretion;
- (e) indicate that the registered therapist may submit additional information and/or documentation regarding her/his competence to be a registered therapist.

25.14 All information provided to the Regulatory Body in accordance with 25.13(a) to 25.13(e) above shall be provided by the Regulatory Body to the Screening Committee.

25.15 The Screening Committee may at any stage request that additional enquiries be made by the Regulatory Body in relation to any matter put before it.

25.16 Subject to prior agreement being received from the registered therapist, the Regulatory Body shall make arrangements for the investigation of the registered therapist's competence to be a registered therapist by the assessor(s) chosen in accordance with 25.13(a). Such an assessor(s) will:

- (a) be provided with any information received by the Regulatory Body or the Screening Committee during their consideration of the matter;
- (b) be asked to report on the competence of a registered therapist to be a registered therapist and give such recommendations as the assessor deems appropriate for the obtaining by the registered therapist of competence to be a registered therapist on the National Register.

25.17 On consideration of the report(s) from the assessor(s), including any report from an assessor nominated by the registered therapist, the Screening Committee will decide whether it appears to it that the registered therapist is competent to be a registered therapist;

- (a) where there is no or no sufficient evidence that the registered therapist is not competent to be a registered therapist then the Screening Committee will direct the Regulatory Body to inform the registered therapist accordingly;
- (b) if the Screening Committee is of the view that the registered therapist may not be competent to be a registered therapist then it shall direct that

the Regulatory Body forward all information before the Screening Committee to the Health and Competence Committee.

Failure to submit too examination/investigation

25.18 If the registered therapist fails to submit to medical examination or investigation as to her/his competence to be a registered therapist in accordance with 25.8(a) or 25.13(a) (as applicable) the Screening Committee will decide whether or not to refer the information received to the Health and Competence Committee indicating the reason why the relevant report is not available.

Referrals from other Sub-committees

25.19 Where a case has been referred by the Complaints Committee or the Disciplinary Committee to the Screening Committee, the Screening Committee will proceed in accordance with 25.3 to 25.17 above (as applicable).

25.20 When a case has been referred to the Screening Committee by the Disciplinary Committee or the Complaints Committee and the Screening Committee resolve not to refer the case to the Health and Competence Committee, the Screening Committee will refer the case back to the Committee from which it was received.

THE HEALTH AND COMPETENCE COMMITTEE

26. The Constitution of the Health and Competence Committee

26.1 The Health and Competence Committee will comprise three individuals selected from the governing council, two of which must be lay members and one registered therapist.

26.2 The Health and Competence Committee will be quorate if it comprises members as specified in 26.1 above.

26.3 No person may sit as a member of a Health and Competence Committee considering a registered therapist's case if she/he has previously sat as a member of a Complaints Committee, Disciplinary Committee or Screening Committee who considered the same case.

26.4 A legal advisor appointed by the Regulatory Body will be in attendance at the Health and Competence Committee hearing to provide advice on questions of law. The legal advisor is not a member of the Committee and will not have a vote.

27. **Procedure on referral to the Health and Competence Committee**

27.1 When a registered therapist's case has been referred to the Health and Competence Committee the Regulatory Body will send to the registered therapist a notice, in writing, specifying the following:

- (a) the grounds for belief that the registered therapist may not be fit or competent to be a registered therapist;
- (b) the date, place and time of the meeting of the Health and Competence Committee considering the registered therapist's case;
- (c) that the registered therapist is entitled to attend the hearing with or without representation and is entitled to be accompanied by her/his medical practitioner or her/his assessor (chosen by the registered therapist in accordance with 25.13 (b));
- (d) the identity of any medical practitioner or assessor who will be in attendance at the Health and Competence Committee hearing in accordance with 28.6 or 28.7 below;
- (e) that the registered therapist may request that any person who has provided any information and/or opinion to be considered by the Health and Competence Committee attend and give evidence in person to that Committee.

