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Information for members of the public

# How to raise a concern

# Contents

<b>About this brochure</b>	<b>1</b>
<b>About us</b>	<b>1</b>
<b>About fitness to practise</b>	<b>2</b>
<b>Raising a concern</b>	<b>3</b>
<b>How do I raise a concern?</b>	<b>5</b>
<b>The investigations process at a glance</b>	<b>10</b>
<b>What happens when my concern is received?</b>	<b>12</b>
<b>What happens if my concern meets the threshold criteria for fitness to practise investigations?</b>	<b>12</b>
<b>Interim orders</b>	<b>12</b>
<b>The Investigating Committee</b>	<b>13</b>
<b>What happens if the case is referred to a final hearing?</b>	<b>14</b>
<b>Contact details</b>	<b>17</b>

# How to raise a concern

## About this brochure

Throughout this brochure:

- ‘we’, ‘us’ and ‘our’ refers to the Health and Care Professions Council (HCPC); and
- ‘registrant’ refers to a professional on our Register.

This brochure tells you what to do if you want to raise a concern about one of our registrants. We try to make our processes as open and clear as possible and we hope the information in this brochure will help you.

## About us

We are a regulator of professionals that provide health and care services. Our objectives are:

- to protect and promote the health and safety of the public;
- to protect and uphold public confidence in the professions we regulate;
- to set and maintain professional standards and conduct for members of those professions.

We are not a service to resolve complaints. We

currently regulate the following 15 professions.

- Arts therapists
- Biomedical scientists
- Chiropodists / podiatrists
- Clinical scientists
- Dietitians
- Hearing aid dispensers
- Occupational therapists
- Operating department practitioners
- Orthoptists
- Paramedics
- Physiotherapists
- Practitioner psychologists
- Prosthetists / orthotists
- Radiographers

- Speech and language therapists

We may regulate more professions in the future. For more information about us and the professions we regulate, visit our website at [www.hcpc-uk.org/about-us/who-we-regulate](http://www.hcpc-uk.org/about-us/who-we-regulate)

## About fitness to practise

The health and care professionals we regulate must be fit to practise. By fitness to practise, we mean where a registrant has the skills, knowledge, character and health to practise safely and effectively. Fitness to practise may also involve issues outside of professional or clinical performance. The conduct of a professional outside of their working environment may involve fitness to practise if it could affect the protection of the public or undermine public confidence in their profession.

## What is the purpose of the fitness to practise process?

Our fitness to practise process is designed to protect the public from those who are not fit to practise. If a registrant's fitness to practise is 'impaired' (negatively affected), it means that there are concerns about their ability to practise safely and effectively. This may mean that they should not practise at all, or that they should be limited in what they are allowed to do. We will take appropriate action to make this happen.

## Our standards

When considering a fitness to practise case, we will assess whether the matters complained of could amount to breaking our standards. (We call this a breach.) The two sets of standards we use are the standards of proficiency (we publish a separate set of standards for each profession we regulate) and the standards of conduct, performance and ethics (which are the same for all professions). You can find our standards at [www.hcpc-uk.org/standards](http://www.hcpc-uk.org/standards)

## Raising a concern

### Who can raise a concern?

Anyone can raise a concern about a registrant. This includes members of the public, employers, the police and other health and care professionals.

### What types of concern can you consider?

We consider every concern individually. However, a registrant's fitness to practise is likely to be impaired if the evidence shows that they:

- were dishonest, committed fraud or abused someone's trust;
- exploited a vulnerable person;
- failed to act in the best interests of service users;
- committed serious breaches of service user's confidentiality or data-protection requirements;
- have health problems which they have not dealt with, and which may affect the safety of service users;
- had an improper relationship with a service user;
- carried out reckless or deliberately harmful acts;
- made serious or repeated mistakes in service-user care;
- caused harm to service users or put them at risk of harm;
- have received a conviction or accepted a caution for a criminal offence;
- were involved in violence, sexual misconduct or indecent behaviour (including any involvement in child pornography); or
- carried out other equally serious activities which affect public confidence in the profession.

