

UK Public Health Register

Fitness to Practise: guidance for employers

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Introduction

1. UKPHR's primary purpose is to improve public health practice and protect the public. Dealing with concerns about the professionalism and behaviour of registrants is central to achieving this. We also have a duty to maintain public confidence in public health professionals and in the regulation of the profession, as well as ensuring the highest possible standards.
2. If a concern is raised about a UKPHR registrant, we will look carefully at it. We will act when a registrant's ability, behaviour or health means there are reasons why they are unable to meet professional standards. If we investigate an issue and there is clear evidence that standards have been breached, we may issue a warning, restrict practice, suspend, or erase the individual from the register.
3. This guidance is for employers of UKPHR registrants. It **explains what fitness to practise means, what kinds of concerns we can consider, how to raise a concern with us, and what happens after you do.**
4. All registrants are required to maintain the professional code of practice as set out in Good Public Health Practice (2024). You can find further information on these standards via our UKPHR user guide to Good Public Health Practice 2024 on the UKPHR website.

Scope of policy

5. This policy applies to all categories of UKPHR registrants: Public Health Specialist, Public Health Practitioner, and Public Health Specialty Registrar.
6. UKPHR investigates concerns about registrants. Our public register includes all registrants, and you can verify the registration status of any individual at search.ukphr.org.
7. UKPHR is unable to investigate concerns about professionals who are not registered with us. If a registrant voluntarily withdraws from the register after an investigation has begun, the process will continue to its conclusion. If a concern is raised about someone who is not registered at the time and they later apply to restore their registration, the concern will be considered as part of that application.
8. UKPHR will maintain a record of concerns raised, including those about individuals who are not yet registrants but are undertaking the registration process as a Public Health Specialist, Public Health Specialty Registrar or Public Health Practitioner. This is to ensure that any concerns are considered from the point of application, and that only those who meet the requirements of Good Public Health Practice (2024) are admitted to the Register.

What is Fitness to Practise (FtP)?

9. A registrant is considered *fit to practise* when they have the necessary skills, knowledge, health and character to carry out their professional duties safely and effectively. Fitness to practise also encompasses actions or behaviours that could affect:
 - The protection of the public
 - Public trust in the profession and in the regulatory process
10. UKPHR is responsible for upholding professional standards among its registrants, safeguarding the public, and maintaining confidence in both the profession and its regulation.
11. A registrant's health or disability is relevant only in relation to their ability to practise safely and effectively. If a condition is stable and well managed, it should not normally affect the ability to practise competently. Effective management may include making reasonable adjustments, placing limits on practice, or ceasing practice when appropriate.

Raising a concern

How concerns can reach us

12. Concerns about UKPHR registrants can come to our attention in a number of ways:
 - Self-declaration by the registrant at initial registration, annual renewal, revalidation or re-registration
 - A self-referral by the registrant
 - A concern raised by a member of the public, a service user or the registrant's employer
 - Information received from any other source about a registrant or an applicant to the register, including an employer or the police.
 - UKPHR identifying information that raises a potential concern, even where no external complaint has been received. This might occur through professional networks, referrals from other registration bodies, or other sources.

What we can and cannot consider

13. Concerns relating to fitness to practise would *not* generally include the following, unless they have a direct bearing on a registrant's ability to practise safely:
 - Poor timekeeping or attendance
 - Communication issues, interpersonal conflicts or disagreements (unless these involve bullying or threatening behaviour)
 - Sickness absence (unless it involves fraudulent claims or failure to manage a condition appropriately)

- Disputes relating to employment or contractual arrangements
14. Where a concern falls into one of these categories and there is no suggestion of risk to the public, UKPHR will normally refer the matter back to the relevant employer to handle according to their policies.
 15. If you are acting as a referee for an applicant and you are unable to sign and complete the reference because you believe there is an FtP issue that may affect the applicant's suitability for registration, please contact UKPHR directly rather than leaving the reference incomplete or declining to respond.
 16. As UKPHR's fitness to practise processes apply only to UKPHR registrants and are not extended to applicants who have not yet been admitted to the register, this means UKPHR is unable to open a formal FtP case or take a specific FtP-related action in relation to the applicant at this stage.
 17. UKPHR's initial step will be to determine whether a serious issue has been raised, and it may result in registration being denied. You may be contacted for further information to help clarify the concern.

What is impairment?

