

Fitness to Practise Panel Sanctions Guidance

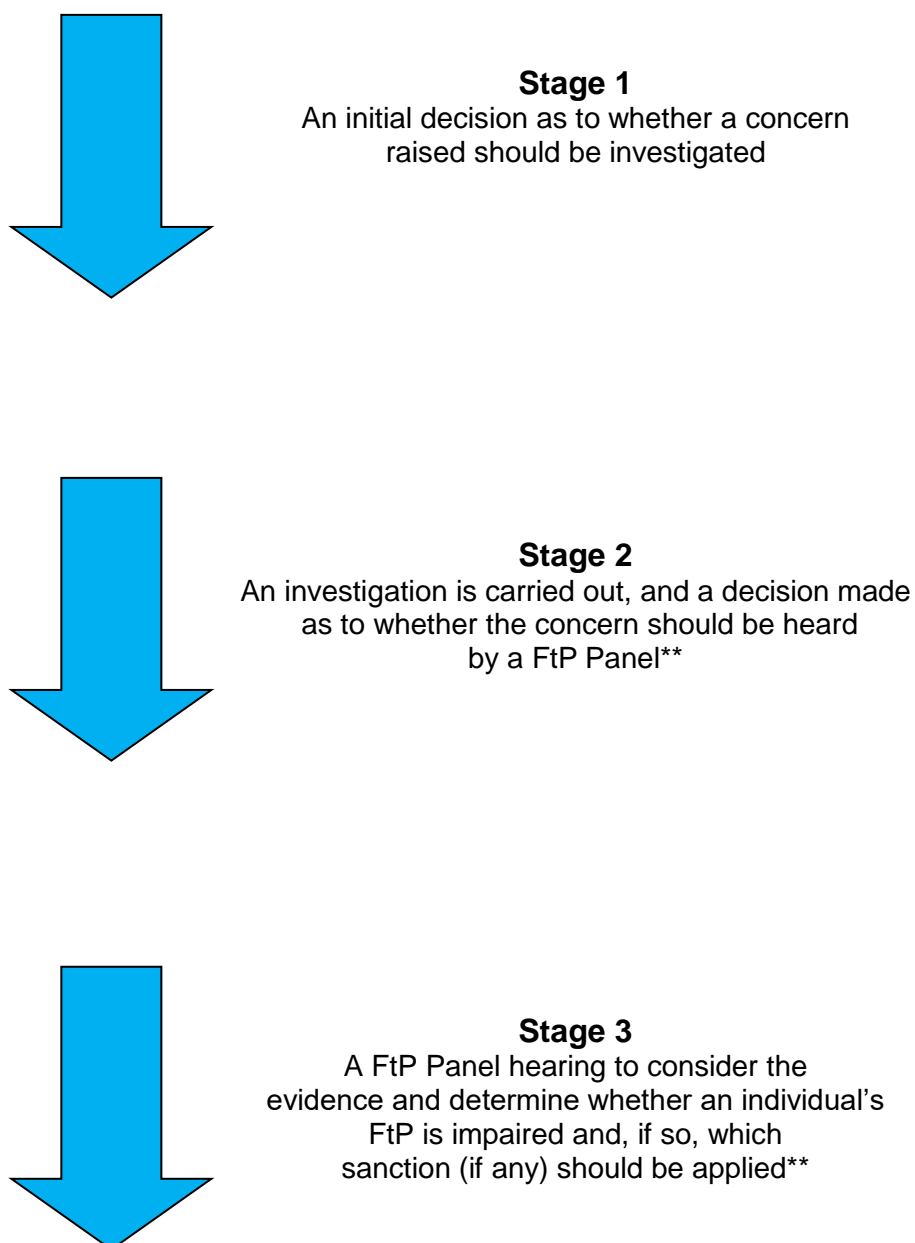


Updated September 2017

1. Introduction

This document has been developed as a guide for members of a fitness to practice (FtP) panel in cases referred via the published FtP process (see Figure 1). Further information about the FtP hearing and associated decision making processes can be found in the BASRaT Fitness to Practise Panel Guidance document.

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 FtP panel is to determine whether, on the basis of the evidence presented that the individual's FtP has been impaired. At the forefront of any decisions made by the FtP 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 FtP is impaired.

4. Sanctions

The range of sanctions available to FtP panel should not influence any decision regarding whether FtP 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

FtP 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 FtP 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 practice 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 (Possible conditions are given in Table 1, Appendix).

- **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 FtP 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 FtP 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).