For fitness to practise case studies visit our website at [www.hcpc-uk.org/concerns/resources/case-studies](http://www.hcpc-uk.org/concerns/resources/case-studies)

We can also consider concerns about whether an entry to our Register has been made fraudulently or incorrectly. For example, the person may have provided false information when they applied to be registered.

Because our function is to protect the public, we can investigate concerns relating to events

which happened at any time or which took place before the registrant was registered. However, the length of time that has passed since the incidents of concern can affect the quality and availability of relevant information. As a result, we may, not be able to proceed with concerns that relate to incidents over five years old. We will consider each case on its own merits and will assess the methods we can use to gather relevant information, as well as any public-interest factors that would justify investigation despite the length of time since the events.

We are not usually able to take forward a concern that is made anonymously, or if the person making the complaint (complainant) wants to stay anonymous. This is because we want to operate a fair and transparent process. We cannot ask for more information from the complainant if we do not know who they are. However, as our main function is to protect the public, if the concerns raised are serious, we may decide that it is in the public interest for us to investigate, even if we do not have the complainant's name. If you want to raise a concern anonymously, please contact us so we can discuss what options may be available to you.

### What we cannot do

We cannot:

- consider concerns about professionals who are not registered with us;
- consider concerns about organisations (we can only deal with concerns about individual registrants);
- get involved in your care or social-care arrangements;
- deal with customer-service or consumer issues;
- get involved in matters which should be decided upon by a court, including dissatisfaction with evidence given at court;
- get a registrant or organisation to change the content of a report;
- arrange refunds or compensation;
- fine a registrant;
- give legal advice; or
- make a registrant apologise.

At the end of this brochure, there are contact details of some organisations that may be able to help you with these issues.

## How do I raise a concern?

If you need to tell us about a concern, you should complete our referral form. You can do this online, by accessing the form through our website via [www.hcpc-uk.org/concerns/raising-concerns](http://www.hcpc-uk.org/concerns/raising-concerns)

Alternatively, you can request a paper or PDF form by contacting us on +44 (0)800 328 4218. You can also call us to raise a concern over the phone.

You can return a paper or PDF form to us in two ways:

### 1. By post

Securely seal the signed form in an envelope, along with copies of the supporting documents, and send it to the following address.

Fitness to Practise Department  
The Health and Care Professions Council  
184 – 186 Kennington Park Road  
London  
SE11 4BU

You may want to consider using recorded post.

### 2. By email

Attach a scanned copy of the signed form along with electronic copies of the supporting documents, and email them to [ftp@hcpc-uk.org](mailto:ftp@hcpc-uk.org). Regardless of how you raise your concern, we'll need the following information from you. Please make sure your referral contains as much of this information as possible.

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

Note: If you do not know the person's registration number, you can check our online Register for confirmation at [www.hcpc-uk.org/check-the-register](http://www.hcpc-uk.org/check-the-register)

We are committed to communicating with you as effectively as we can. So you should tell us if you have particular communication difficulties or needs so we can consider what changes we can make to our usual practice to best meet them. For example, we may need to use a larger print size in our letters or emails.

### **How much of my time do you need?**

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

If the case goes forward to a final hearing, you may need to meet our solicitors to provide a witness statement. We will pass your contact details to our solicitors so they can contact you direct.

You may also have to go to a hearing and give evidence. This can sometimes involve an overnight stay if the hearing takes place away from your home. You can find more information about this in our brochure called Information for witnesses. You can download this at [www.hcpts-uk.org/participant-information/witnesses](http://www.hcpts-uk.org/participant-information/witnesses) or phone us on +44 (0)800 328 4218 and we will send you a copy in the post.

### **What can I expect from you?**

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

### **Role of the case manager**

We allocate a case manager to each case. The case manager may change during the course of the investigation. If this happens, we will tell you and you will always have a named contact. Case managers are neutral and do not take the side

of either the registrant or you. Their role is to manage the progress of the case through the process and to gather relevant information. They act as a contact for everyone involved in the case.