18. The term impairment refers to any situation that affects, or has the potential to affect, your ability to practise safely and effectively. Impairment may be temporary or permanent and is assessed by UKPHR on an individual basis.
19. Impairment is likely where a registrant's conduct falls below the standards of Good Public Health Practice. Examples include, but are not limited to, situations where the registrant:
 - Has been dishonest, misrepresented facts or evidence, or falsified records in a professional capacity
 - Has concealed errors or failed to be open and honest when things have gone wrong, including failure to cooperate with investigations
 - Has breached confidentiality, mishandled sensitive information, or failed to protect data in line with legal and professional standards
 - Has been involved in or failed to prevent sexual harassment, exploitation or other inappropriate conduct, including failure to respond adequately to concerns about such behaviour
 - Has a substance misuse problem that affects their ability to work safely and effectively
 - Has failed to treat individuals, communities or colleagues with fairness, respect and compassion, including through discrimination, bullying or harassment
 - Has exploited, neglected or failed to safeguard vulnerable persons or populations
 - Has failed to maintain professional boundaries, including involvement in inappropriate relationships with service users or misuse of authority

- Has allowed personal health problems to adversely affect their professional practice without informing a suitably qualified person or seeking necessary support
- Has failed to declare conflicts of interest, allowing financial or commercial interests to influence professional judgement or public health recommendations
- Has been violent, threatening or exhibited unprofessional conduct toward service users, colleagues or the public
- Has participated in research, audits or teaching without appropriate ethical oversight or consent, or has failed to report fraud or misconduct in research
- Has failed to maintain competence, keep up to date with guidelines or undertake required continuing professional development
- Has been subject to a caution or conviction, or is under investigation, for behaviour that may bring public health practice into disrepute or compromise public trust

20. When considering whether a registrant's fitness to practise is impaired, UKPHR will consider the wider context in which the concern arose, including relevant aspects of the registrant's working environment and local systems. Where concerns suggest systemic or employer-level issues, these will be identified and, where appropriate, referred to the relevant employer or other body for action.

21. If you are unsure whether your concern relates to fitness to practise, please refer to the Good Public Health Practice Framework 2024 and contact UKPHR at register@ukphr.org or on 0121 296 4370.

How to raise a concern

22. If you wish to raise a concern about a UKPHR registrant, you can contact us in the following ways:

- Email: register@ukphr.org
- Online form: available on the UKPHR website
- Phone: 0121 296 4370

23. To record a concern, we will need the following information:

- Identification of the registrant, including their registration number if known
- The nature of the concern
- The events that took place and, where possible, when and where they occurred
- Any action you (as employer) or another organisation has already taken in response.

24. We will also ask for:

- A named contact/contact details
- Details of any other individuals involved, if appropriate

25. When we investigate a concern, we are required to share sufficient information with the registrant so that they can understand the concern and respond to it fairly. We will discuss with you how, when, and what will be disclosed. We understand that sensitive information may be shared; any disclosures will be limited to what is necessary for the fair handling of the concern.
26. Once we receive a fitness to practise concern, we will continue to look into the matter even if we do not hear further from the person or organisation who raised it or from the registrant. Our role is to protect the public and uphold professional standards, and we must make decisions based on the evidence available to us.

Should the concern be referred?

27. We expect employers (and in the case of trainees- educational supervisors and Heads of Schools/Training Programme Directors) to manage most concerns about UKPHR registrants through their own local HR and governance processes and to refer to UKPHR where the threshold set out in this guidance is met. More general information about how we expect employers to engage with UKPHR and our registrants about every aspect of their registration is in our [Employer Guidance](#).
28. If you are uncertain whether a concern meets the threshold for referral you are welcome to contact UKPHR at register@ukphr.org before formally raising that concern with us.

Before referring a concern

29. Before referring a concern to UKPHR, employers should wherever possible:
- Complete any relevant local investigation and consider its conclusions
 - Consider the outcomes of any external investigation
 - Take any other reasonable steps to understand whether the concern raises a question about the registrant's fitness to practise.

Meeting the threshold for referring a concern

30. A concern is likely to be serious enough to refer to UKPHR where it meets one or more of the following criteria:
- It is of a nature that is inherently serious including:
 - Dishonesty, deception or fraud, including in connection with registration or revalidation
 - Sexual misconduct or harassment
 - Abuse of a service user's trust or violation of their fundamental rights
 - Conduct suggesting a deep-seated problem with the registrant's attitudes or values

- It represents a serious departure from the professional standards expected of a registered public health professional, and one or more of the following also applies:
 - There are features that increase seriousness, such as a pattern of behaviour, harm caused or deliberate concealment
 - You are not confident that the risk to the public or to the register can be managed locally
 - The registrant has left or is leaving your employment
 - The registrant has accepted a caution, been charged with or convicted of a criminal offence, or received a police disposal, in circumstances that raise a question about their fitness to practise
 - Another regulatory or professional body has made a finding against the registrant
 - Public confidence in public health as a registered profession might be undermined if UKPHR does not consider the matter
 - An official inquiry or review has criticised the registrant's practice
31. Where there is a serious concern and an ongoing risk to the public, reporting a concern should be prompt. If this is the case, employers do not need to have concluded their own investigation or established the facts conclusively before making a reporting the concern.

