

Making a complaint about a health professional



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Council for Healthcare Regulatory Excellence (CHRE)

Making a complaint about a health professional

About this brochure

This brochure gives information on how to make a complaint about a health professional. Please read it carefully. If you have any more questions, please contact our Fitness to Practise Department.

About us

We (the Health Professions Council) are responsible for protecting the health and wellbeing of people who use the services of the health professionals registered with us. At the moment, we register members of 13 professions, but we could register members of other professions in the future. We only register people who meet our standards for their professional skills, behaviour and health. Health professionals on our register are called registrants.

Who do you regulate?

The health professions we currently regulate are:

- arts therapists;
- biomedical scientists;
- chiropodists and podiatrists;
- clinical scientists;
- dietitians;
- occupational therapists;
- operating department practitioners;
- orthoptists;
- prosthetists and orthotists;
- paramedics;
- physiotherapists;
- radiographers; and
- speech and language therapists.

Each profession has at least one professional title which is protected by law. It is a criminal offence to claim to be registered with us if you are not, or to use a protected title that you are not entitled to use. We will prosecute people who commit these crimes.

What if I am not happy with a registrant?

We try to make sure that all the professionals on our register offer a high standard of care.

However, you may be unhappy with the treatment you are given, or worried about the behaviour or health of a registrant. If this happens, you can always raise your concerns with us.

What is fitness to practise?

Fitness to practise involves more than just competence in a registrant's chosen profession. When we say that registrants are fit to practise, we also mean that they have the health and character, as well as the necessary skills and knowledge, to do their job safely and effectively. We also mean that we trust our registrants to act legally. Our main responsibility is to protect the public so if a complaint is made, we will explain what will happen at every stage of the process.

Who can complain?

Anyone can make a complaint about a registered health professional. We receive complaints from other registrants, other health professionals, patients and their families, employers, managers and the police. We can only consider complaints about fitness to practise. The type of complaints we can consider are about whether a registrant's fitness to practise is 'impaired' (affected) by:

- their misconduct;
- their lack of competence;
- a conviction or caution for a criminal offence (or a finding of guilt by a court martial);
- their physical or mental health; and
- a determination (a decision reached) by another regulator responsible for healthcare.

We can also consider allegations about whether an entry to the register has been made fraudulently or incorrectly. There is no time limit on considering complaints.

How to make a complaint

If you want to complain about a registrant, you need to write to our Director of Fitness to Practise at the following address.

Health Professions Council
Park House
184 Kennington Park Road
London
SE11 4BU

If you need any more help, you can also contact a member of the Fitness to Practise Department.

Phone: 020 7840 9814

Fax: 020 7582 4874

Email: ftp@hpc-uk.org

Unfortunately, we can currently only accept complaints that are made in writing. However, you can ask someone to write it on your behalf and ask them to sign it on your behalf.

When you write to us, please:

- include your full name and address;
- tell us what has happened, including as much information as you can (such as names, dates and places); and
- include the name, profession and place of work of the registrant, if you can. We understand that you might not have this information, but it will speed things up if you

do. It will speed things up even more if you have the registrant's registration number. You can find this on the certificate we issue to each registrant or by looking on the on-line register.

What types of complaints can you consider?

We can only consider allegations about people on our register. We can only consider allegations if they are due to the reasons set out previously. Our role is to protect the public rather than punish registrants. The standards our registrants must meet are set out in the standards of conduct, performance and ethics and the standards of proficiency. The standards of conduct, performance and ethics set out what kinds of behaviour we expect a registrant to follow. The standards of proficiency set out the skills and abilities we expect a registrant to have. The standards are not a full list, but we will take them into account when considering whether a registrant's fitness to practise is impaired. Because of this, we will always consider individually every case referred to us.

We cannot consider complaints against the following groups.
The organisations that can consider these complaints are listed below.

| Profession | Regulator | Phone | Website |
|-------------------|-------------------------------|---------------|--|
| Chiropractors | General Chiropractic Council | 020 7713 5155 | www.gcc-uk.org |
| Doctors | General Medical Council | 0845 357 8001 | www.gmc-uk.org |
| Dentists | General Dental Council | 020 7887 3800 | www.gdc-uk.org |
| Nurses | Nursing and Midwifery Council | 020 7637 7181 | www.nmc-uk.org |
| Opticians | General Optical Council | 020 7580 3898 | www.optical.org |
| Osteopaths | General Osteopathic Council | 020 7357 6655 | www.osteopathy.org.uk |
| Pharmacists | Royal Pharmaceutical Society | 020 7735 9141 | www.rpsgb.org.uk |

What happens next?

If your complaint is about one of our registrants, we will do the following.

- A fitness to practise case manager will deal with your case. We will give you their details.
- We will write to tell you that we have received your complaint.
- We will write to the registrant to tell them that a complaint has been made against them.
- We will also carry out an investigation into your complaint.

When we write to the registrant, we must pass them a copy of your complaint (and any other relevant documents) so that they know the details of the complaint. If you are worried about this, please let us know.

We will pass all of this information to a panel of our investigating committee. They will meet in private and consider the documents available to see whether we need to take any further action. Each panel is made up of at least three people, including a chairperson, someone from the relevant profession and a lay member (someone who is not on our register). This panel does not make a decision about whether the complaint is proven. They only decide whether it raises any concern about fitness to practise. If they believe it does, they will refer the complaint to another panel. If they decide that a complaint should go forward, they say that there is a 'case to answer'.