Case managers cannot give you legal advice but they can explain how the process works and what panels consider when making decisions. You may also want to get advice from an organisation that helps deal with concerns. There are details of these organisations at the end of this brochure.

### **How long will it take?**

We understand that telling us about a concern and the investigation process can be stressful. We try to consider cases as quickly as we can.

We aim to:

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

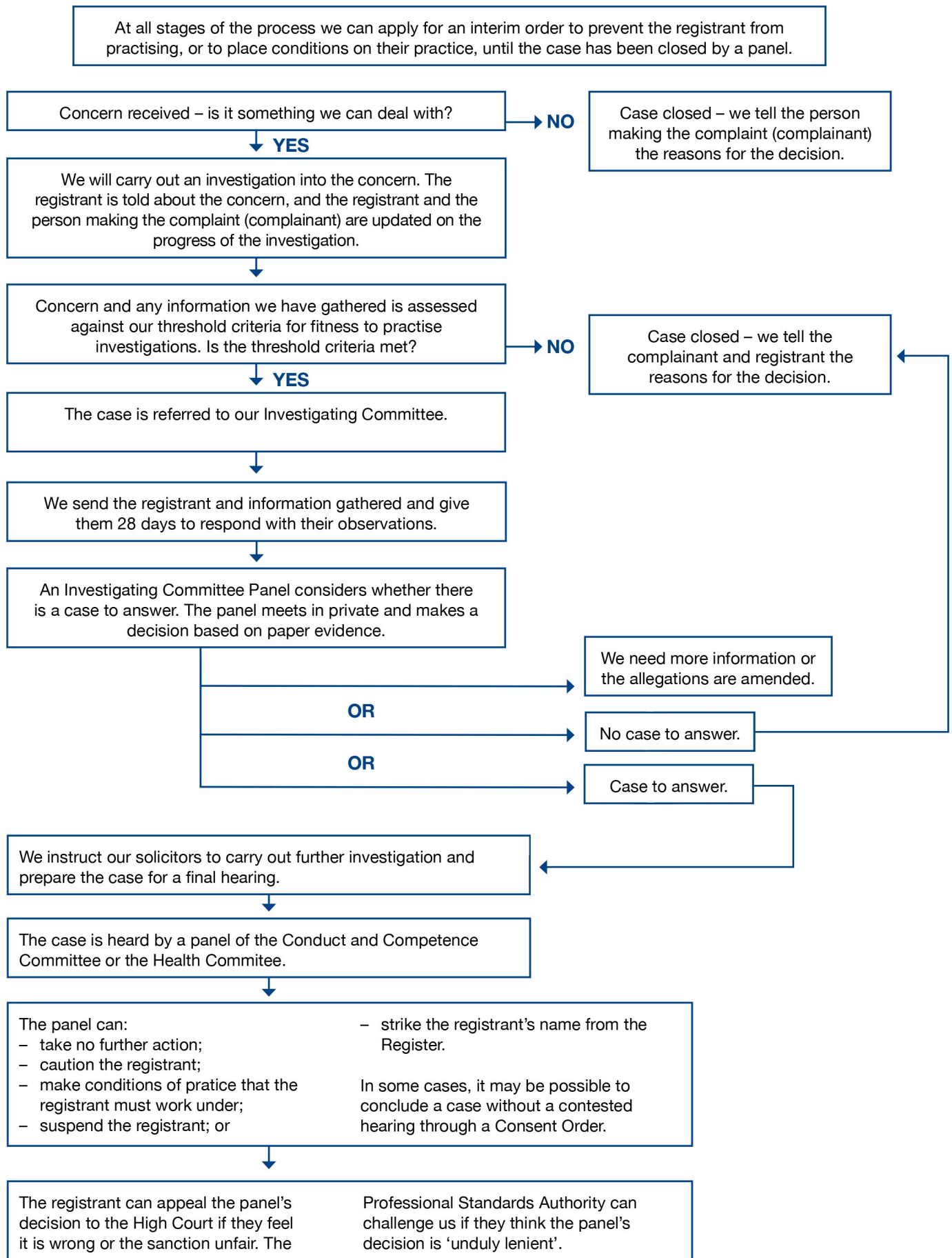
While these are our aims, the time a case takes to reach the end of the process can vary. This depends on the nature of the investigation we need to carry out and how complicated the issues are. As a result of this, each stage of the process may take a shorter or longer period of time.

