

UK Public Health Register

Fitness to Practise: guidance for the public

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Introduction

1. UKPHR is the regulator for public health professionals in the UK. Our job is to protect the public. We do this by setting standards for the people on our register, called registrants, and by looking into concerns when those standards may not have been met.
2. If you have a concern about a UKPHR registrant, you can tell us. We take every concern seriously. If we find clear evidence that a registrant has not met the standards expected of them, we can take action. This might include giving a warning, placing restrictions on their practice, suspending them, or removing them from the register altogether.
3. This guide is for members of the public and anyone who uses public health services. It explains what “fitness to practise” means, what kinds of concerns we can look into, how to raise a concern with us, and what happens next.
4. Registrants must meet the professional standards set out in Good Public Health Practice (2024). You can find out more in the [UKPHR User Guide to Good Public Health Practice 2024](#).

What concerns do we deal with?

5. We only look into concerns about people on our register. You can check whether someone is registered with us at search.ukphr.org.
6. We cannot look into concerns about someone who is not on our register. If a registrant leaves the register after we have started an investigation, we will still finish that investigation. If a concern is raised about someone who was not registered at the time but later applies to join or rejoin the register, we will take that concern into account when we consider their application.
7. We also keep a record of concerns raised about people who are not yet registered but are part way through applying to join the register, for example as a public health specialist or public health practitioner. This means any concerns are considered from the very start.

What do we mean by “fitness to practise”?

8. A registrant is “fit to practise” when they have the skills, knowledge, health and character to do their job safely and well. This covers anything that could affect:
 - how safe the public are
 - how much trust the public can have in the profession and in us as the regulator

9. Our job is to uphold professional standards, keep the public safe, and maintain confidence in public health professionals and in how they are regulated.
10. A registrant's health is only relevant if it affects their ability to do their job safely. If someone has a health condition that is well managed, this should not normally stop them practising. Sometimes a registrant may need extra support, such as reasonable adjustments, limits on what they can do, or a break from practising altogether.

Raising a concern

How concerns reach us

11. Concerns about registrants can reach us in different ways, for example:
 - a registrant tells us about themselves, either when they first register or when they renew their registration annually or revalidate or re-register every 5 years
 - a registrant reports themselves
 - a member of the public, their employer or someone using a service raises a concern
 - we receive information from another source, such as the police
 - we come across information ourselves that raises a concern, even if no one has made a formal complaint. This might come from professional networks or other regulators.

What we can and cannot look into

12. We do not normally look into the following, unless they directly affect a registrant's ability to practise safely:
 - poor timekeeping or attendance
 - communication problems or personality clashes (unless these involve bullying or threats)
 - sickness absence (unless it involves dishonest claims or someone not managing a health condition properly)
 - disputes about employment or contracts
13. If your concern falls into one of these categories, and there is no risk to the public, we will usually pass it back to the registrant's employer to deal with.

What counts as “impairment”?

14. “Impairment” means anything that affects, or could affect, a registrant's ability to do their job safely and well. It can be temporary or permanent, and we look at each case individually.
15. A registrant's fitness to practise is likely to be impaired if they have, for example:

- been dishonest, misrepresented facts or evidence, or falsified records
- covered up mistakes, or not been open and honest when things have gone wrong, including not cooperating with an investigation
- breached confidentiality or mishandled sensitive information
- been involved in, or failed to prevent, sexual harassment or other inappropriate conduct
- had a substance misuse problem that has affected their ability to work safely
- failed to treat people fairly and with respect, including through discrimination, bullying or harassment
- exploited, neglected, or failed to protect vulnerable people
- crossed professional boundaries, for example through an inappropriate relationship with someone using their services
- let a personal health problem affect their work without telling anyone or getting support
- let a financial or personal interest influence their professional judgement, without declaring it
- been violent or threatening, or behaved unprofessionally towards others
- carried out research or teaching without proper ethical oversight, or failed to report fraud or misconduct in research
- not kept their skills and knowledge up to date
- received a caution or conviction, or is under investigation, for something that could damage trust in the profession

16. When we decide whether someone's fitness to practise is impaired, we look at the full picture, including their working environment and any wider issues. If a concern points to a problem with an employer's systems rather than the individual, we may raise this with the employer directly.

