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Information for members of the public

# How to raise a concern

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# How to raise a concern

## About this brochure

This brochure tells you what to do if you want to raise a concern about a professional registered with us, the Health and Care Professions Council (HCPC). We are responsible for protecting the health and wellbeing of people who use the services of registered professionals. Professionals on our Register are called 'registrants'. If you have a concern about the care or services you are given, or about the behaviour of a registrant, you can contact us and we will look into your concerns. We try to make sure our processes are as open and clear as possible and we hope the information in this brochure will help you.

## About us

We currently regulate members of 16 professions. We keep a register of those who meet our standards for their training, professional skills and behaviour. We can take action if someone on our Register falls below our standards.

We currently regulate the following professions.

- Arts therapists
- Biomedical scientists
- Chiroprodists / podiatrists
- Clinical scientists
- Dietitians
- Hearing aid dispensers
- Occupational therapists
- Operating department practitioners
- Orthoptists
- Paramedics
- Physiotherapists
- Practitioner psychologists
- Prosthetists / orthotists
- Radiographers
- Social workers in England
- Speech and language therapists

We may regulate more professions in the future. For an up-to-date list of the professions we regulate, or to learn more about the role of a particular professional, see [www.hcpc-uk.org](http://www.hcpc-uk.org)

You can also get information about registered professionals from their professional bodies. Our website provides contact details for these organisations.

## **What is fitness to practise?**

When we say that a registrant is 'fit to practise' we mean that they have the skills, knowledge and character to practise their profession safely and effectively. However, fitness to practise is not just about professional performance. It also includes acts by a professional which may affect public protection or confidence in the profession. This may include matters not directly related to professional practice.

## **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', it means that there are concerns about their ability to practise safely and effectively. This may mean that they should not practice at all. Or that they should be limited in what they are allowed to do. We will take appropriate action to make this happen.

Sometimes registrants make mistakes that are unlikely to be repeated. This means that the person's overall fitness to practise is unlikely to be 'impaired'. People sometimes make mistakes or have a one-off instance of unprofessional conduct or behaviour. Our processes do not mean that we will pursue every isolated or minor mistake. However, if a professional is found to fall below our standards, we will take action.

## **Our standards**

When considering cases about fitness to practise, we take account of the standards we have published. 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 download these documents from our website, or we can send you copies.

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

If you raise a concern with us about a registrant, you can expect us to treat you fairly and explain what will happen at each stage. We will keep you up-to-date with the progress of our investigation. We will give you contact details of a case manager who you can contact if you have any questions. Below we have set out information about the role of the case manager.

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

We allocate a case manager to each case. They are neutral and do not take the side of either the registrant or the person who makes us aware of concerns. Their role is to manage the case throughout the process and to gather relevant information. They act as a contact for everyone involved in the case. They cannot give you legal advice. However, they can explain how the process works and what we 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.

## **Raising a fitness to practise concern**

### **Who can raise a fitness to practise concern?**

Anyone can contact us and raise a concern about a registrant. This includes members of the public, employers, the police and other professionals. You will find information about how to tell us about a concern in this brochure on page 6.

We will not normally take further action if information is provided anonymously (where the person providing us with the information does not give their name). This is because we want to operate a fair and clear process and we cannot go back and ask for more information if we do not know who has contacted us. However, as our main function is to protect the public, this means that if information given anonymously relates to serious and credible concerns about a professional's fitness to practise, we may consider taking further action.

### **What types of cases can you consider?**

We consider every case 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 respect service users' rights to make choices about their own care;
- have health problems which they have not dealt with, and which may affect the safety of service users;
- hid mistakes or tried to block our investigation;
- had an improper relationship with a service user;
- carried out reckless or deliberately harmful acts;
- seriously or persistently failed to meet standards;
- were involved in sexual misconduct or indecency (including any involvement in child pornography);

- have a substance abuse or misuse problem;
- have been violent or displayed threatening behaviour; or
- carried out other, equally serious, activities which affect public confidence in the profession.

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

There are no time limits and we can consider cases where events may have taken place many years ago. However, it is better if we are told about any concerns as close to the incident as possible. This will make sure that we can get the best possible evidence and contact people who are able to remember events easily.