When local resolution is more appropriate

32. Not all concerns need to be referred to UKPHR. Concerns that are genuinely isolated, acknowledged and being addressed effectively through local processes are generally handled more effectively by the employer. UKPHR would not normally expect employers to report a concern where:
- The concern relates to performance issues that are being actively managed through standard HR or supervision processes
 - The registrant has demonstrated genuine insight, and appropriate remediation has already taken place
 - The concern relates to a single, isolated, lower-level incident with no aggravating features
33. Where it is decided not to refer the concern, the registrant may still need to reflect on the matter as part of their annual appraisal and revalidation.

How to report a concern

34. Concerns should be referred to us by contacting us at register@ukphr.org or using the online form. A concern should be reported in good faith, based on all information available, and should be fair, balanced and accurate.
35. When reporting a concern, please provide:
- The registrant's full name and UKPHR registration number if known

- Your organisation and your role
- When the concern arose
- A description of the concern
- Relevant context, including the registrant's working environment, personal circumstances, and role and level of experience
- Information about how the registrant has responded to the concern
- Whether any local investigation has taken place and its outcome
- Supporting documentation

36. Please provide only factual information and avoid speculation. If supporting documentation is not yet available, do not delay reporting the concern. Indicate what further documentation will follow. We may not take action until further information is available, depending on the concern.

Urgent concerns

37. If you have an urgent concern where there is an immediate risk to the public or a matter that is time sensitive, please contact UKPHR directly at register@ukphr.org before or alongside submitting an online form. Please include as much detail as possible.

After reporting a concern

38. Once a concern is received, UKPHR will assess whether it falls within our remit and whether it meets the threshold for formal investigation. We will acknowledge receipt and keep you informed at appropriate points. We may ask for additional information.

39. The time taken to consider a concern will depend on the complexity of the concern, the availability of information and engagement from relevant parties.

40. If you become aware of an error in your concern, or if new information comes to light, please contact us as soon as possible at register@ukphr.org.

When will UKPHR share information with employers?

41. If a concern has been raised with UKPHR about an employee or a trainee, we will first triage the concern. If a concern progresses to the investigation stage, we will contact the employer as soon as reasonably practicable to let them know. Details of the specific allegations will not automatically be shared at the outset, as we have a duty to manage information carefully and proportionately. However, we may ask for additional information or evidence relevant to the concern, such as employment records, training records, supervision notes, or details of any local investigation you have conducted.

42. Depending on the concern, UKPHR may conduct its own independent assessment of any concern that is raised with us, whether the employer's disciplinary or HR processes are concluded or not. We would ask that you continue to manage any immediate risk to the public through your own employment and supervision arrangements while our investigation is under way. If at any point during the

investigation an interim order is imposed on a registration, we will inform you promptly as this may have implications for their role.

43. If, during our processing of a concern, questions arise that are appropriate to raise with the employer, we will contact you, unless doing so would compromise the investigation or put anyone at risk. We may ask you to provide relevant information or documentation as part of our investigation, and we would ask you to respond promptly and cooperate fully with any such requests. You should continue to manage the registrant in accordance with your own employment policies during this period, taking appropriate steps to protect service users and colleagues where necessary. UKPHR will keep you informed of significant developments where it is appropriate and lawful to do so and will notify you of the final outcome once a decision has been reached.

The Fitness to Practise process

44. This part of the guidance provides an overview of the fitness to practise process that UKPHR follows once a concern has been raised with us.

