

**Health Professions Council
Fitness to Practise Committees
Assessing Allegations**

Executive Summary and Recommendations

Introduction

This attached report(s) are provided so that the Committee can see some of the documentation that is used and will be used by the Fitness to Practise team in managing allegations.

Decision

This paper is for information only. No decision is required.

Background information

None

Resource implications

None

Financial implications

None

Appendices

Case Investigation Report
Initial Case Assessment
Decision form for Investigating Panels

Date of paper

5th April 2007

Health Professions Council ▪ Fitness to Practise Department

INVESTIGATION REPORT

Name of Registrant:	
Case Reference:	

Background

1. On [date] information was received from [type and name of complainant, for example "*a patient, Mrs Elsie Bloggs*" or "*Trumpton Crown Court*"] concerning [name of registrant] to the effect that [details of complaint (but not the full allegation) for example, "*that in the course of treatment she was inappropriately touched by [name of registrant]*" or "*that [name of registrant] was convicted of a dishonesty offence*"]. A copy of the [describe complaint materials, for example, "*original letter of complaint*" or "*conviction certificate*"] is attached as Exhibit [Investigator's initials plus number, for example "*AB1*"].
2. [Name of Registrant] is currently registered with HPC as a [profession] under the registration number [number].

Investigation

3. As the information received is of a kind which, if substantiated, may indicate that a registrant's fitness to practise is impaired, based upon that information, the following allegation was drafted:

[That your fitness to practise is impaired by reason of [ground] in that:

set out allegation in full]

4. Notice of the allegation, together with a copy of the material in Exhibit [AB]1 were sent to [name of registrant] on [date] and [he] [she] was invited to submit representations on that allegation to the Committee by [date].
5. [No such representations have been received from [name of registrant]]
[Representations were received from [name of registrant] on [date] and are attached to this report as Exhibit [AB]2.]
6. [Based upon those representations, the complainant was invited to submit further comments to the Committee by [date] on the following points:

[set out points, for example:

the claim by [name of registrant] that a chaperone, Mrs Smith, was present whilst Mrs Bloggs was treated, who can confirm that the events described did not occur]

7. [No such comments have been received from the complainant] [Further comments were received from the complainant on [date] and are attached to this report as Exhibit [AB]3.]
8. On the basis of all of the information received, the following further inquiries were undertaken:

[set out details of all further steps taken and exhibit relevant documents, for example:

“as the allegation relates to conviction for a drink driving offence, [name] at Trumpton General Hospital, where [name of registrant] works, was contacted in order to ascertain whether [name of registrant] was at work or on his way to or from work at the time of the incident or was subject to any on-call arrangements at or around that time. [Name] stated that [name of registrant] was on-call at the time of the incident. A copy of the letter received from [name] is attached as Exhibit [AB]X.”

Findings

9. Based upon the investigation which has been conducted in respect of this allegation:
 - A. Point(s) [number(s)] of the allegation [is][are] not in dispute. [Explain reasoning, for example, “[name of registrant] acknowledges that he did treat Mrs Bloggs for [condition] at [place] on date].]
 - B. Point(s) [number(s)] of the allegation [is] [are] disputed. [Explain reasoning, for example, “[name of registrant] claims that the particular event described did not take place, that a chaperone, Mrs. Smith, was present when the event is alleged to have occurred and that she will be able to corroborate his version of events. Mrs Smith’s statement provides that corroboration”].]

In making this report I confirm that, in accordance with Rule 4(3)(b) of the Health Professions Council (Investigating Committee) Procedure Rules 2003, [name of registrant] has been given the opportunity to comment upon the documents and other materials referred to above (other than those which were provided by [him][her]).

Investigator: _____

Signature: _____ Date: _____

Health Professions Council
FITNESS TO PRACTISE DEPARTMENT
CASE ASSESSMENT

Date Received:

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RISK CATEGORY

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FTP NUMBER

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REGISTRANT

Standard of acceptance

Does the complaint:

sufficiently identify the registrant?

YES	NO
YES	NO

sufficiently identify the complainant?

provide sufficient particulars of:

place(s)?

YES	NO
YES	NO

time(s) and date(s)?

event(s)?

YES	NO
YES	NO

If any answer is **NO**:

is the case suitable for telephone interview?

YES	NO
YES	NO

could the defect be rectified by further inquiries?

is the case suitable for further investigation?

YES	NO
YES	NO

Reasons/What further investigation?