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

### **Keeping my information confidential**

When we investigate your concern, we will need to tell the registrant involved. We will also need to copy anything you send to us to the registrant so they can respond. This will mean the registrant will know you have raised the concern but we will make sure we remove your contact details and any other personal information from the documents we send.

## The investigation process at a glance





## What happens when my concern is received?

We will first consider whether a concern is something that we can deal with. This assessment takes place during our triage stage. We sometimes receive information about issues we cannot deal with. If this is the case with your concern, we will write to you to explain and will try to direct you to another organisation that might be able to help you.

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

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

If we consider that our threshold has not been met, we will close the case and take no further action. If we find that your concern does meet the threshold, we will refer the matter to our Investigating Committee.

You can find a copy of our Threshold policy for fitness to practise investigations on our website at [www.hcpc-uk.org/resources/policy/threshold-policy-for-fitness-to-practise-investigations](http://www.hcpc-uk.org/resources/policy/threshold-policy-for-fitness-to-practise-investigations)

## What happens if my concern meets the threshold criteria for fitness to practise investigations?

We will gather any other relevant information about your concern and once we have enough information we will draft a formal fitness to practise allegation. This will be in a different

style to the concern we originally received from you and will only deal with the aspects of your concern which amount to an allegation of impaired fitness to practice.

We will send the allegation and a copy of the information we have gathered, including any information you have sent us, to the registrant. The reason for this is that we must give the registrant an opportunity to fully understand and respond to the allegation.

The registrant will have 28 days to respond to the allegation. In some cases we may give them more time. They do not have to respond but, if they do, we will not give you a copy of their response. This is because they are making their response to the Investigating Committee Panel rather than to you. They may provide information about their personal circumstances or sensitive information which would not be appropriate to give you. If there are points that we need to clarify with you, your case manager will write to you and ask you specific questions.

## Interim orders

In certain cases, we may apply for an interim order during an investigation. These are measures to protect the public by temporarily restricting or suspending a registrant from practising while their case is being investigated. We will need an interim order in cases where concerns about a registrant's fitness to practise are so serious that, if the registrant was allowed to continue to practise, public safety would be put at risk, or there would be a risk to the public interest or to the registrant themselves.

## The Investigating Committee

After the registrant has been given the opportunity to respond to the allegation, we will pass details of the case to a panel of the Investigating Committee. The Investigating Committee will decide whether or not there is a 'case to answer'. Each Investigating Committee panel is made up of at least three people. This includes someone from the relevant profession and a 'lay' person who is not from any of the professions we regulate. The meeting is held in private and their task is to



look at the evidence that is available and decide whether we will be likely to prove the allegation. The Investigating Committee does not decide whether the allegation is proven. They only decide whether we have a real prospect of proving the allegation at a final hearing.

The Investigating Committee Panel can decide that:

- more information is needed or the allegation needs to be amended;
- there is a ‘case to answer’ (which means the case will proceed to a final hearing); or
- there is ‘no case to answer’ (which means that the case does not need to be taken any further).

The Investigating Committee will give reasons for the decision they make. We will write to you (and the registrant involved) and give you the Investigating Committee Panel’s decision and their reasons.

## **Is the Investigating Committee’s decision final?**

There is no process to allow you to appeal against a decision at this stage. However, you can apply for a judicial review if you think we have not followed our processes correctly. Judicial review is a type of court proceeding in which a judge reviews the lawfulness of a decision or action by a public body. It would allow you to challenge the way in which the decision has been made by the Investigating Committee or the process we followed.

If you want to apply for judicial review, you must apply to the High Court or the Court of Session in Scotland as soon as possible after the Investigating Committee’s decision and in any event within three months of that decision.