### **What can we not do?**

We are not able to:

- consider cases about professionals who are not registered with us;
- consider cases about organisations (we only deal with cases about individual professionals);
- get involved in your care;
- deal with customer-service issues;
- 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 other organisations that may be able to help you with these issues.

## How do I raise a concern with you?

We have a 'standard of acceptance' that all cases have to meet before we can deal with a fitness to practise concern about a registrant. The information you provide must:

- be in writing;
- identify the registrant you are telling us about; and
- set out the nature of your concerns in enough detail so that the registrant can understand them and then be able to respond.

If you want to tell us about concerns you have about a registrant, you can do this in one of the following ways.

### How to raise a concern in writing

Send information about your concerns to the following address.

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

You will need to include:

- your full name and contact details;
- as much information about the registrant as you can give, such as their name, profession and place of work;
- if possible, the professional's HCPC registration number, which can be found on the online Register; and
- as much information about the incident as you can provide, such as names, dates and places.

You may find it helpful to fill in a form which sets out the information we need. You can download this form from our website. If you have any problems using this form, please call the Fitness to Practise Department and we will send you a copy in the post or email it to you.



### **How do I raise a concern by phone?**

We understand that it may not be possible for you to put your concerns in writing, for example if you have a disability or find writing difficult. If this is the case, we can take a statement over the phone and send it to you to check and sign. For more information about providing a statement over the phone, please call the Fitness to Practise Department and we will arrange a convenient time and date to call you.

### **How much time will I need to give?**

If you raise a concern with us, the amount of time you need to give 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 on to a final hearing, you may need to meet our solicitor and provide a witness statement. You may also have to go to a hearing and give evidence. This can sometimes involve an overnight stay if it takes place away from your home. We give you more information about this later in this brochure and in a brochure called Information for witnesses.

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

We understand that telling us about your concern can be stressful. We will try to consider the case as quickly as we can. At each stage of the process, we will give you an idea of how long our enquiries will take. This will include:

- when you first contact us about your concerns;
- when we tell the registrant about the allegation;
- when a date is set for the Investigating Committee to consider your case;
- after the Investigating Committee meets (to tell you their decision); and
- regularly between the Investigating Committee meeting and the final hearing (if the case reaches this stage in the process).

Below, you can find more details about the process and when we will contact you.

The time a case takes to reach the end of the process will depend on the nature of the investigation we need to carry out and how complicated the issues are. The types of issues that can delay a case include:

- difficulty in getting information from another organisation;
- an ongoing police investigation or criminal trial – this is because we may wait until they finish any criminal case;
- an ongoing employer investigation – this is because we may wait until that investigation has finished;
- difficulty finding dates when everyone is available for a final hearing; and
- adjournment requests at the final hearing.

If you have any questions about what is happening with a particular case or why it may be taking longer than expected, you can contact the case manager who is dealing with it.

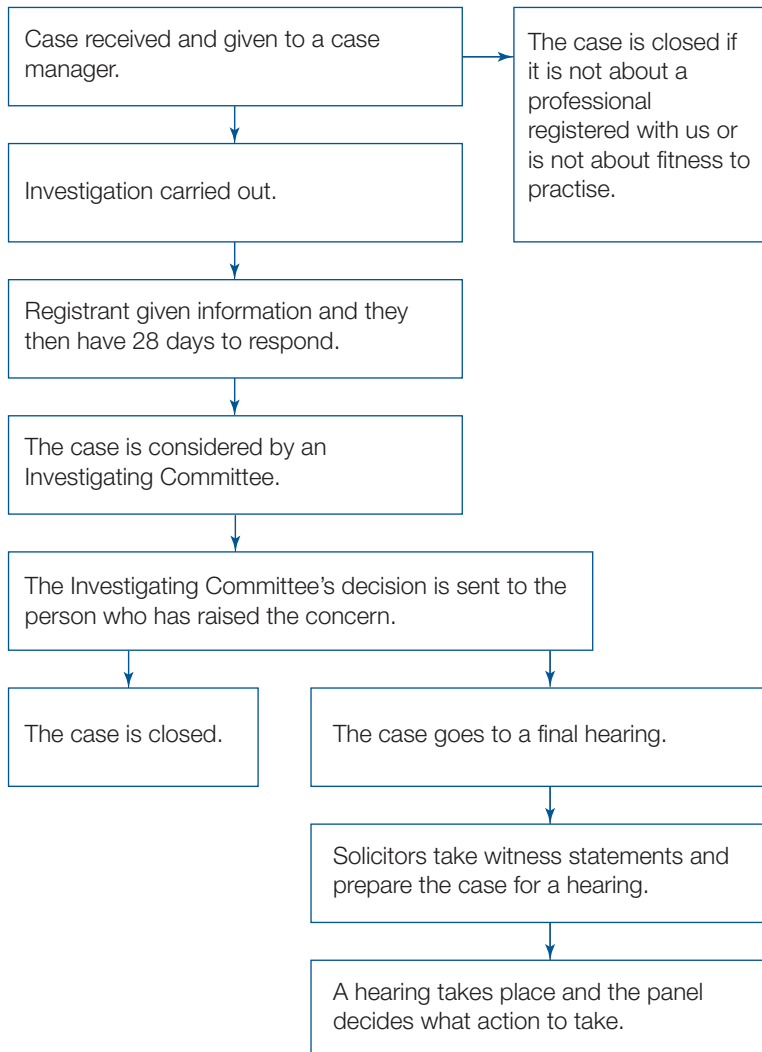
### **Keeping your information confidential**