27.2 The notification specified in 27.1 will be accompanied by any medical reports or therapy specific reports and/or other evidence which it is proposed to place before the Health and Competence Committee other than reports previously served on the registered therapist.

27.3 The notification to the registered therapist in accordance with 27.1 will be posted:

- (a) by recorded delivery post to the registered therapist's address as contained in the Regulatory Body's National Register or such other later address as known to the Regulatory Body, and

(b) so as to allow a period of at least 28 days to elapse between the date on which the notification is posted and the date fixed for the Health and Competence Committee hearing unless the registered therapist agrees otherwise.

27.4 If the registered therapist requests the attendance of witnesses in person then the Regulatory Body may fix a further date for the hearing. Notification of a new hearing will be provided to the registered therapist in accordance with 27.1 to 27.3 above.

28. **General Procedures of the Health and Competence Sub-committee**

28.1 The Health and Competence Committee will meet in private. Subject to the exception outlined in 28.2 below, the registered therapist/applicant and/or their representatives are entitled to be present at any hearing or part of a hearing held in private.

28.2 The Health and Competence Committee may deliberate in private at any time and for any purpose and exclude the registered therapist/applicant and/or their representatives and/or medical practitioners and/or therapy specific assessors.

28.3 The Health and Competence Committee may adjourn consideration of a case as it sees fit.

28.4 If at any stage prior to the commencement or in the course of a Health and Competence Committee hearing the Chair of the Committee is made aware of any defect in the notification submitted to the registered therapist/applicant in accordance with 27.1 above the notification will be amended unless the registered therapist/applicant would be caused injustice by such an amendment. The Chair may direct that the hearing be postponed if the circumstances of the amendment so require.

28.5 In the event of a hearing being postponed or cancelled the Regulatory Body will notify the registered therapist of the postponement as soon as practicable and will serve a further notice containing the particulars detailed in 27.1 above when a new hearing date has been fixed.

28.6 The medical practitioner chosen to examine the registered therapist in accordance with 25.8(a) and another medical examiner, if appointed in

accordance with 25.8(c), will be in attendance at the Health and Competence Committee hearing.

28.7 The assessor chosen to investigate the registered therapist's competence to be a registered therapist in accordance with 25.13(a) and another assessor, if appointed in accordance with 25.13(c), will be in attendance at the Health & Competence Committee hearing.

28.8 Before the meeting of the Health and Competence Committee the Regulatory Body will provide to each member of the Health and Competence Committee, copies of the following:

- (a) the notice of the hearing (provided in accordance with 27.1 above);
- (b) any additional information received by the Regulatory Body;
- (c) any medical reports or therapy specific reports received in relation to the matter; and
- (d) any observations or other evidence submitted by or on behalf of the registered therapist.

28.9 The registered therapist will be entitled to attend the Health and Competence Committee hearing in person and be represented by a legal representative, a representative organisation or by any other person nominated by the registered therapist. The registered therapist will be entitled to be accompanied by her/his medical practitioner or her/his assessor.

28.10 The case may proceed in the absence of the registered therapist provided the Health and Competence Committee are satisfied that notice of the hearing has been sent to the registered therapist at the registered therapist's address as registered with the Regulatory Body or such other later address as known to the Regulatory Body in accordance with provision 27.1 and 27.3 above.

29. **The Order of Proceedings at a Health and Competence Committee Hearing**

29.1 At a Health and Competence Committee hearing the following order of proceedings will be followed:

- (a) the Chair will open proceedings and draw attention to the grounds for the belief that the registered therapist may not be physically and/or

mentally fit or may not be competent to be a registered therapist as set out in the provision 27.1 notice and to the documentation provided to the Health and Competence Committee members.

