

Fitness to Practise Panel Sanctions Guidance

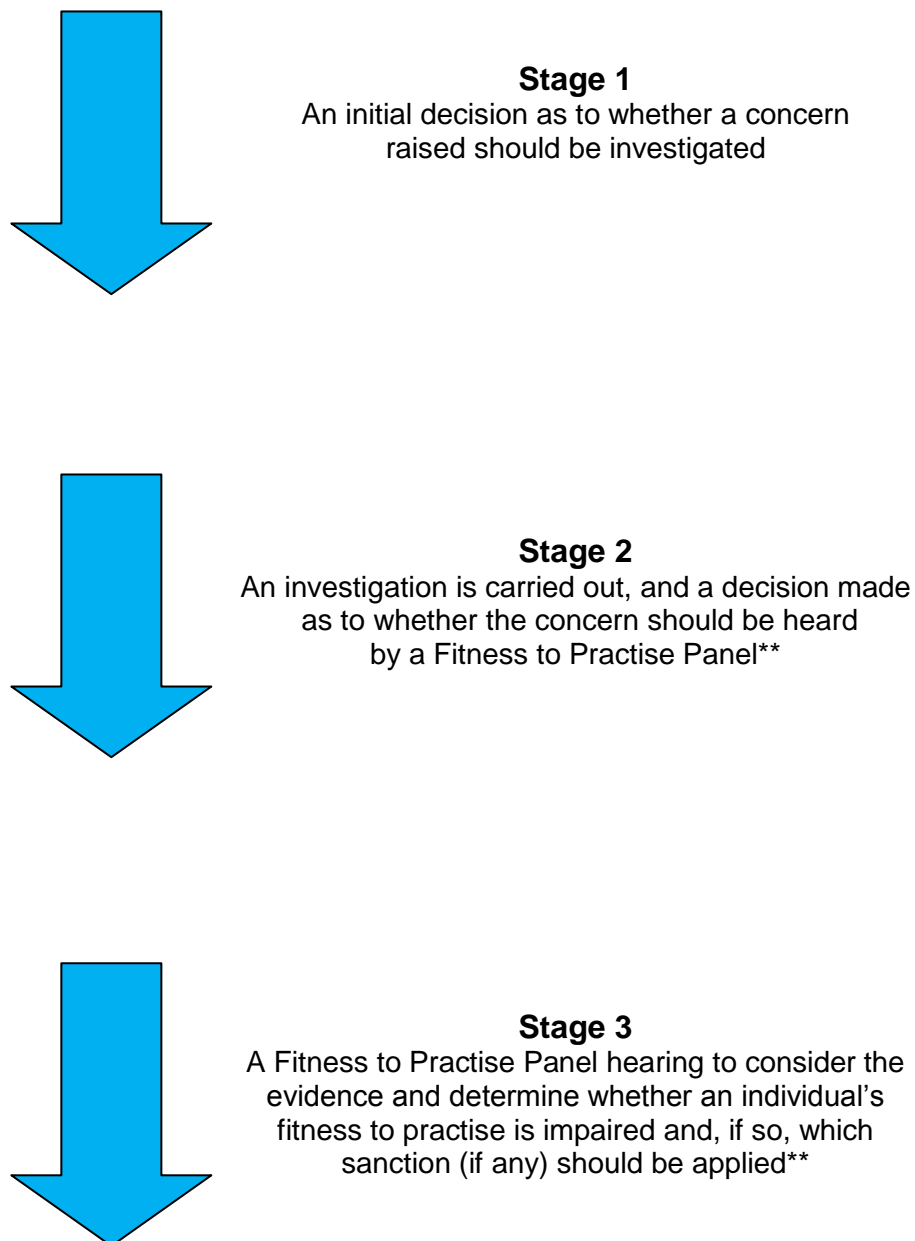


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1.Introduction

This document has been developed by The British Association of Sport Rehabilitators and Trainers (BASRaT) as a guide for members of a fitness to practise panel in cases referred via the published fitness to practise process (see figure 1):

Figure 1



As a Graduate or Allied Health Professional member of BASRaT (registrant) individuals are entitled to refer to themselves as Graduate Sport Rehabilitators (GSRs). All registrants are required to meet and maintain the BASRaT standards of education, skill and conduct as stated in the BASRaT Standards of Ethical Conduct and Behaviour (SECB) and Role Delineation documents (RD).

2. What is fitness to practise?

An individual is considered 'fit to practise' if they possess the appropriate skills, knowledge, health and character to practise safely and effectively. In addition, this also includes acts and/or behaviour which may affect:

- Protection of the public,
- Public confidence in the profession and the regulatory process.

BASRaT have a responsibility to monitor professional standards of its registrants, protect the public and maintain public confidence in the profession.

3. Role of the fitness to practise panel

The role of the fitness to practise panel is to determine whether, on the basis of the evidence presented that the individual's fitness to practise has been impaired. At the forefront of any decisions made by the fitness to practise panel should be the:

- Protection of the public,
- Public confidence in the profession and the regulatory process.

Decisions by the panel must be made considering the balance of probabilities using the evidence provided following a three stage process:

- Whether the facts set out in the concern are proven;
- Whether those facts amount to the statutory ground set out in the concern (e.g. misconduct or lack of competence)
- Whether (and to what extent) the member's fitness to practise is impaired.

4. Sanctions

The range of sanctions available to fitness to practise panel should not influence any decision regarding whether fitness to practise has been impaired and decisions regarding impairment and sanction tariff should be clearly separated (during the panel hearing and within published records).

5. Sanction tariff

Fitness to practise panels must ensure that the individual fully understands any sanction imposed including the reasons for the sanction and implications.

Sanctions imposed by the panel may include:

- Taking no further action.
- Caution Order-

Cautioning the individual using a note placed upon the registrant's register entry which highlights the area of concern and recommendations for future training/education. This note will remain in place for a given period of time (one to five years) or until further training/education is evidenced. This sanction does not restrict an individual's ability to practice but can be taken into account if any further concerns/complaints are made. This sanction may be imposed when any fitness to practise impairment is of a minor

and isolated nature with a low risk of recurrence. The individual will also have to evidence insight and have taken appropriate action.

- **Conditions Order-**

Imposing conditions on the individual's practice such as clinical supervision or scope of practise restrictions. The time period specified should not exceed three years. Conditions will appear on the registrant's register entry and may restrict an individual's ability to practice. This sanction should be remedial in nature but the panel must be satisfied that allowing the individual to practice (with specified conditions) does not pose any risk of harm or future harm. Conditions should be realistic and the panel must be confident that the individual will adhere to those imposed.

- **Suspension Order-**

Suspending the individual from practice for a given period of time (up to one year) or until further training/education is evidenced. This sanction completely prohibits the individual from practice. This sanction should be considered when lesser sanctions imposed would be insufficient/inappropriate to protect the public or public confidence in the profession and regulatory process. This sanction should also be imposed when any fitness to practise impairment is of a serious nature but is unlikely to recur. A note will be added to the registrant's register and remain for a period of time (five years)

- **Striking Off Order-**

Striking the individual from the membership register. This sanction should be imposed as a last resort for serious, deliberate behaviour involving the abuse of trust such as sexual abuse or dishonesty. This sanction should be imposed when there is no other way to protect the public for example, when there is a lack of insight, continuing problems/behaviour, denial or when a lesser sanction may affect public confidence in the profession and regulatory process. The individual will not be able to re-apply to the register for a period of five years unless new evidence is presented. Any such evidence will be considered by a fitness to practise panel (please refer to BASRaT-Readmission to the Register). A note will be added to the registrant's register and remain for a period of time (five years).