Appendix

The conditions listed below will be considered as they are appropriate practically within the registrant's normal and expected working environment. They must be enforceable by BASRaT but may be the responsibility of the registrant to arrange and maintain.

Section I: General conditions which must form part of every condition order	Notes
The registrant must inform BASRaT of their new or ongoing employment or work which requires BASRaT registration. This will include nature of the work, hours of work and contact information.	
The registrant must be truthful & transparent with all interested parties about the conditions imposed on their practice. This may include (but is not limited to): patients, employers, agencies, supervisors, external agencies and referring colleagues.	The FtP panel can decide which relevant parties should be informed
The registrant must tell BASRaT if they take up training for a new regulated profession or move outside of the UK.	The FtP panel can decide which relevant parties should be informed
Section II: Conditions which may be appropriate when practice is impaired by health reasons	Notes
The registrant must seek and arrange appropriate supervision, care and/or treatment for the identified health issue. As part of this the registrant must agree to follow the advice/treatment prescribed, including managing their practice scope and ceasing to practice temporarily or permanently if advised.	The FtP panel can decide an appropriate supervisor of care (i.e. General Practitioner, Consultant etc)
The registrant must consent to liaison between their appropriate supervisor of care and BASRaT as appropriate and agree to meet the costs of this communication (by letter).	The FtP panel will limit the requests for medical reports to major events only (i.e. discharged from care), or to a given reasonable timeline (i.e. every 6 months). This will be decided by the panel and will be reasonable.
The registrant must agree to and arrange to undergo reasonable testing to ensure	The FtP panel will consider carefully the registrant's financial circumstances

compliance with any recommendations for treatment/care/rehabilitation in an appropriate format for the identified health issue. The registrant must pay the cost of these tests.	when setting this condition and this condition will probably only be applied in cases of drug/alcohol misuse
Section III: Conditions which may be appropriate when practice is impaired by conduct, behaviour or competency reasons	Notes
The registrant must agree to provide BASRaT with a continuing professional development plan which adequately addresses the area of shortcoming/concern. This plan and the registrant's progress will be monitored by a continuing professional development officer.	The FtP panel may specify a timeframe for submission and continuing review. The FtP panel should also identify an appropriately qualified person to manage the registrant's development plan (development plan manager). This person need not work with the registrant or be known to them.
The registrant must agree to regular continuing professional development audits with a focus on [INSERT SERVICE/AREA OF PRACTICE] every [INSERT TIME] until [INSERT TIME] or for [INSERT YEARS/MONTHS].	The FtP panel should also identify an appropriately qualified person to manage the registrant's development plan (development plan manager). This person need not work with the registrant or be known to them
The registrant must agree to work truthfully, productively and transparently with their development plan manager. This includes consent to liaison between BASRaT and the development plan manager along a given timeframe.	The FtP panel will limit the requests for reports to major events only or to a given reasonable timeline (i.e. every 6 months). This will be decided by the panel and will be reasonable.
The registrant must agree to find a suitably qualified work place supervisor who will undertake to supervise either: 1: Directly (be physically involved in all practice aspects) 2: Indirectly (not be physically involved by close by to all practise aspects) 3: Remotely (not be physically involved in all practise aspects but be regularly present for reviews and discussions)	The FtP will give guidance as to appropriate qualification (may be GSR, HCPC registered, GMC registered)

<p>The registrant must agree to work truthfully, productively and transparently with their work place supervisor. This includes consent to liaison between BASRaT and the work place supervisor along a given timeframe.</p>	<p>The FtP panel will limit the requests for reports to major events only or to a given reasonable timeline (i.e. every 6 months). This will be decided by the panel and will be reasonable.</p>
<p>The registrant must agree to not carry out [INSERT SERVICE/AREA OF PRACTISE] without direct/indirect/remote supervision for [INSERT TIME] or until such time as [INSERT TRAINING/QUALIFICATION NEEDED].</p>	<p>This order maybe repeated but must be specific and have a timeframe attached</p>
<p>The registrant must agree to find a suitably qualified mentor who will provide guidance and advice as appropriate.</p>	<p>The FtP panel will give guidance as to appropriate qualification in the particular case</p>
<p>The registrant must agree to work truthfully, productively and transparently with their mentor. This includes consent to liaison between BASRaT and the mentor along a given time frame.</p>	<p>The FtP panel will limit the requests for reports to major events only or to a given reasonable timeline (i.e. every 6months). This will be decided by the panel and will be reasonable.</p>
<p>The registrant must agree not to become involved in the training or supervision of students until such time as [INSERT TRAINING/QUALIFICATION NEEDED].</p>	