- (b) in the event that the registered therapist, in accordance with 27.4 above has requested that information and/or opinion be supported by the attendance of a witness in person, that person shall be called as a witness. Any such witness may be examined by the Committee members and may be cross-examined by or on behalf of the registered therapist and may then be re-examined.
- (c) in a case where the registered therapist has declined medical examination the Committee may adduce evidence of the facts alleged and the registered therapist or her/his representative may cross-examine any person giving evidence and the Committee may then re-examine that person.
- (d) in the event that the registered therapist or her/his representative indicates that the registered therapist requires evidence to be provided by a witness in person and the Regulatory Body has not previously been notified of this the Health and Competence Committee, following consultation with the Health and Competence Committee's legal advisor, will decide if the hearing should be adjourned in the interests of justice to secure the attendance of such a witness or whether to proceed with the hearing without taking such oral evidence. If such a witness is called to give evidence the witness may be examined by the Health and Competence Committee and may be cross-examined by or on behalf of the registered therapist and may be re-examined.
- (e) the Chairperson will invite the registered therapist or her/his representative to address the Health and Competence Committee and to adduce evidence as to the registered therapist's physical and/or mental fitness or competence to be a registered therapist.
- (f) the Health and Competence Committee may put questions to the registered therapist directly or through the registered therapist's representative.
- (g) the Health and Competence Committee may put questions to any person giving evidence to it.

(h) the Health and Competence Committee's legal adviser and the medical practitioner (if in attendance in accordance with 28.6 above) and the assessor (if in attendance in accordance with provision 28.7 above) may, with the consent of the Health and Competence Committee, put questions to any person attending to give evidence and to the registered therapist (either directly or through the registered therapist's representative).

29.2 Following the proceedings in accordance with 28.1 to 29.1 above the Health and Competence Committee will consider the case, in private, and determine whether to:

- (a) adjourn the case to obtain such further evidence as the Health and Competence Committee deems appropriate;
- (b) determine that the registered therapist is not by reason of a physical and/or mental health condition unfit to be on the National Register;
- (c) determine that the registered therapist is by reason of a physical and/or mental health condition unfit to be on the National Register;
- (d) determine that the registered therapist is competent to be on the National Register;
- (e) determine that the registered therapist is not competent to be on the National Register.

This determination and the reason(s) for it together with any recommendations made by the Health and Competence Committee in accordance with 29.3 below will then be announced by the Chair of the Health and Competence Committee.

29.3 The Health and Competence Committee may make such recommendations to the registered therapist as deemed appropriate by the Health and Competence Committee.

29.4 If the Health and Competence Committee determines that the registered therapist is not by reason of a physical and/or mental health condition unfit to be a registered therapist or is not sufficiently lacking in competence to not be competent to be a registered therapist (as applicable) it will either:

- (a) instruct the Regulatory Body to refer the case back to the Committee from which the case was referred or

(b) close the case.

29.5 If the Health and Competence Committee determine that the registered therapist is by reason of a physical and/or mental health condition unfit to be a registered therapist or by reason of a lack of competence is not competent to be a registered therapist (as applicable) it will direct the Regulatory Body to either:

(a) remove the registered therapist's name from the National Register for a specified period of time with or without recommendations, or

(b) remove the registered therapist's name from the National Register with no limit as to time with or without recommendations, or

(c) suspend the registered therapist's registration until such time as conditions specified by the Health and Competence Committee have been satisfied to the satisfaction of a Health and Competence Committee convened to consider an application for the termination of suspension of the registered therapist's registration in accordance with 32.1 to 34.5 below (as applicable). Such conditions may include, for example, the undertaking and satisfactory completion of specified training and/or the satisfactory completion of an assessment/examination in a specified area of knowledge and/or practice.