You should get legal advice if you plan to apply for judicial review. You can also find more information on the Judicial Communications Office website at [www.judiciary.gov.uk/you-and-the-judiciary/judicial-review](http://www.judiciary.gov.uk/you-and-the-judiciary/judicial-review)

## **Taking previous concerns into account**

When considering whether there is a case to answer in relation to a concern about a registrant, the Investigating Committee panel have the legal power to take into account any other concerns made against the registrant within the previous three years. The purpose of this power is to make sure that a concern which has been closed, because we could not establish that there was a case to answer, can still be taken into account if another.

## **What happens if the case is referred to a final hearing?**

If the Investigating Committee decide that there is a case to answer, we will arrange for the case to be heard at a final hearing. The case will be heard by either a panel of the Conduct and Competence Committee (for cases about misconduct, lack of competence, convictions or cautions and decisions by other regulators) or a panel of the Health Committee (for cases where the health of the registrant may be affecting their ability to practise safely or effectively).

Each final hearing panel is usually made up of three people. This includes someone from the relevant profession, a ‘lay’ person who is not from any of the professions we regulate and a chairperson (who may be a professional or may be a ‘lay’ person’). The chairperson leads the hearing and speaks for the panel.

We will usually ask solicitors to prepare the case for the final hearing panel and to act for us at the hearing. We will give you the details of the solicitors when we write to tell you the Investigating Committee Panel’s decision. We will also pass your contact details to our solicitors who may contact you if they need to speak to you or to arrange to meet you to take a witness statement.

It can sometimes take some time for a case to reach a hearing. It is difficult for us to provide specific guidance on timings since each case

is different. Your case manager will write to you regularly and keep you informed of the progress of the case.

### **Witness support and giving evidence**

If our solicitors ask you to provide a witness statement, you may also have to come to the hearing and give evidence. You can download this from The Health and Care Professions Tribunal Service website at [www.hcpts-uk.org/participant-information/witnesses](http://www.hcpts-uk.org/participant-information/witnesses)

### **At the final hearing**

The final hearing panel will consider the evidence available and will decide whether the allegation is proven. To do this, they first have to decide if the incident happened as set out in the allegation. They also have to decide whether the allegation amounts to the 'grounds' set out in the allegation (for example, misconduct or lack of competence) and whether, as a result, the registrant's fitness to practise is impaired.

In deciding whether a registrant's fitness to practise is impaired, the panel take account of a range of factors. These factors are:

- whether the registrant has ignored previous warnings;
- whether the registrant has taken action to correct their behaviour;
- whether the registrant has insight (understands the harm they have caused);
- whether the registrant knows what action to take to practise safely and effectively;
- the link between conduct and the individual's profession;
- whether the registrant's behaviour has undermined public confidence;
- whether the registrant has not met our standards of conduct, performance and ethics; and
- whether the behaviour is likely to be repeated.

### **What powers does the final hearing panel have?**

If the registrant's fitness to practise is found to be impaired, the final hearing panel will decide whether a sanction should be imposed. They may:

- take no further action;
- caution the registrant (place a warning on their registration details for between one and five years);
- make conditions of practice that the registrant must work under;
- suspend the registrant from practising; or
- strike their name from our Register, which means they cannot practise.

Final hearing panels take action to protect the public and do not punish registrants. They carefully consider the circumstances of each case and take into account all that has been said at the hearing before making their decision.

After the hearing we will write to you and send you a copy of the panel's decision. In most cases, we will also put their decision on our website. We will make sure that you are not referred to by name in the decision that appears on the website. If you have any concerns about this, please contact your case manager.

### **Is the final hearing panel's decision final?**

The registrant can appeal the final hearing panel's decision if they think it was wrong or the sanction was unfair. Appeals are made to the High Court or the Court of Session in Scotland.

The Professional Standards Authority (PSA), which oversees our work, reviews all panel decisions. The PSA can ask the High Court or the Court of Session in Scotland, to review a decision if it thinks it is too lenient and does not protect the public.

