

Interim Orders Policy

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UKPHR Interim Orders

Introduction

1. The UKPHR has the power, either at the invitation of the Registrar or of its own decision to consider whether it is necessary for the protection of the public or in the public interest, to impose an interim order to be applied whilst a registrant is waiting to be called to a Fitness to Practice Panel.
2. Interim orders can only be imposed if there is determined to be an immediate, genuine and continuing risk to the public, colleagues, the profession, or UKPHR, if an interim order is not made.
3. The purpose of an interim order is a temporary measure to protect the public interest, including the protection of the public, whilst there are ongoing concerns about a registrant's fitness to practice which have not yet been resolved.
4. This will recommend restrictions upon the registrant's practice and will usually be applied until the Fitness to Practice Panel comes to a final decision in relation to an allegation, or it is revoked.

Imposing of an Interim Order

5. If there is determined to be an immediate risk associated with a registrant continuing to practice, an Interim Orders Panel can be convened. When considering imposing an interim order, the Interim Orders Panel must be satisfied that, based on the information presented, there is sufficient evidence of a case against the registrant.
6. Where the referral concerns an allegation of criminal offence, this is likely to provide sufficiently clear evidence of a concern. However, this is not the only basis for concluding that there is sufficient evidence - all the information available, and the risk factors set out above in Paragraph 3 of this policy, must be considered.
7. Health conditions can be something to consider whether there is an immediate risk with a registrant continuing to practice and/or imposing an Interim Order. Health conditions would need to be dealt with solely before taking specific action in relation to the Fitness to Practice concern. There must be evidence that a registrant's health condition is linked to the concern and any steps taken to minimise risk of the concern happening again due to their health condition.
8. Once the Interim Orders Panel is satisfied of the evidence being sufficient to make out a concern, they should also consider whether the grounds for imposing an interim order are necessary for the protection of members of the public, in the public interest and/or it is in the interests of the registrant concerned. This would include the seriousness of concern and the likelihood of the alleged conduct being repeated if an interim order was not imposed.

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9. If the Interim Orders Panel determines that it is appropriate to make an interim order, it must then decide whether to make the following:
 - a. An interim conditions of practice order; or
 - b. A suspension of registration.
10. An interim conditions of practice order will be limited to specific restrictions on practice, for example, not working with commissioners or service users. It may also include supervision requirements, such as providing regular reports from the supervisor to the Fitness to Practice Panel reviewing the order.
11. The interim conditions of practice order must be workable, enforceable, clear, relevant, proportionate and verifiable.
12. A suspension of registration should be imposed only if the Panel considers that a conditions of practice order would not be sufficient to protect the public, the wider public interest or the registrant's own interest.

Duration

13. The Registrar must determine the period of the interim order. This must not exceed 18 months from the date on which the interim order is made.
14. In deciding the period of the interim order, the Panel must consider the amount of time which is likely needed to complete the FTP procedure. The Panel should also specify arrangements for reviewing the interim order.

Process

15. The Registrar or the Interim Orders Panel may impose an interim order at any stage of the Fitness to Practice procedure.
16. The application for an interim order will be heard during an Interim Orders Panel hearing. The registrant will be invited to supply any information to the panel ahead of the hearing that they wish. They will also be invited to speak directly to the panel at the hearing.
17. The Interim Orders panel will have a quorum of three, at least one of whom will be a lay member, similar to the procedure referred to in paragraph 5.1 of the UKPHR Fitness to Practise Rules. An individual panel member cannot sit on an Interim Orders and Fitness to Practise panel for the same registrant. The Registrar can also not be part of the Interim Orders panel.
18. UKPHR will notify the registrant and the complainant of any decision to impose an interim order and may also notify their current employer. The registrant will also be informed in writing of their right to appeal and the relevant procedure that will need to be followed.

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19. The outcome of the hearing if an Interim Order is made will also be published on our website and public register so that members of the public are made aware of it.
20. An appeal against the interim order decision must be made by the registrant to the UKPHR in writing, not later than 14 days after the date of the notification of the decision, or at any time in the event of a significant change of circumstances.
21. The interim order can be imposed for a period of up to 18 months to cover any potential appeal. Interim orders can be applied during appeal periods before UKPHR applies the final sanction. These interim orders cover the period before the final sanction is applied, which is 14 days after the date on which the decision letter is sent.

Reviewing an Interim Order

22. The Interim Orders Panel will recommend whether or when a follow up Interim Orders Panel will be reconvened, within 18 months.
23. All interim orders must be reviewed by the Registrar on a regular basis; within six months of the date when it was made and then every three months from the date of the preceding review until the interim order period comes to an end or the Interim Orders Panel reconvenes.
24. A registrant may ask the UKPHR for an interim order to be reviewed by an Interim Orders Panel at any time if new information becomes available or circumstances change.
25. At a review, an interim order may be confirmed, revoked or replaced. If it is replaced by another interim order at the first review, the next review does need not to take place until six months after the order was replaced. If the replacement occurs after the first review, then the next review must take place within three months of the order being replaced.
26. If one type of interim order is replaced by another, the replacement order may only have effect up to the date on which the original order would have expired.
27. When the Registrar undertakes a review, this will happen without a hearing and upon review of the papers only. This may be appropriate when there is agreement between the parties as to the outcome of the review or if a registrant is not engaging and there has been no material change in circumstances.

Lifting an interim order

28. An interim order can be lifted by the Registrar upon review, an Interim Order Panel if needed or if a registrant requests a review and the Registrar or panel agree to lift the interim order. It can also be lifted automatically when it lapses or the circumstances under which the order was made cease to exist.

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