30. **Notification of the Health and Competence Committee's Determination to the Registered Therapist and to the Informant**

30.1 The Regulatory Body, within 7 days of the date of the Health and Competence Committee meeting, will send a letter to the registered therapist (or ex-registered therapist) by recorded delivery post, informing the registered therapist (or ex-registered therapist) of the determination of the Health Committee and the specified reason(s) for that determination, and:

(a) where the Health and Competence Committee's determination has not led to the removal of the registered therapist's name from the National Register will inform the registered therapist of any registration fee which may be due;

(b) where the Health and Competence Committee has determined to remove the registered therapist's name from the National Register or suspend the registered therapist's registration, the letter will require that the ex-registered therapist return to the Regulatory Body within 21 days any documentation or items issued by the Regulatory Body which indicate registered therapist status. The letter will set out any recommendations made or conditions specified by the Health and Competence Committee. With the letter will be sent a form to be signed by the ex-registered therapist and returned to the Regulatory Body acknowledging receipt of the Health and Competence Committee's decision and confirming that the contents of the letter are understood.

30.2 The Regulatory Body will notify the Informant of the determination of the Health and Competence Committee and the specified reason(s) for that determination.

31. **Resumed Hearings**

31.1 Where the Health and Competence Committee has adjourned consideration of a case, not later than 28 days before the day fixed for resumption of the proceedings the Regulatory Body will send to the registered therapist at the address given by the registered therapist at the earlier hearing or at any subsequent address notified by the registered therapist to the Regulatory Body or to the registered therapist's address as registered with the Regulatory Body, a notice sent by recorded delivery post specifying the following:

- (a) the day, place and time of the resumed hearing;
- (b) an invitation to the registered therapist to appear at the hearing with or without representation and of the registered therapist's entitlement to be accompanied by her/his medical practitioner or her/his assessor (as applicable);
- (c) re-notification to the registered therapist of the recommendations, if any, made by the Health and Competence Committee at the earlier hearing;
- (d) if the Health and Competence Committee has so directed:

- (i) an invitation to the registered therapist to submit to examination by the medical practitioner(s) chosen by the Screening Committee in accordance with 25.8(a) and 25.8(c) above (as applicable);
- (ii) an invitation to the registered therapist to provide to the Regulatory Body the names and addresses of medical practitioners or other persons to whom the Regulatory Body may apply for confidential information regarding the registered therapist's physical and/or mental health fitness to be a registered therapist since the time of the original enquiry;
- (iii) an invitation to the registered therapist to submit to further investigation by the therapy specific assessor(s) chosen in accordance with 25.13(a) and 25.9(c) above (as applicable);
- (iv) an invitation to the registered therapist to provide to the Regulatory Body the names and addresses of any assessor or other persons to whom the Regulatory Body may apply for information regarding the registered therapist's competence to be a registered therapist since the time of the original enquiry.

31.2 All information provided to the Regulatory Body in accordance with 31.1(d) (ii) and 31.1(d) (iv) (as applicable) will be provided by the Regulatory Body to the Health and Competence Committee.

31.3 Notification to the practitioner in accordance with 31.1 above will be accompanied by any medical reports or therapy specific reports and/or other evidence which it is proposed to place before the Health and Competence Committee (other than reports previously served on the registered therapist).

31.4 The Health and Competence Committee will proceed with the consideration of a resumed case in accordance with 28.1 to 30.2 above.

32. **Termination of Suspension and Restoration to the Register by the Health and Competence Committee**

32.1 Where a person's name has been removed from the National Register for a limited period of time such removal will terminate at the expiry of the period of time determined by the Health and Competence Committee.

32.2 Where a person's name has been

- (a) removed from the National Register with no limit of time;
- (b) been suspended from the National Register until conditions specified by the Health and Competence Committee have been satisfied

any application for restoration (including restoration following the termination of a suspension) must be made in writing, signed by the applicant, and addressed to the Regulatory Body stating the grounds on which the application is made.

