

Response to HCPC Consultation Questions CR

1. Consultation questions

1.9 We would welcome your response to this consultation. We have listed some consultation questions below to help you. These questions are not exhaustive and we would also welcome your comments on any related issue. Please provide reasons alongside your answers where possible.

1. Q1. Do you think the content in the policy covering proportionality is sufficiently detailed?

Yes. Considering the most lenient appropriate sanction, mitigating and aggravating factors, and being required to document the rationale for decision, and any deviations from expected, is appropriate.

2. Q2. Does the policy provide adequate clarity around the difference between insight, remorse and apology?

Yes. These explanations are appropriate.

3. Q3. Does the policy provide sufficient guidance about how insight, remorse, and apology may impact a panel's decision on sanction?

Yes. It is difficult to cover all eventualities, but the guidance gives reasonable examples.

4. Q4. Is it clear from the policy what remediation is and how a panel might take account of any remediation activities in making their decision?

Yes. Again, it is not possible to list all possible remediation activities and judgement will be required to ensure that the appropriate remediation is recommended according to the particulars of the case at hand.

5. Q5. Do you think the aggravating factors detailed in the policy are appropriate?

Yes.

6. Q6. Do you think the types of cases which are aggravating are appropriate?

Yes.

7. Q7. Is the detail provided against each of the sanctions available to the panel sufficient?

Yes. Judgement will be required – see above response

8. Q8. Does the policy provide enough information about how a panel should approach a review hearing?

The explanation is clear. However, the previous section outlined how multiple sanctions might be applied whereas it is not possible for the review panel to implement an additional sanction. Presumably a primary panel hearing would be required to undertake this, cognisant of the sanctions already imposed. Would the review panel then undertake review of multiple sanctions? Clarity required here.

9. Q9. Do you consider there are any aspects of our proposals that could result in equality and diversity implications for groups or individuals based on one or more of the following protected characteristics, as defined by the Equality Act 2010 and equivalent Northern Irish legislation²? If yes, please explain what could be done to change this.

- • Age
- • Gender reassignment
- • Disability
- • Pregnancy and maternity
- • Race
- • Religion or belief
- • Sex
- • Sexual orientation

No. However panels will need to be cognisant of conscious/unconscious bias when they conduct their hearings.

10. Q10. Do you have any other comments about the revised policy?

There is no consultation question on mitigating factors. Referrals for fitness to practice can arise as a result of multiple causes, many of which are related to human factors, and difficult working environments/lack of staffing or appropriate support. Whilst it is recognised that the HCPC is the regulatory body for individuals, these systemic mitigating factors should also be considered.