If the panel decides that the complaint does not need to be taken any further, they will give reasons for this. We will write to you (and to the registrant) to tell you about this. We cannot consider the same complaint twice.

If the panel decides that there is a case to answer, they will refer the case to one of our fitness to practise committees.

- **The conduct and competence committee** deals with cases about misconduct, lack of competence, and convictions and cautions.
- **The health committee** deals with cases where the health of the registrant may be affecting their ability to practise.
- **The investigating committee** will continue to deal with cases where an entry to the register may have been made fraudulently or incorrectly.

The investigating panel will also draft the allegation that is to be considered by the next panel. This means that they will identify the reasons for referring the case (for example, misconduct or lack of competence). We will write to tell you about this.

At this point, we must publicise referrals made by the investigating panel. This means that the name of the registrant, their registration number and the allegation will be on our website. However, no other information will be available to the public at this stage.

Interim orders

If the investigating panel feels that the allegation is serious enough that the public might need some type of immediate protection, they might make an application for an interim order. If this happens, a hearing will take place, often at short notice. A further panel will consider whether the allegation means that we should place conditions on the health professional's registration or suspend their registration in the period before a final hearing will take place. However, in most cases no application for an interim order is made.

What happens next?

A hearing will take place to consider whether the allegation against the health professional is proven. We will instruct solicitors, who will identify witnesses and prepare statements and documents in the case. They may contact you to take a witness statement. We have a witness support programme in place and will provide more details if necessary. We may need you to go to the hearing and give evidence.

What happens at the hearing?

Hearings are usually held in public. This means that members of the public (including the press) are able to attend. A shorthand writer will also produce a transcript which (if the case is proven) will be available on our website. However, the hearing may sometimes be held in private if the panel feels this is in the interests of patient confidentiality or to protect the private life of the registrant concerned.

The panel will be made up of a chairperson, a registrant partner and a lay partner. In hearings of the health committee, or if health is felt to be a factor in a particular case, a registered doctor will also be on the panel. A legal assessor will also be present. They play no part in the decision-making process but will advise the panel and the other people involved on points of law and procedure. We try to make sure the hearings are as informal as possible.

Our solicitor will normally open the hearing by presenting the case and calling our witnesses. The registrant or their representative may cross-examine the witnesses. The panel may then ask some questions. Once our case is complete, the registrant may call witnesses or make statements to the panel.

The panel will normally leave the room to decide whether the allegation is proven. If they decide the case is proven, they say that it is 'well-founded'.

What powers does the panel have?

If the panel finds the case to be well-founded, they will return to hear from those present about what action they should take. The panel will return to hear any statements on what they should do. The panel have the following options available.

- 1 They can decide to take no further action.
- 2 They can impose (give) a caution order. This means that the word 'caution' will appear against the registrant's name on the register. Caution orders can be between one and five years long.
- 3 They can place some sort of restriction or conditions on the registrant's registration. This is known as a 'conditions of practice order'. This might include demanding that the registrant works under supervision or has further training.
- 4 They can suspend registration. This may not be for longer than one year.
- 5 They can decide to remove the registrant's name from the register. This is known as a 'striking-off order'.

Any action the panel takes is intended to protect the public and is not intended as a punishment. The panel will always consider the individual circumstances of a case and take account of what has been said by everyone at the hearing before deciding what to do.

In hearings of the health committee or where the allegation relates to lack of competence, the panel will not have the option to strike off a registrant at the first hearing. This is because we recognise that in cases where ill health has impaired fitness to practise, or where competence has fallen below expected standards, it is possible that the registrant's health may improve or, in competence cases the registrant may receive extra training or supervised practice.

Striking off

We recognise that striking off is a very serious step. A striking-off order will only be imposed in cases where the panel feels that there is no other adequate way to protect the public and maintain public confidence. Circumstances in which a striking-off order may be considered include serious convictions involving violence or sexual misconduct, or where there has been dishonesty or a serious abuse of trust.

Reviews of conditions of practice and suspension orders

If a conditions of practice or suspension order has been imposed, this will be routinely reviewed by a further panel shortly before it is due to end.

If conditions of practice were given, a review panel will look for evidence that the registrant has met the conditions. For example, this might include a report from a supervisor or evidence that the registrant has received further training.

If a suspension order was given, a review panel might look for evidence that the problems that led to suspension have been dealt with. For example, if competence issues led to suspension, the panel might look for evidence that the registrant has received further training.

A review panel will always want to make sure that the public continue to be adequately protected. If they are not satisfied that someone is now fit to practise, they might extend a conditions of practice order or suspension order for a further period. They also have the full range of 'sanctions' (actions) available to them that are listed on the previous page. For example, the panel might replace a suspension order with a conditions of practice order if they feel that this now provides adequate public protection. Similarly, they might consider suspension or striking off if they feel that the registrant has not met the terms of a conditions of practice order.

Council for Healthcare Regulatory Excellence (CHRE)

CHRE is an organisation that promotes best practice and consistency in regulating healthcare professionals by the nine healthcare regulatory bodies, including us.

CHRE may also refer a regulator's final decision on a fitness to practise case to the High Court (or its equivalent throughout the UK) to protect the public. They will do this if they feel that a decision made by the regulatory body is not strict enough.



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