When we are investigating a case, we will need to tell the registrant involved. This is likely to include the name of the person who has raised the concern. We will make sure that we remove your contact details from the documents we send.

Our main purpose is to protect the public. If an issue is raised anonymously (where the person does not give us their name) and raises serious and credible doubts about whether a registrant is fit to practise, we will still consider whether we should take action. But it can be very hard to do so if we cannot contact the person who gave us the information. If you have any concerns about this, please contact the Fitness to Practise Department.

## The investigations process

The diagram below shows a summary of the process we follow when we receive a fitness to practise case. We explain the process in detail after the following diagram.



## **What happens when we receive a fitness to practise case?**

When we receive a case, we will first assess it to decide whether it falls within our powers and is about fitness to practise. The fitness to practise process is not a general service to sort out complaints and we sometimes receive information about issues we cannot deal with. We will write to you if this is the case.

If the information you give us is about a professional on our Register and it is something we can deal with, we will do the following.

- We will give the case to a case manager in the Fitness to Practise Department to manage. They will be your main contact during the process and we will give you their contact details.
- The case manager will assess the information you have given us and decide whether it meets our ‘standard of acceptance’.
- When a case meets the standard of acceptance, we then take responsibility for the case. This means that, although you are still a very important part of the process, we will take the matter forward. If you want to withdraw your concerns, we may decide that we still need to continue with the case. We will continue to keep you updated with what is happening in the case.
- We will write to tell you that we have received your letter and what we will be doing next. We will also write to the registrant to tell them that a fitness to practise concern has been raised about them if it is appropriate for us to investigate further.
- We will carry out an investigation (for example, we might ask for more documents from you, or write to the registrant’s employer).
- When we have finished our investigation, we will send the registrant a letter setting out the allegations against them and a copy of all the documents we have gathered, including copies of anything you have sent us. The reason for this is that we must give the registrant an opportunity to respond to the information and must fully understand what has been alleged. We will make sure that we remove your contact details from the documents we send.

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

### **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 our Investigating Committee to decide whether there is a 'case to answer'. Each panel is made up of at least three people, including 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 you have made. The panel 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 can decide that:

- more information is needed;
- there is a 'case to answer' (which means they will pass the case to another panel); or
- there is 'no case to answer' (which means that the case does not need to be taken any further).

The panel will give reasons for the decision they make. We will write to you (and the registrant involved) and give you the panel's decision and their reasons.

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 allows you to challenge the way in which the decision has been made by the panel, or the process we followed. If you want to apply for judicial review, you must take action within three months of the panel's decision. You should get legal advice if you plan to apply for judicial review. You can 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)

If we receive another complaint, of a similar nature, about the same registrant within three years, we can take the first case into account when considering the new information.

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

If a panel decides that there is a case to answer, we will arrange for the case to be heard at a hearing. The case will be heard by one of the following committees.

- A panel of the Conduct and Competence Committee (for cases about misconduct, lack of competence, convictions or cautions, decisions by other regulators and decisions on barring a registrant).
- A panel of the Health Committee (for cases where the health of the registrant may be affecting their ability to practise).
- Another panel of the Investigating Committee (for cases where an entry to the Register may have been made fraudulently or incorrectly).