17. If you are not sure whether your concern relates to fitness to practise, you can check the [Good Public Health Practice Framework 2024](#), or contact us at register@ukphr.org or on 0121 296 4370.

How to raise a concern

18. You can raise a concern with us in any of these ways:

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

19. To help us look into your concern, we will ask for:

- the registrant's name, and their registration number if you know it
- what your concern is about

- what happened, and when and where, as far as you can tell us
- anything already done about it, for example by the registrant's employer if you know it

20. We will also ask for:

- your name and contact details
- details of anyone else involved
- if possible, contact details for others we might speak to if we need more information

21. If we investigate, we have to share enough information with the registrant so they understand the concern and can respond fairly. We know some people raising a concern have personal or sensitive information they would rather we kept private. If that is the case for you, talk to us and we will work with you to keep as much confidential as we can while still moving the case forward. We will only share what is necessary.

22. If you find it hard to put your concern in writing, for example because of language or literacy difficulties, let us know and we will help.

23. You can raise a concern anonymously. However, if we do not have your contact details, it is harder for us to ask follow-up questions, check the details, or keep you updated. Where possible, we would encourage you to share your name and contact details so we can look into things fully. If you are worried about sharing who you are, get in touch and we can talk this through.

What happens to a concern when it's raised

24. This part explains step by step what happens once we have received a concern.

Step 1: Checking the concern is for us

25. Every concern we receive goes through an initial check, called triage, to see whether it falls within what we can investigate. Our Registrar, supported by a member of staff, asks four questions:
- Has the concern been put in writing?** We need concerns in writing, by letter or email, so everyone understands the issue clearly. If you find this difficult, for example because of an access need, we will help you set out the details.
 - Is the concern about someone on our register?** We can only look into concerns about people who are registered with us. If someone was not registered at the time but later joins or rejoins the register, we will consider the concern as part of that application.

- c. Does the concern relate to the standards in Good Public Health Practice (2024)?
This includes things like:

- possible misconduct or unethical behaviour
- poor professional performance or lack of competence
- a health issue that affects their ability to practise safely
- a criminal caution or conviction

- d. **If the evidence turns out to be true, would it suggest the registrant's fitness to practise is impaired?** The concern must relate to fitness to practise and show that their conduct fell below the expected standard.

26. Only concerns that pass all four checks move forward to an investigation. If a concern does not pass, we close the case and take no further action, and we will let you know.

27. You can find more detail on this stage in our Fitness to Practise Triage guidance.

Step 2: Investigating and gathering evidence

28. Concerns that pass the first check move to investigation. We gather evidence from relevant people, including the registrant, the person who raised the concern, and others such as the registrant's employer.

29. The Registrar, supported by a member of staff, asks three questions, known as the case-to-answer test:

- a. Is there a real chance that a Fitness to Practise Panel could find the facts proved, on the balance of probabilities?
- b. If those facts were proved, is there a real chance they would amount to a recognised type of impairment, such as misconduct, poor performance, a health concern, or a conviction or caution?
- c. if impairment could be found, is there a real chance a panel would decide the registrant is currently impaired, meaning some restriction on their registration might be needed to protect the public?

30. We will only ask for medical information about a registrant with their written consent. If they decline, we take that into account when making our decision.

31. Once the Registrar reviews a full set of documents they have 28 working days to consider the evidence. They may also refer the case to a Complex Case Panel for further advice. The Registrar can then decide to:

- **Take no further action-** meaning the case does not meet the threshold for a Fitness to Practise Panel, and the case is closed.
- **Give advice-** meaning the registrant's conduct deserves a response but does not meet the threshold for a hearing. This may be written advice about their conduct, which is not published but is kept on file and can be taken into account if further concerns come up. The case is then closed.
- **Ask the registrant to agree a plan to put things right**, which we will monitor. This could include things like:
 - completing specific training or development
 - working under supervision for a period of time
 - writing a reflective statement showing they understand what went wrong
 - a formal appraisal or a performance review
 - mentoring by a senior colleague, or a period of assessed practice
 - getting support from occupational health, or regular health checks
 - restrictions on certain types of work while they recover
- Refer the case to **Fitness to Practise Panel hearing**.

32. We will write to both the registrant and you within 5 working days of the decision, explaining the outcome and the reasons for it.