32.3 Within 7 days of receipt of a letter of application in accordance with 32.2 above the Regulatory Body will send to the applicant a letter including:

- (a) an outline of the application procedure;
- (b) re-notification to the applicant of any recommendation(s) made by the Health and Competence Committee at the time of removal or conditions imposed at the time of suspension of registration (as applicable);
- (c) a form on which the applicant must provide her/his personal details and, as deemed appropriate by the Regulatory Body:
 - (i) the name and address of a medical practitioner to whom the Regulatory Body may apply for a report on the applicant's health; or
 - (ii) the name and address of an assessor to whom the Regulatory Body may apply for a report on the applicant's competence to be a registered therapist.
- (d) a declaration indicating whether or not the applicant has been:
 - (i) convicted of a criminal offence since the date of removal or suspension of the person's name from the National Register;
 - (ii) is the subject of any current criminal proceedings;
 - (iii) is the subject of any Police, Customs and Excise, Home Office or Department of Health investigation.

If the applicant has been so convicted or is currently the subject of such proceedings or investigation the applicant must provide details of these matters including the judgement and the address of the court at which the proceedings took place or are taking place and the address and contact details of the person leading any investigation.

- (e) a declaration as to whether or not the applicant has knowingly represented himself/herself to be a registered therapist since the date of the removal or suspension of her/his name from the National Register;
- (f) if the application is for termination of suspension the applicant shall be invited to produce to the Regulatory Body documentation and/or information and/or witness statements confirming that any conditions imposed by the Health and Competence Committee have been satisfied; and
- (g) a statement of the fee for restoration should the application be successful;
- (h) a statement of any registration fee which may be due.

32.4 The Regulatory Body or the Health and Competence Committee may require the applicant to verify any information made in her/his application by way of statutory declaration.

32.5 On receipt of the duly completed documentation and information specified in 32.3 above the Regulatory Body will apply for information from the medical practitioner or therapy specific assessor whose name and address has been provided by the applicant in accordance with 32.3(c)(i) or 32.3(c)(ii) (as applicable).

32.6 On receipt by the Regulatory Body of the information requested in accordance with 32.5 above the Regulatory Body will:

- (a) as it deems appropriate, invite the applicant to submit to
 - (i) examination at the Regulatory Body's expense by a medical examiner to be chosen by the Screening Committee and to agree that the medical practitioner should furnish to the Health and Competence Committee a report on the applicant's physical and/or mental health fitness to be a registered therapist; or
 - (ii) investigation at the Regulatory Body's expense by an assessor to be chosen by the Screening Committee and to agree that the assessor should furnish to the Health and Competence Committee a report on the applicant's competence to be a registered therapist.
- (b) convene a meeting of the Screening Committee comprised in accordance with 26.1 to 26.4 above. The Screening Committee will

consider the application and appoint a medical practitioner to examine the applicant and submit a report to the Regulatory Body in accordance with 25.8(b) above.

- (c) determine a date, time and place of a meeting of the Health and Competence Committee for the application to be determined. The date, time and place of the meeting will be notified to the applicant by the Regulatory Body.
- (d) if the applicant agrees to submit to examination or investigation (as applicable) in accordance with 32.6(a)(i) or 32.6(a)(ii) above the Regulatory Body will make arrangements for such examination or investigation and any reports received shall be provided to the Health and Competence Committee. If the applicant declines to submit to examination or investigation the Regulatory Body shall refer the application to the Health and Competence Committee but indicate the reason why no such report is available.

32.7 All information provided to the Regulatory Body in accordance with 32.6 (d) above will be provided by the Regulatory Body to the Health and Competence Committee.

32.8 The Regulatory Body will provide the applicant with any information to be considered by the Health and Competence Committee (which has not previously been provided to her/him).

33. **Consideration of an application for restoration by the Health and Competence Committee**

33.1 The general procedures of the Health and Competence Committee as specified in 28.1 to 28.9 will apply to a Health and Competence Committee considering an application for restoration to the register or termination of suspension from the register.

33.2 In the event of a meeting being postponed or cancelled the Regulatory Body will notify the applicant of the postponement as soon as practicable and will advise the applicant when a new meeting date has been fixed.

