

What are substantive review hearings?

Substantive reviews are hearings where a panel will consider an order that was made by the Health Committee or Conduct and Competence Committee at a previous hearing.

Conditions of practice orders and suspension orders that are made at a final (substantive) hearing must be reviewed by a panel before they expire. A hearing will usually be held a week or two before the expiry date to make sure the review takes place in good time.

There may be cases where we ask a panel to review an order sooner than the expiry date. For example, where we have received new information since the original order was made that suggests the order may no longer be sufficient to protect the public. We call this an early review hearing. An early review hearing can be called at any time before the expiry date.

You may also ask for an early review of the order, where new evidence has come to light or where there has been a significant change in circumstances since the order was made that may impact on the order.

What is happening now?

The order put in place by the Health Committee or Conduct and Competence Committee is going to be reviewed, either because it is due to expire or because an application has been made for the order to be reviewed sooner than the expiry date.

What the reviewing panel will consider?

The review process is not a way to appeal a panel's finding that your fitness to practise is impaired or overturn the original hearing decision and order. Rather, the reason for the review is to consider:

- whether your fitness to practise is still impaired since the last hearing; and
- if so, whether the existing order should remain in place, or whether a different order is necessary to protect the public.

The main issue the panel will consider is what, if anything, has changed since the current order was put in place or last reviewed. The panel may take into account the following factors:

- What steps you have taken to address any specific issues identified in the panel's decision when the current order was made;
- What degree of insight you have shown and whether this has changed since your previous hearing.
- What steps you have taken to maintain or improve your professional knowledge and skills.
- Whether any other fitness to practise issues have arisen since the current order was made or last reviewed.
- Whether you have complied with the existing order. If this is a conditions of practice order, the panel will consider whether you have practised safely and effectively within the terms of that order.

What options are available to the reviewing panel?

At the review hearing the panel can make the following decisions:

- They can decide that an order should come to an end when it expires.
- They can extend the order for a further period of time.
- They can make an order that could have been made at the time the current order was put in place.
- They can replace a suspension order with a conditions of practice order.
- In lack of competence or health cases, a panel can make a striking off order where a registrant has been continually suspended or subject to a conditions of practice order for a period of two years at the time of the review hearing.

At an early review hearing a panel can also make the following decisions in addition to those above:

- They can confirm the existing order, which means it will stay in place until it is due to expire.
- They can reduce the period of time of the order.
- They can revoke (remove) the order, or vary any condition set out in the order.

What are the different types of order available to panels at a review hearing?

The orders available to a panel at a review hearing are the same as those that were available to the final hearing panel. These are:

- **Caution order:** The panel can caution you, placing a warning against your name on the Register for between one to five years;
- **Conditions of practice order:** The panel can set conditions that you must meet (which might include, for example, insisting that you work under supervision or have more training);
- **Suspension order:** The panel can suspend you from practising (for no longer than one year);
- **Striking-off order:** The panel can strike your name from our Register (which means you cannot practise). If your case relates to an allegation of lack of competence or health, a panel cannot make a strike off order unless you have been continuously suspended or subject to a conditions of practice order for two years at the time of the review hearing.

Attending the review hearing

You will be invited to attend the review hearing and provide information to the panel. Before the panel makes any decision regarding your existing order, you will be given the opportunity to make submissions to the panel. You can also make written submissions to the panel if you prefer.