We will usually ask solicitors to act for us and they will take witness statements if these are needed. We will give you the details of the solicitors who will act for us when we write to tell you the outcome of the meeting held by the Investigating Committee. They will contact you if they need to speak to you or arrange to meet you to take a formal 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. The case manager will write to you regularly and keep you informed of the progress of the case.

## **Witness support and giving evidence**

If we ask you to provide a witness statement, we may also need you to come to the hearing and give evidence. We provide support to witnesses and have a specific person you can contact in the Fitness to Practise Department. If we ask you to give evidence at the hearing, we will give you a brochure called Information for witnesses which provides details of what you can expect. Our website also gives more information.

Very occasionally a witness may refuse to come to a hearing. The panel have the power to order that witness to give evidence. It is a criminal offence to ignore this order. If you do not have to attend as a witness, you can still come to watch the hearing. Please contact our Fitness to Practise Department if you have any questions or concerns about this.

## **Where will the hearing be held?**

Hearings are held in the country where the registrant lives. If their registered address is outside the UK, we will hold the hearing in London. In most cases, hearings for registrant who have a registered address in England are held at our offices in Kennington (in South London). However, in some circumstances the hearing may be held outside of London.

## **Setting the hearing date**

If you need to come to the hearing as a witness, we will try to contact you to discuss when you are able to appear as a witness. We will then send you details of when and where the hearing will take place.

Four weeks before the date of the hearing, we will publish on our website the date of the hearing and the allegation against the registrant. We put this information on our website as the hearings are held in public. We do not put the information on the website more than four weeks before the hearing date to make sure we are acting fairly and balancing the rights of the registrant with our role of protecting the public.

## **Role of the presenting officer**

If a case goes forward to a hearing, our case will be presented by a presenting officer (who is usually a solicitor). The presenting officer has a different role to the case manager. The presenting officer's role is to represent us, put our case to the panel, examine and cross-examine witnesses and show how we believe we can prove our case.

## **At the hearing**

Hearings are usually held in public. This means that members of the public (including the press) can attend. Information heard in public may result in reports in newspapers, on the internet and sometimes on television.

Sometimes hearings are held in private due to the confidential information involved. For example, if the panel thinks they need to protect service-user confidentiality or to protect the private life of the registrant or witnesses, the hearing may take place in private. Even if the panel holds a hearing in private, any decisions the panel makes and the reasons for them still need to be given in public.

The panel considering the case will usually be made up of a:

- registrant from the same profession as the person being investigated;
- lay person who is not registered with us; and
- chair (who may be a lay person or from one of our professions) who leads the hearing and speaks for the panel.

An independent legal assessor (an experienced lawyer) will also be at the hearing. They will give advice on law and procedure to the panel and other people taking part in the hearing. A transcript writer takes notes of everything that has been said at the hearing.



The HCPC presenting officer will normally open the hearing by presenting the case and calling our witnesses. The registrant or their representative may cross-examine (question) the witnesses. The panel can then ask some questions. After we have presented our case, the registrant may call witnesses or make statements to the panel.

The panel will then leave the hearing room to decide whether the allegation is proven. The panel first have to decide whether the incident happened as set out in the allegation. They also have to decide whether this amounts to 'grounds' set out in the allegation (for example, misconduct or a lack of competence) and whether, as a result, their fitness to practise is impaired. When they make their decision, the panel will look at whether the registrant's past behaviour suggests they may still present a continuing risk of harm. If the case is proven, they will say that it is 'well-founded'. For each decision they make, they will give reasons that they will read out in public.

### **What other factors will the panel consider?**

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 panel have?**

The panel hearing the case has to decide whether there are concerns about the registrant being fit to practise. If they think there are concerns, they can:

- take no further action or order mediation (a process where an independent person helps the registrant and the other people involved to agree a solution on any issues);
- caution the registrant (place a warning on their registration details for between one to 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 practice.

Panels take action to protect the public and not to punish registrants. Panels carefully consider the individual 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. If the allegation is well-founded, we will put this information on our website. This will include the panel's reasons for making the decision. We will make sure that there are no references to you by name in the decision that appears on the website. If you have any concerns about this, please contact the Fitness to Practise Department.

## **Appeal**

The registrant can appeal the panel's decision if they think it was wrong or the sanction was unfair. Appeals are made to the High Court in England and Wales or Northern Ireland, or the Court of Session in Scotland.

## **Professional Standards Authority for Health and Social Care**

The Professional Standards Authority for Health and Social Care (formerly the Council for Healthcare Regulatory Excellence) is an organisation that promotes best practice and consistency among the UK health and social care regulators. It reviews all final decisions made by the regulators' fitness to practise committees. It can refer those decisions to the High Court in England, Wales, or Northern Ireland, or the Court of Session in Scotland if it considers that they are unduly lenient and do 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 Kennington Park Road  
London  
SE11 4BU

Phone: +44 (0)20 7840 9814  
Freephone (in the UK): 0800 328 4218  
Fax: +44 (0)20 7582 4874

Email: [ftp@hcpc-uk.org](mailto:ftp@hcpc-uk.org)  
Website: [www.hcpc-uk.org](http://www.hcpc-uk.org)

## Making a complaint about us

If you want to make a complaint about the way we have dealt with the concerns you have raised, or about our processes, you should contact us in writing using the following details.

Customer Service Manager  
The Health and Care Professions Council  
Park House  
184 Kennington Park Road  
London  
SE11 4BU

## Other regulatory organisations

There are a number of other organisations in the UK which regulate health and social-care professionals. You can find a list of these on our website.

## Other contacts

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

### **Action Against Medical Accidents (AvMA)**

This is an independent charity which provides free specialist advice on public and private health-care complaints, if it is suspected that harm has been caused or there is a threat to patient safety. Trained medico-legal advisers can offer guidance on rights to different kinds of investigations, processes such as inquests, legal action and health and care professionals' fitness to practise procedures as well as explain medical or legal jargon. Where necessary, AvMA can refer you to specialist lawyers or other sources of support.

Phone: 0845 123 2352

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

### **Advertising Standards Authority**

You can complain about false or misleading advertising to the Advertising Standards Authority.

Phone: 020 7492 2222

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

### **Board of Community Health Councils in Wales**

This organisation can provide you with free, confidential help if you have a problem or complaint with NHS services in Wales.

Phone: 0845 644 7814

Website: [www.wales.nhs.uk/sitesplus/899](http://www.wales.nhs.uk/sitesplus/899)

### **Citizens Advice**

The Citizens Advice service helps people deal with their legal, money and other problems by providing free, independent and confidential advice.

Phone: 020 7833 2181 (to find out where your local office is)

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

### **Health Boards in Scotland**

If you receive NHS services in Scotland, your local health board can give you free, private help if you have a problem or complaint.

Website: [www.show.scot.nhs.uk](http://www.show.scot.nhs.uk)

### **Independent Complaints Advocacy Service (ICAS)**

The Independent Complaints Advocacy Service (ICAS) is a national service that supports people who want to make a complaint about their NHS care or treatment.

Phone: 020 7210 4850 (to find out where your local ICAS office is)

Website: [www.dh.gov.uk](http://www.dh.gov.uk)

### **Information Commissioner's Office**

If you need advice on seeing your personal medical records, contact the Information Commissioner's Office.

Phone: 0303 123 1113

Website: [www.ico.gov.uk](http://www.ico.gov.uk)

### **Northern Ireland Patient and Client Council**

If you receive health and social-care services in Northern Ireland, the Patient and Client Council can help if you want to make a complaint.

Phone 0800 917 0222

Website: [www.patientclientcouncil.hscni.net](http://www.patientclientcouncil.hscni.net)

### **Parliamentary and Health Service Ombudsman**

This organisation carries out independent investigations into complaints made about UK government departments and their agencies, and the NHS in England.

Phone: 0345 015 4033

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

### **Patient Advice and Liaison Service (PALS) in England**

PALS officers provide information on and explain NHS complaints procedures and how you can get in touch with someone who can help. They are available in all NHS trusts. You can contact PALS by phoning your local hospital, clinic, GP surgery or health centre and asking for details of the PALS office, or by phoning NHS Direct on the number below.

Phone: 0845 1558 121

Website: [www.pals.nhs.uk](http://www.pals.nhs.uk)



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Paper from  
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© Health and Care Professions Council 2012

Publication code: 20100920aFTPPUB

(reprinted with amends due to organisational name change in August 2012)

This publication is produced using trees from sustainable forests and recycled fibre.