- 33.3 The Regulatory Body may seek additional evidence regarding the known activities of the applicant since the applicant was removed or suspended from the register.
- 33.4 Before the meeting of the Health and Competence Committee, the Regulatory Body will provide to each member of the Health and Competence Committee, copies of the following:
- (a) the duly completed documentation provided by the applicant in accordance with provision 32.3
 - (b) any additional information received by the Regulatory Body
 - (c) any medical reports or therapy specific reports received in relation to the matter
 - (d) any observations or other evidence submitted by or on behalf of the applicant.
- 33.5 The applicant will be entitled to attend the Health and Competence Committee meeting in person and be represented by a representative of her/his choice (including by a legal representative). The practitioner will be entitled to be accompanied by her/his medical practitioner or her/his assessor.

34. **The Order of Proceedings at a Health and Competence Committee Hearing Considering an Application for Restoration to the National Register**

- 34.1 At a Health and Competence Committee hearing convened to consider an application for restoration or termination of suspension from the register the following order of proceedings will be followed:
- (a) the Chair will open proceedings and draw attention to the documentation provided to the Health and Competence Committee by the (ex)-registered therapist;
 - (b) the Health and Competence Committee will consider the evidence submitted in respect of the application and may question the applicant;

(c) the Health and Competence Committee and, with the consent of the Health and Competence Committee, the legal adviser to the Health and Competence Committee may question the applicant.

34.2 The Health and Competence Committee may adopt any further procedures it deems appropriate at the Health and Competence Committee hearing provided always that the procedure adopted is not contrary to the interests of justice.

34.3 At the conclusion of the hearing the Health and Competence Committee will reach one of the following determinations:

(a) that the applicant should be restored to the register. The Regulatory Body will be directed to amend the National Register accordingly. The Health and Competence Committee will determine the date when the restoration shall take effect.

(b) that the applicant should not be restored to the register.

If a determination is made in accordance with 34.3(b) the Health and Competence Committee may make such recommendations as it deems appropriate.

34.4 The determination of the Health and Competence Committee and the reason(s) for this determination together with any recommendations made will then be announced by the Chair of the Health and Competence Committee. The decision of the Health and Competence Committee shall be announced in the presence of the applicant and/or her/his representative and/or her/his medical practitioner and/or her/his assessor if the practitioner wishes any or all of them to be present.

34.5 The Regulatory Body within 7 days of the date of the Health and Competence Committee meeting will send a letter to the applicant by recorded delivery post informing the applicant of the determination of the Health and Competence Committee and the specified reason(s) for that determination and:

(a) where the Health and Competence Committee's determination has led to the restoration of the applicant's name to the National Register the Regulatory Body shall notify the applicant of any restoration and registration fee due. On payment of such fee(s) the Regulatory Body

shall cause the applicant's name to be re-entered on the National Register.

- (b) where the Health and Competence Committee's determination has not led to the restoration of the applicant's name to the National Register any recommendations made by the Health and Competence Committee will be notified to the applicant.

35. Interim Suspension of a Registered Therapist by a Disciplinary Committee or a Health and Competence Committee

35.1 If a hearing of the Disciplinary Committee or the Health and Competence Committee is not concluded within the time allocated for that purpose the Disciplinary Committee or Health and Competence Committee may impose an interim suspension of the registered therapist's registration pending final determination of the case, if the Disciplinary Committee or Health and Competence Committee considers that this is necessary in the interests of public safety or the registered therapist's own interests.

35.2 If the Disciplinary Committee or Health and Competence Committee considers that the imposition of such an interim suspension is necessary the following order of proceedings will apply:

- (a) the Chair of the Disciplinary Committee or Health and Competence Committee will advise the registered therapist (if present) of the Committee's view and specify the Committee's reason(s) for this.
- (b) the registered therapist and/or her/his representative, if present, will be given an opportunity to address the Committee as to why the registered therapist's registration should not be the subject of an interim suspension.
- (c) the Committee will determine whether it is satisfied that a direction of interim suspension is necessary in the interests of public safety or the registered therapist's own interests. The Chair will announce the determination and specify the reason(s) for the determination.
- (d) the Regulatory Body will notify the registered therapist, within 7 days of the date of the hearing of the interim suspension of the registered therapist's registration.

36. **Interim Suspension of a Registered Therapist by a Complaints Committee or a Screening Committee**

36.1 If the Complaints Committee (in accordance with 9.6 above) or the Screening Committee (in accordance with 25.6(b) above) consider that it is necessary in the interests of public safety or the registered therapist's own interests to impose an interim suspension of the registered therapist's registration the Regulatory Body will notify the registered therapist, in writing, of this view and specify the following:

- (a) the date, place and time of a meeting of the Complaints Committee or the Screening Committee (hereafter referred to as "the Committee") who will consider the issue of whether an interim suspension of registration should be imposed.
- (b) that the registered therapist is entitled to attend the meeting with or without representation. If the meeting is of the Screening Committee, that the registered therapist is entitled to be accompanied by her/his medical practitioner or her/his assessor.

36.2 The notification specified in 36.1 above will be accompanied by copies of any information and/or documentation in the Regulatory Body's possession relevant to the question of interim suspension to be considered (unless such information/documentation has already been submitted to the registered therapist).

36.3 The notification to the registered therapist in accordance with 36.1 above will be posted:

- (a) by recorded delivery service to the registered therapist's address as contained in the Regulatory Body's National Register or such other later address as known to the Regulatory Body, and
- (b) so as to allow a period of at least 14 days to elapse between the date on which the notification is posted and the date fixed for the hearing unless the registered therapist agrees otherwise.

36.4 The Regulatory Body will convene a hearing of the Committee to consider the question of interim suspension.

36.5 A legal advisor appointed by the Regulatory Body will be in attendance at the hearing considering the issue of interim suspension to provide advice on

questions of law to the Committee. The legal advisor is not a member of the Committee and will not have a vote.

- 36.6 A medical practitioner or therapy specific assessor instructed by the Screening Committee may, at the absolute discretion of the Regulatory Body, be in attendance at the hearing of the Screening Committee considering the issue of interim suspension to provide advice on medical issues or issues relating to the competence of the registered therapist arising in the Committee's proceedings. Any medical practitioner or therapy specific assessor attending will not be a member of the Committee and will not have a vote.
- 36.7 The Committee convened to consider the issue of the interim suspension of a practitioner's registration may be convened solely for this purpose or for other purposes in accordance with these provisions.
- 36.8 The Committee considering the question of interim suspension will sit in private. Subject to the exception outlined in 36.9 below, the registered therapist and/or her/his representative are entitled to be present at any hearing held in private.
- 36.9 The Committee considering the question of interim suspension may deliberate in private at any time and exclude the registered therapist and/or her/his representative and/or medical practitioner and/or assessor.
- 36.10 The Committee considering the question of interim suspension may, at any stage in its proceedings, suspend, adjourn or decline to proceed with such consideration as it sees fit.
- 36.11 The voting procedure of the Committee shall be in accordance with 24.1 and 24.2 insofar as applicable.
- 36.12 The Committee shall proceed in accordance with the following:
- (a) the Chair will open proceedings and draw attention to the documentation and/or information provided to the Committee.
 - (b) the registered therapist and/or her/his witnesses and/or representative, if present, will be given the opportunity to respond to the documentation/information.

- (c) the Committee may put questions to the registered therapist, either directly or through her/his representative and to any witnesses attending on the registered therapist's behalf.
- (d) the Committee's legal adviser and/or a medical examiner and/or an assessor attending in accordance with 36.5 and 36.6 above as applicable may, with the leave of the Committee, put questions to any witness or to the registered therapist, either directly or through her/his representative.

