



PRACTICE NOTE - ALLEGATIONS

INTRODUCTION

Article 22(5) of the Health Professions Order 2001 provides that

‘where an allegation is made to the Council or any of its Committees, as soon as reasonably practicable after receipt of the allegation in *the form required by the Council*, the Council shall refer it to [a Practice Committee or Screeners as appropriate].’ Currently, all allegations made in the form required by Council are referred to a panel of the Investigating Committee to determine whether there is a case to answer. This practice note seeks to set out the form in which Council require an allegation to be made.

PROCEDURE

The form in which the Council requires allegations to be made is as follows:

For the purpose of Article 22(5) of the Health Professions Order an allegation is made in the form required by Council if it is

1. made in writing,
2. identifies (as far as is possible) the health professional who is the subject of the allegation,
3. identifies the person who is making the allegation and,
4. is signed by or on behalf of that person.

A notice or certificate that the health professional has

- a. been convicted of an offence;
- b. received a police caution; or
- c. been the subject of a decision or determination by any other regulatory or licensing body

will be considered to be an allegation in the form required by Council, if it is in writing, in a form normally adopted for such notices or certificates by the courts, police service, law enforcement agencies or regulatory bodies and sufficiently identifies the health professional concerned.

The HPC seeks to operate fair and transparent procedures and, therefore, as a matter of policy the Council will normally not take further action in respect of allegations which are made anonymously. Anonymous allegations in this context means an allegation made by a person whose identity is unknown to the HPC rather than by a person who has asked the HPC not to disclose his or her identity.

Such a policy clearly disregards anonymous allegations and there is a good reason for this happening *in most cases*. The procedures as set out in the Health Professions

Order 2001 and the rules made under it are intended to provide health professionals with the information required to understand the nature and substance of any allegations made against them. The Investigating Committee can only consider documentation that the registrant has had an opportunity to comment upon. The policy currently adopted by the Health Professions Council is to provide the health professional with all documentation provided to the Council, to allow him or her to comment and then to seek any further clarification from the complainant. If the Council were to accept an anonymous allegation, it would be difficult for the Council to seek any further clarification from the complainant.

However, the HPC does not adopt an unbending policy of not accepting anonymous allegations as this is potentially unlawful. The primary function of the Health Professions Council is to protect the public and there are circumstances in which an anonymous allegation relates to serious and credible concerns about a registrant's fitness to practise, and in such circumstance the Council should consider exercising its power under Article 22(6) of the Health Professions Order 2001 to deal with a letter as if it was an allegation.