33. If there is a clear or potential risk to public protection or public confidence, the Registrar can put an interim order in place. This stays in place only for as long as needed for the case to reach a Fitness to Practise Panel and cannot last more than 18 months. We review every interim order within six months, and then every six months after that, or sooner if new evidence comes in. The registrant can also ask for an earlier review. More information on interim orders is on our website.

34. If the Registrar decides there is a case to answer, and that the registrant's fitness to practise may be impaired, the case moves to a Fitness to Practise Panel.

Step 3: The Fitness to Practise Panel

35. The panel is made up of:

- A chair
- One UKPHR registrant, who is not on any UKPHR committee or Board, giving a professional perspective
- One lay member, who is independent of UKPHR and not a public health professional, representing the public's perspective

36. At least three panel members must take part, and at least one must be a lay member.

37. Others who may attend include:

- The registrant and their representative, if they have one
- The person who raised the concern
- Witnesses
- UKPHR representatives, who can advise on procedure but do not take part in the decision
- A member of UKPHR staff providing administrative support
- A legal representative, if UKPHR appoints one

38. The Panel may also ask for:

- Copies of any documents or evidence a party plans to use
- A written statement from a registrant or another party
- A witness statement to stand as that witness's evidence
- Changes to the allegations being considered

39. We are committed to treating everyone who raises a concern, and all witnesses, fairly and with respect. We will provide reasonable support based on individual circumstances, such as accessibility adjustments or a separate waiting area. Please contact us if you need specific arrangements.

40. Hearings are usually held in public (normally virtually). They may be held in private if there is a health issue or police investigation that means privacy is needed to protect those involved. We will confirm the decision and the reasons for it in writing within 10 working days, and the decision will then be published on our public register.

41. More detail on the hearing process is available in the Fitness to Practise Panel hearing guidance.

What can happen if a concern is upheld?

42. If the panel decides a registrant's fitness to practise is impaired, it will decide on an appropriate sanction. The options are:

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

- 43. The panel will always explain its decision, and the reasons for it, in plain language.
- 44. If a registrant is erased from the register, they cannot apply to rejoin for at least five years.
- 45. Everyone involved will be told, in writing, about the decision and the reasons for it at every stage.
- 46. You can find more about sanctions in our Fitness to Practise Sanctions guidance.

What appears on the public register?

- 47. Our public register lets anyone check whether someone is registered with us, and whether any regulatory action has been taken against them. It always shows whether someone is currently registered, and what type of registration they hold.
- 48. If an interim order is put in place at any stage, this shows on the register straight away, because it directly affects what the registrant can do. We do not normally publish the fact that a concern is being investigated, until it reaches a Fitness to Practise Panel, because nothing has been decided yet and early publication could be unfair.
- 49. Once a case is referred to a Fitness to Practise Panel, we note on the register that proceedings are pending. This is because reaching this stage means the Registrar believes there is a realistic chance impairment will be found. We will usually note the broad nature of the concern, for example whether it relates to misconduct or performance, but not the full details at this stage.
- 50. Once the panel reaches a decision, the outcome and any sanction will be published on the register. A reprimand, conditions of practice order, or suspension will show for as long as the order lasts, and for a period afterwards. If someone is erased, this will be shown until they are restored to the register. Advice given by the Registrar, and any agreed plan to put things right instead of a panel referral, will not normally be published, unless it includes a restriction on the registrant's practice.

Appeals

- 51. A registrant can appeal a sanction decided at the Panel stage. They must do this within 20 working days of receiving written confirmation of the decision.
- 52. Appeals are heard by an Appeals Panel, formed in the same way as the Fitness to Practise Panel. No one who sat on the original Fitness to Practise Panel or supported the Registrar via a Complex Case Panel can sit on the Appeals Panel. We provide the Appeals Panel's decision and reasoning in writing within 10 working days.

53. We keep a full transcript of hearings and decisions. We publish a redacted version on our website, protecting the identity of anyone who raised a concern and any third parties. We do not disclose health information about the registrant or anyone else involved.

54. Once the appeals process is finished, no further appeals are possible. You can find more about appeals on our website.

Feedback about our process

55. We want to provide the best possible service, and we welcome feedback. If you want to raise a concern about how we have handled your case, rather than about a registrant, you can do this through our Comments, Complaints and Compliments policy, available on our website.