Authorisation: [Further Investigation/No Further Investigation/Close/Meets Standard]

Reasons:

Authorized by Director of Fitness to Practise

Signed:

YES	NO
DATE	

Further Information received

is there sufficient particulars

could the defect be rectified by further inquiries?

is the case suitable for further investigation?

Reasons/What further investigation?

DATE	
YES	NO
YES	NO
YES	NO

Authorisation: [Further Investigation/No Further Investigation/Close/Meets Standard]

Reasons:

Authorized by Director of Fitness to Practise

Signed:

YES	NO
DATE	

Further Information received

DATE	
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Is there sufficient particulars?

YES	NO
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could the defect be rectified by further inquiries?

YES	NO
-----	----

is the case suitable for further investigation?

YES	NO
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Reasons/What further investigation?

Authorisation: [Further Investigation/No Further Investigation/Close/Meets Standard]

Reasons:

Authorized by Director of Fitness to Practise

YES	NO
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Signed:

DATE	
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Allegation

	✓		✓
fraudulent or incorrect entry	<input type="checkbox"/>	conviction or caution	<input type="checkbox"/>
misconduct	<input type="checkbox"/>	health	<input type="checkbox"/>
lack of competence	<input type="checkbox"/>	determination by regulator	<input type="checkbox"/>

Authorisation: Particulars

Approved DFTP/FPM	by		Date:	
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Risk Profile

(Circle the appropriate Risk Category and also record at the top of Page 1)

Category:	A	B	C
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Reasons:

If Category A or B, should an Interim Order be sought?

YES	NO
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Reasons:

Authorisation: Interim Order			
Approved DFTP/FPM	by		Date:

Other Agencies

are any of following agencies involved?

Police or other law enforcement agency (e.g. SOCA, HMRC)

NHS Counter Fraud and Security Management Service

Trading Standards Service

Another statutory regulator

Social Services Department

Other (specify)

✓

If **YES**, provide contact details, file references etc.

Signed:

Date

**HEALTH PROFESSIONS COUNCIL
INVESTIGATING COMMITTEE
RECORD OF DECISION**

Guidance for Panel Chairs

Article 26(2) (d) of the Health Professions Order ('the 2001 Order'), requires the panel to determine whether, in respect of the allegation(s) set out below, there is a **case to answer** that the registrant's fitness to practise is impaired.

That decision must be made based **solely** upon the evidence put before the Panel and, in reaching its decision, the test which the Panel must apply is whether:

1. the information put before the Panel amounts to an allegation which is within Article 22 of 2001 Order; and
2. there is *prima facie* evidence which makes it probable that, if that evidence is not rebutted, the allegation will be determined to be well founded.

In considering whether an allegation is one which is within Article 22 (in other words, within HPC's remit), the Panel should have regard to HPC's duty to act in the public interest, which includes protecting patients and maintaining public confidence in both the professions that HPC regulates and the regulatory process itself.

In determining whether *prima facie* evidence exists, it is not the Panel's function to seek to resolve significant conflicts of evidence. Where such conflicts exist, that will be a matter for any Panel which may ultimately hear the case.

HOWEVER, a case to answer should not be found in cases where there is no realistic prospect that HPC, which has the burden of proof, will establish that the registrant's fitness to practise is impaired.

The Panel **MUST** provide clear and detailed reasons for its decision. Those reasons must explain the Panel's rationale for its findings and **MUST NOT** simply be a repetition of the evidence or generalised comments about the nature of the allegation or to the effect that the Panel has considered all the evidence. Where the facts do not relate directly to professional practice, you must explain their relevance to fitness to practise

**HEALTH PROFESSIONS COUNCIL
INVESTIGATING DECISION
RECORD OF DECISION**

Name of Registrant:			
Registration Number		Date of Decision	

Allegation(s)	Case to Answer
Your fitness to practise is impaired by reason of your [], in that:	
1.	YES/NO
REASONS FOR YOUR DECISION:	
2.	YES/NO
REASONS FOR YOUR DECISION:	
3.	YES/NO
REASONS FOR YOUR DECISION:	

4.	YES/NO
REASONS FOR YOUR DECISION:	
5.	YES/NO
REASONS FOR YOUR DECISION:	

Conclusions:

For the reasons set out above the panel finds that:

there is a case to answer in respect of [the] allegation(s) [numbers].

there is no case to answer in respect of [the] allegation(s) [numbers].

Signed:

(Chairman of the Panel)

Date: