

UK Public Health Register

Fitness to Practise: Panel and Hearings guidance

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Introduction

1. When UKPHR has determined the facts and grounds in relation to a concern or misconduct and it is considered that there is a case to answer at the end of the investigation process, the case will be referred to a Fitness to Practise Panel.

Panel composition

2. The Fitness to Practise Panel will be selected by the Registrar and Chief Executive and will comprise the following members:
 - 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
3. The panel requires a quorum of three, at least one of whom must be a lay member.
4. The panel may also be attended by:
 - a. The registrant and their representative if one has been appointed
 - b. The individual who raised the concern
 - c. Witnesses
 - d. One or more UKPHR representatives, who may attend to advise on procedure but will not take part in decision making
 - e. A member of UKPHR staff providing administrative support
 - f. A legal representative, if UKPHR appoints one.
5. In order to maintain the independence and impartiality of Fitness to Practise proceedings, any member of a Complex Case Panel who has advised the Registrar in the case to answer decision making process at the investigation stage must not sit as a member of the Fitness to Practise panel.
6. To promote fairness, proportionality, and consistency in decision-making, all Panel members are required to undertake structured training. This training will reinforce the correct application of regulatory standards and expected approaches to evidence assessment and decision-making.

Conduct of the hearing

7. Fitness to Practise cases will normally be heard by the panel 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 and will then be published on the UKPHR website.

8. 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.
9. The parties will be given a reasonable opportunity to present their case and may call witnesses and cross-examine witnesses called by other parties.
10. The Fitness to Practise Panel may proceed in the absence of a party, including the registrant, if it is satisfied that all reasonable efforts have been made to serve the notice of the hearing on the party.
11. The Fitness to Practise Panel members may put forward questions to witnesses and parties. They may also exclude from the whole or part of the hearing any person, including any party, whose conduct has disrupted or is likely to disrupt the proceedings.
12. The parties may be represented at any hearing by a solicitor or counsel (or in the case of the registrant, a representative of any professional organisation of which they are a member, or at the discretion of the Fitness to Practise Panel, a member of their family or any other person).

Evidence and case management

13. The Panel may, taking into consideration fairness, at times request the following:
 - A registrant (or any other party) discloses copies of any document 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
 - That oral submissions by either party are time limited.
 - A witness statement stands as that witness's evidence in chief
 - The allegations be amended
14. The following will count as definite proof that an offence was committed or that certain facts are true in relation to the case:
 - A certificate or document from a UK or foreign court official showing that someone was convicted of a crime.
 - A police caution form or similar record from a UK police officer showing that someone accepted a caution.
 - A certificate or document from a regulatory body saying that it has made a decision about a registrant's fitness to practise.

Adjournment and postponement

15. Applications for adjournment of a hearing before a Panel has been appointed will be decided by the Registrar. The Registrar will only grant an adjournment received from a registrant after considering the complainant's views and if it has a clear purpose and is for the shortest necessary period.
16. Applications for adjournment after a Panel has been appointed will be decided by the Panel. This may be to obtain additional evidence or in the case of illness. The Panel must assess each application carefully, ensuring fairness, efficiency, and that any adjournment serves a specific objective.
17. Panels should ensure that cases proceed as expeditiously as is consistent with the interests of justice and the right to a fair hearing.
18. The Panel may also postpone or adjourn proceedings on its own initiative for practical reasons, such as breaks or scheduling, after consulting both parties and, where applicable, the complainant.
19. When granting an adjournment, the Panel may decide to maintain or impose interim sanctions to protect the public, serve the public interest, or safeguard the registrant, and any such decision will be recorded on the public register.

Panel deliberations and decision-making

20. At the end of the hearing, the Fitness to Practise Panel will:
 - a. Consider and announce its findings on the facts alleged.
 - b. If facts are found proved in whole or in part, hear submissions from both parties and consider and announce whether those facts amount to one or more grounds — namely misconduct, deficient professional performance, adverse physical or mental health, a conviction or caution, or a determination by another regulatory body.
 - c. If one or more grounds are established, hear further submissions from both parties and consider and announce whether, by reason of those grounds, the registrant's fitness to practise is currently impaired.
 - d. If fitness to practise is found to be impaired, the panel will hear submissions from both parties on the appropriate sanction. This may include consideration of an impact statement from the person who raised the concern, where one has been provided and the person did not give evidence at the hearing.
 - e. Announce the sanction to be imposed, if any, with reasons.

- f. Invite submissions from both parties on whether the sanction should take effect immediately in the public interest and announce its decision on this.
- 21. The Panel will announce whether any sanction is to take effect immediately or following the expiry of the 20 working day appeal period. If an appeal is submitted within that period, the sanction will not take effect until the appeal has been determined.
- 22. At each stage the Fitness to Practise Panel may withdraw to deliberate in private before announcing its decision.
- 23. The Fitness to Practise Panel will make its decision by a simple majority vote. The Chair will have no casting vote, and every panel member must vote.