36.13 At the conclusion of the proceedings in accordance with 36.1 to 36.12 above the Committee will determine whether it is satisfied that a direction of interim suspension of the registered therapist's registration is necessary in the interests of public safety or the registered therapist's interests. The Chair of the Committee will announce the determination and the reason(s) for the determination.

36.14 If the Committee determine that an interim suspension of the registered therapist's registration should be imposed the Chair will also advise the registered therapist that the suspension will be reviewed at 3 monthly intervals or such other shorter period as the Committee consider appropriate.

37. **Termination of interim suspension**

37.1 An imposition of an interim suspension by the Complaints Committee will terminate either:

- (a) on the case being closed by the Complaints Committee; or
- (b) in accordance with 37.2 and 37.3 below.

37.2 Where an interim suspension was imposed by the Disciplinary Committee or was imposed by the Complaints Committee or the Screening Committee prior to or at the time of referral to the Disciplinary Committee it will terminate:

- (a) upon the issue of a caution, direction of removal or suspension of the registered therapist's name from the National Register or the case being closed by the Disciplinary Committee; or
- (b) in accordance with 37.3 below where the case was determined by the Health and Competence Committee on referral to it.

37.3 Where an interim suspension was imposed by the Health and Competence Committee or was imposed by the Complaints Committee or the Disciplinary Committee or the Screening Committee prior to, or at the time of referral for consideration of the registered therapist's physical and/or mental fitness to be a registered therapist or competence to be a registered therapist it shall terminate either:

(a) upon the direction of removal or suspension of the registered therapist's name from the National Register in accordance with 29.5 above or

(b) upon the case being closed by the Health and Competence Committee.

37.4 Any Committee may at any stage revoke a direction of interim suspension of a registered therapist's registration imposed under these provisions whether or not that direction has been imposed by that, or another, Committee.

38. **Evidence**

38.1 The Health and Competence Committee and Screening Committee will comply with provisions 21.1 to 22.3 above so far as applicable.

39. **Voting**

39.1 Any question put to the vote of the Health and Competence Committee or the Screening Committee shall be put in form of a motion. The Chair will call on all members to vote for or against the motion and shall declare the motion to be carried or not carried at the case may be.

39.2 No member of the Health and Competence Committee or the Screening Committee is permitted to abstain from voting.

40. **Service of documents**

40.1 Subject to any provision requiring the service of documents by recorded delivery post, any documents or notices specified within these provisions may be sent by ordinary first class post.

41. **General Advice to Registered Therapists**

- 41.1 Registered therapists are advised to keep the Regulatory Body informed of changes in their personal details for example, change of name, change of home address.
- 41.2 Registered therapists are advised to seek appropriate support, advice and representation in the event of a complaint or concern being received about their practice by the Regulatory Body.
- 41.3 A registered therapist who becomes aware of circumstances which might result in a complaint being made regarding her/his conduct can contact the Regulatory Body and make a statement. The making of such a statement may be a consideration taken into account by a Complaints Committee or Disciplinary Committee when considering a case.

42. **Criminal Convictions**

- 42.1 Complaints concerning registered therapists/applicants who have been convicted of criminal offences will be considered if they are relevant to whether a registered therapist is a fit person to be and work as a registered therapist. A conviction may be so relevant if, for example:
- (a) it arises directly out of a registered therapist's professional activities;
 - (b) it results in a sentence of imprisonment, whether suspended or not;
 - (c) it constitutes an offence of dishonesty;
 - (d) it is otherwise of a nature which calls in to question the practitioner's integrity, for example sexual assault, child abuse, viewing of child pornography, supply of illegal drugs or paedophilia.

This is not an exhaustive list of offences which may be relevant to a registered therapist's fitness to be a registered therapist. Each case will be considered individually.