Stage One: Triage process

45. Any concern raised with UKPHR will undergo an initial assessment via a triage process to identify whether it falls within our remit for further investigation. This will be considered by a UKPHR staff member and the UKPHR Registrar. The Registrar will consider four key questions as part of the threshold criteria:
- a. **Is the concern made in writing?** Concerns must be recorded in writing, by letter, email or completion of UKPHR's online form, so that the issues are clearly understood by all parties. Where a concern cannot be submitted in writing due to access difficulties, UKPHR will work with the person raising it to ensure the details are set out clearly.
 - b. **Is the concern about a UKPHR registrant?** UKPHR can only consider concerns about individuals who are registered. Concerns about non-registrants will not be taken forward. Where a concern is raised about someone who is not registered at the time and they later register or restore their registration, the concern will be considered as part of that application.
 - c. **Is the concern relevant to the registrant's ability to meet Good Public Health Practice (2024)?** This includes concerns about:
 - Alleged misconduct or unethical behaviour
 - Deficient professional performance or competence
 - Health concerns affecting ability to practise safely
 - Criminal cautions or convictions
 - Improper inclusion on another professional register
 - d. **Does the evidence provided, if verified and substantiated, suggest that fitness to practise is impaired?** The concern must be related to the

registrant's fitness to practise and demonstrate that conduct falls below the standards of Good Public Health Practice (2024).

46. Only concerns that receive a yes answer to all four of these questions will proceed to the investigation stage. If they do not, the case will be closed with no further action taken by UKPHR. If the decision is to progress the case to the investigation stage, the registrant will be notified at that point that a concern has been raised about them and whoever raised the concern with us will be notified of the outcome of the triage assessment.
47. Further information on our triage process can be found in the Fitness to Practise Triage guidance.

Stage Two: Investigation and evidence gathering

48. Once a case has passed the triage stage, it will proceed to the investigation stage. The primary purpose of the investigation is to consider the facts and the likelihood of misconduct or impairment being found in relation to the concerns raised. Evidence and information will be gathered from relevant sources, including you as the employer who raised the concern, the registrant and relevant third parties.
49. The Registrar, supported by a UKPHR staff member, will consider three questions as part of a case to answer test:
- a. Is there a real prospect that a Fitness to Practise Panel could find the alleged facts proved on the balance of probabilities?
 - b. If those facts were proved, is there a real prospect that they would amount to a statutory ground of impairment, for example misconduct, deficient performance or competence, a health concern, or a conviction or caution?
 - c. If grounds of impairment could be established, is there a real prospect that a Panel would find current impairment such that some restriction on registration might be needed in the public interest?
50. Any medical information about the registrant will only be sought with their written consent. If consent is declined, this will be taken into account in the decision-making process.
51. The Registrar will consider all relevant documentation and given 28 working days to review the evidence. As part of the decision-making process, the Registrar may refer the case to a Complex Case Panel for further advice and consideration. The decisions available to the Registrar are:

- **No further action** – the threshold for a Fitness to Practise Panel has not been met and the case is closed.
 - **Advice** – this means that your conduct warrants a response but does not meet the threshold for a Fitness to Practise Panel hearing. The Registrar may issue you with written advice about your conduct or practice. This does not appear on the public register but is recorded internally and can be taken into account if further concerns arise. The case is then closed.
 - **Remedial action** – the Registrar may invite you to agree a programme of remedial action that UKPHR will monitor, as an alternative to referral to the Fitness to Practise Panel. This could include but is not limited to:
 - Completing specific continuing professional development or training
 - Working under supervision for a defined period
 - A reflective piece or written statement demonstrating insight into what went wrong and what has changed
 - A formal appraisal or performance review
 - Mentoring by a senior colleague or a period of assessed practice
 - Engagement with occupational health services or regular health assessments
 - Restrictions on certain types of practice pending recovery
 - Progress the case to a **Fitness to Practise Panel hearing**
52. The outcome and the reasons for the decision will be communicated in writing within 5 working days of the decision being made to both the registrant and the person who raised the concern.
53. The Registrar may also issue an **interim order** if the concern is of a nature that involves a clear or potential risk to public protection or public confidence in the profession. An interim order will remain in place only for the period necessary for the concern to be considered by a Fitness to Practise Panel and must not exceed 18 months from the date it is made. All interim orders will be reviewed by the Registrar and potentially a Complex Case Panel within six months of being made and then every six months thereafter, or sooner if new relevant evidence becomes available. The registrant may also ask for an early review. Further information on interim orders is available on the UKPHR website.
54. If the Registrar determines that there is a case to answer and that the registrant's fitness to practise may be impaired, the case will proceed to a Fitness to Practise Panel.

Stage Three: Fitness to Practise Panel

55. The Fitness to Practise Panel provides independent, balanced oversight in fitness to practise cases. Panel members will be separate from those who took part in the investigation stage, ensuring fairness and impartiality. The Panel brings together professional expertise and public perspective.