## Contact details

If you need more information, please contact our Fitness to Practise Department using the following details.

### Fitness to Practise Department

The Health and Care Professions Council  
Park House  
184—186 Kennington Park Road  
London  
SE11 4BU

Phone: +44 (0)20 7840 9814

Freephone (in the UK): 0800 328 4218

Fax: +44 (0)20 7820 9684

Email: [ftp@hcpc-uk.org](mailto:ftp@hcpc-uk.org)

Website: [www.hcpc-uk.org](http://www.hcpc-uk.org)

### Feedback

We recognise that raising a concern can be a stressful experience and we are constantly working towards improving our processes. At the end of your case, you will receive a feedback form about our service and this will allow you to provide feedback, good or bad, about the service the Fitness to Practise Department has provided to you.

If you are unhappy with the way we have dealt with your concern and would like to make a complaint, you should contact us in writing using the following details.

### Service and Complaints Manager

The Health and Care Professions Council  
Park House  
184—186 Kennington Park Road  
London  
SE11 4BU

Email: [feedback@hcpc-uk.org](mailto:feedback@hcpc-uk.org)

For more information, see our website at [www.hcpc-uk.org/contact-us/customer-service](http://www.hcpc-uk.org/contact-us/customer-service)

### Other regulatory organisations

There are a number of other organisations in the UK which regulate health and care professionals. You can find a list of these on our website at [www.hcpc-uk.org/about-us/who-we-work-with/other-regulators](http://www.hcpc-uk.org/about-us/who-we-work-with/other-regulators)

## Other contacts

The following organisations may be useful for finding advice or support. You may also want to complain to the health service organisation involved, if appropriate, as they will have their own complaints procedure.

<b>Action Against Medical Accidents (AvMA)</b>	A charity for patient safety and justice which provides free and confidential advice following a medical accident. They cover both NHS and private healthcare complaint procedures and can advise on referrals to regulatory bodies or legal action. Phone: 0845 123 2352 Website: <a href="http://www.avma.org.uk">www.avma.org.uk</a>
<b>Advertising Standards Authority</b>	The independent regulator of advertising across all media. Phone: +44 (0)20 7492 2222 Website: <a href="http://www.asa.org.uk">www.asa.org.uk</a>
<b>Board of Community Health Council in Wales</b>	This organisation can provide you with free, confidential help if you have a problem or complaint with NHS services in Wales. Phone: +44 (0)292 0235 558 Website: <a href="http://www.wales.nhs.uk/sitesplus/899/home">www.wales.nhs.uk/sitesplus/899/home</a>
<b>Citizens Advice</b>	This service helps people deal with their legal, money and other problems by providing free, independent and confidential advice. Website: <a href="http://www.citizensadvice.org.uk">www.citizensadvice.org.uk</a>
<b>Information Commissioner's Office</b>	An independent body which upholds information rights in the public interest. If you need advice about seeing your personal medical records or if you feel that information held by a public body about you is incorrect, contact the Information Commissioner's Office. Phone: +44 (0)303 123 1113 Website: <a href="http://www.ico.org.uk">www.ico.org.uk</a>
<b>NHS Complaints Advocacy in England</b>	NHS Complaints Advocacy in England A free, independent and confidential service that can help in making complaints about a National Health Service in England. Phone: +44 (0)300 330 5454 Website: <a href="http://www.nhscomplaintsadvocacy.org">www.nhscomplaintsadvocacy.org</a>
<b>Northern Ireland Patient and Client Council</b>	This organisation can help you make a complaint about health and social-care services in Northern Ireland. Phone: 0800 917 0222 Website: <a href="http://www.patientclientcouncil.hscni.net">www.patientclientcouncil.hscni.net</a>
<b>Patient Advice and Support Service in Scotland</b>	This service provides free, confidential information, advice and support for anyone wanting to give feedback, make comments, raise concerns or make a complaint about treatment and care provided by the NHS in Scotland. Website: <a href="http://www.patientadviceScotland.org.uk">www.patientadviceScotland.org.uk</a>

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