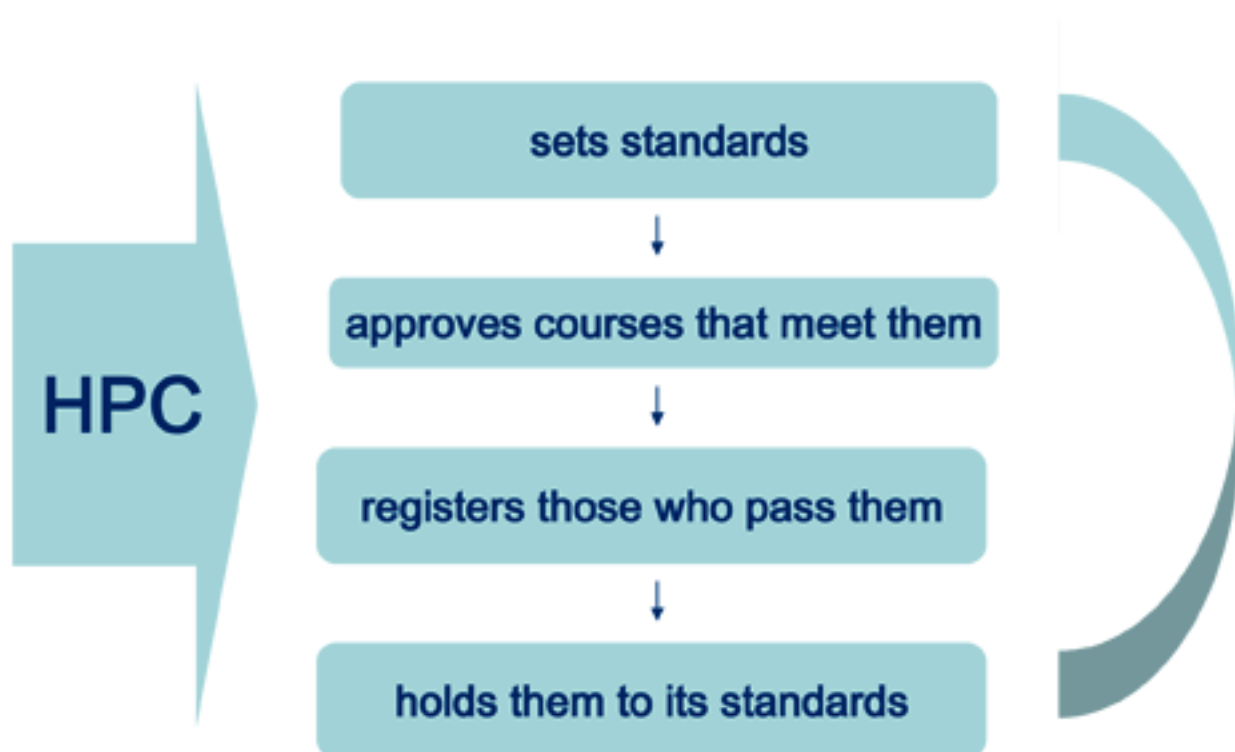


College of Psychoanalysts Conference

A Modern Approach to Fitness to Practise

Mary Clark-Glass, HPC Council Member

HPC remit



Fitness to Practise

- A non-punitive process
- **Allegations based on:**
 - misconduct
 - criminal conviction or caution
 - lack of competence
 - health
- determination by another regulator
 - “*barring*”
- **Issues to be determined are:**
 - is fitness to practise impaired?
 - what must be done to protect the public?

A change in culture and approach:

Not

“discipline”

“prosecution”

“guilty”

“sentence”

But

Proportionate action to protect the public whilst balancing
the human rights of the registrant

Protecting the public: Fitness to Practise

- Allegation made
- Investigate allegation
- Interim order imposed
- Hearing convened
- Case considered by final hearing panel
- Sanction



Final Hearings

- Final Hearing
 - Well Founded?
 - Sanction?
 - Representation
 - Mitigation
- Hearing panels must include a member of the registrant's profession **and** a lay person
- Process identical for all registrants
- Hearings are open to the public
- Witnesses

Impairment and Sanction

The decision involves consideration of:

PAST

Events and
Surrounding
facts

PRESENT

Circumstances

FUTURE

Safe and
Effective
Practice?

Sanctions

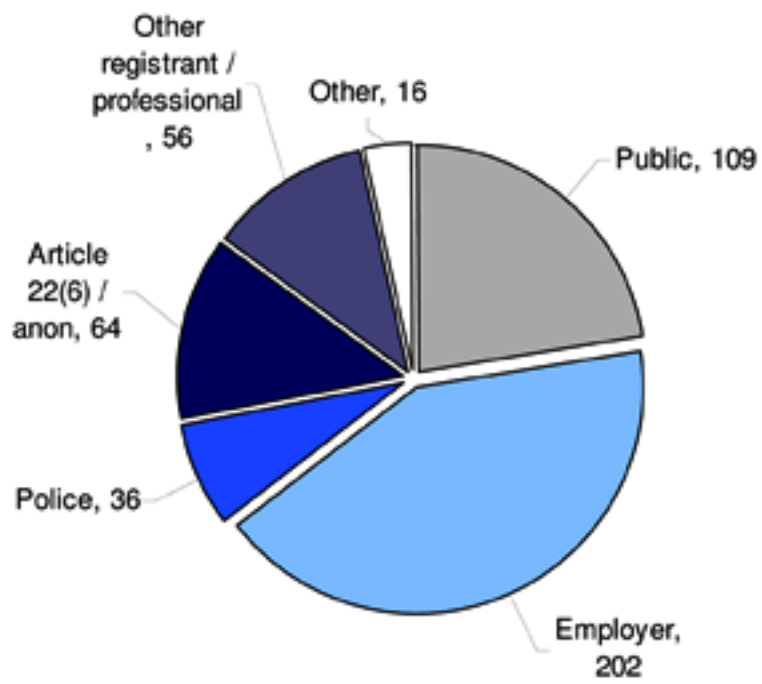
Purpose of sanctions is to protect the public, not to punish registrants.

- take no further action
- mediation
- caution
- conditions of practice
- suspension
- striking off

Fitness to Practise accessibility

- Complaints over the telephone
- Free phone telephone number for FTP department
- HPC brochures
- Plain English
- Complaints section of HPC's website
- Training

Allegations received by type



Case to answer by complainant type

Complainant	Case to answer	No case to answer
Police	11	19
Employer	143	33
Article 22(6)	23	23
Professional body	2	1
Public	17	57
Registrant	0	0
Other	10	16
Total	206	149

Outcome at final hearing

Type of Allegation	Struck Off	Suspension	Conditions of Practice	Caution	No Further Action	Voluntary Removal	Amended	Not Well Found
Conviction/ Caution	20	1	0	7	1	0	0	0
Conviction/ Misconduct	1	0	0	0	0	0	0	
Health	0	1	1	0	0	0	0	1
Incorrect entry	0	0	0	0	0	0	1	0
Lack of Competence	0	3	4	0	0	1	0	3
Lack of competence/ Misconduct	13	6	2	5	0	0	0	14
Misconduct	32	13	6	11	3	0	0	22
Determination by Another Regulator	1	1	0	1	0	0	0	0
Total	67	25	13	24	4	1	1	40