56. The Fitness to Practise Panel will comprise:

- A chair
- One UKPHR registrant who is not a member of any UKPHR committee or Board, present to provide a professional perspective
- One lay member who is independent of UKPHR and is not a public health professional, present to represent the views of the public

57. The Panel requires a quorum of three, at least one of whom must be a lay member.

58. The following may also attend:

- The registrant and their representative if one has been appointed
- The individual who raised the concern
- Witnesses
- One or more UKPHR representatives, who may attend to advise on procedure but will not take part in decision making
- A member of UKPHR staff providing administrative support
- A legal representative, if UKPHR appoints one

59. The Panel at any time may also request that:

- A registrant (or any other party) discloses copies of any documents or evidence they intend to rely on
- A registrant (or any other party) submits a written statement to the panel and to the other parties
- A witness statement stands as that witness's evidence in chief
- The allegations be amended

60. UKPHR is committed to ensuring that all those who raise concerns and all witnesses are treated fairly and with respect. Reasonable support will be provided based on the circumstances of each case, for example accessibility adjustments or separate waiting areas. Please contact UKPHR if you require specific arrangements.

61. Fitness to practise cases will be heard in public (normally virtually). The Panel may direct that a hearing, or part of a hearing, be held in private where it is satisfied that the particular circumstances of the case outweigh the public interest in an open hearing. For example, if there is a health issue or police investigation that means the hearing should be held in private to protect those involved. The decision and the reasons for it will be confirmed in writing within 10 working days of the date the decision is made. The decision will then be published on the UKPHR public register.

62. Further detail on the Fitness to Practise Panel hearing process is available in the Fitness to Practise Panel hearing guidance.

Sanctions

63. If the Fitness to Practise Panel decides that a registrant's fitness to practise is impaired, it will agree an appropriate sanction. The sanctions available to the panel are:

- Take no further action
- Issue a reprimand
- Impose a conditions of practice order
- Impose a suspension order
- Erase you from the register
- Issue an interim order

64. The Panel must ensure that both the decision to impose a sanction and the reasoning behind it are clearly explained in accessible language.

65. If the Panel removes a registrant from the register, that registrant may not apply for restoration earlier than five years from the date of erasure.

66. All relevant parties will receive written notification of any decision and the reasons for it at each stage of the process.

67. Further information on sanctions is available in the Fitness to Practise Sanctions policy.

What is reflected on the UKPHR public register?

68. UKPHR's public register is the primary means by which employers, colleagues, and members of the public can check the registration status of a public health professional and understand whether any regulatory action has been taken. The register will always show whether an individual is currently registered, and their registration type.

69. Where the Registrar has imposed an interim order at any stage of the process, this will be reflected on the register immediately, as it has a direct and practical effect on the registrant's ability to practise. The fact that a concern is under investigation will not normally be published on the register before a referral to the Fitness to Practise Panel has been made, as no finding has been established at that stage and premature publication could be disproportionate.

70. Once a case has been referred to the Fitness to Practise Panel, UKPHR will note on the register that fitness to practise proceedings are pending. This recognises that referral to a Panel represents a significant threshold and the Registrar has determined that there is a realistic prospect of impairment being found. The broad

nature of the concern (for example, misconduct or deficient professional performance) will normally be noted, though the full detail of the allegation will not be published at this stage.

71. Where the Fitness to Practise Panel has made a decision, the outcome and the sanction imposed will be published on the register. A reprimand, conditions of practice order, or suspension order will be shown for the duration of the order and for a period after it ends. Where a registrant is erased from the register, this will be noted until restoration is granted. Advice issued by the Registrar and any programme of remedial action agreed as an alternative to Panel referral will not normally be published on the register, unless the remedial action includes a restriction on the registrant's practice.

Appeals

72. An appeal can only be made following a decision to impose a sanction at Stage Three (Fitness to Practise Panel). It must be submitted within 20 working days of receiving written confirmation of the decision.
73. Appeals will be considered by an Appeals Panel. No member of the original Fitness to Practise Panel or supported the Registrar via Complex Case Panel may sit on the Appeals Panel. The Appeals Panel's decision and the reasoning behind it will be provided in writing within 10 working days of the decision.
74. UKPHR will retain a full transcript of hearings and decisions. A redacted version, protecting the anonymity of individuals raising concerns and any third parties, may be published. Information relating to your health or the health of others involved will not be disclosed.
75. Once the appeals process is complete, no further appeals will be permitted. Further information on appeals is available on the UKPHR website.

Feedback about our process

76. We are committed to maintaining the highest standards of service and we value and welcome feedback from you on the service we provide. If you wish to raise concerns about how we have managed this process, rather than about the concern itself, you can do so through our Comments, Complaints and Compliments policy, available on the UKPHR website.