

Interim Order Guidance



Updated April 2016

1. Function and role

This document aims to promote transparency and consistency in relation to the outcome of decisions regarding interim orders during stages 1 and 2 of the BASRaT Fitness to Practise process*. The role of BASRaT is to consider whether a registrant should be restricted, either by interim suspension or the imposition of interim conditions upon their practice.

2. Interim orders

Interim orders are emergency measures to impose restrictions upon registrants pending final determination at stages 2 and 3 of BASRaT Fitness to Practise process* where applicable. Therefore there needs to exist sufficient safeguards to ensure any such restrictions are only imposed on the most serious of cases, and are proportionate and appropriate to the seriousness of the circumstances. Any interim order can be imposed on one, or more, of three grounds:

- The protection of the public
- The public interest to maintain confidence and uphold appropriate standards of ethical conduct and behaviour **
- The interest of the registrant

3. Constitution of interim orders

At stages 1 or 2 of BASRaT Fitness to Practise process* BASRaT shall first consider whether it is necessary to impose an interim order based on the grounds above. If an interim order is deemed appropriate BASRaT must consider whether to impose interim conditions upon the registrant. If BASRaT considers an interim conditions order inappropriate it must consider whether to impose interim suspension.

In deciding the appropriate action BASRaT will consider the issue of proportionality*. The interim suspension of a registrant from the register with regards to public protection can be imposed if necessary, but in the case of public interest interim conditions may be more desirable to help maintain public confidence.

When considering the conditions imposed, BASRaT must ensure those imposed are relevant, workable, measurable and will protect the public, the public interest, and the registrant's own interest.

When BASRaT refers to relevant, workable and measurable it means:

Relevant – Means that the conditions imposed must relate and address the risks to the public, the public interest and registrant's own interest.

Workable – Means that it must be possible to comply with the conditions imposed, be practical and not have the effect of a complete restriction on the registrant's ability to practise.

Measurable – Means that it must be possible to objectively assess whether or not the registrant has complied with the specific conditions imposed upon them. The condition must be clear and unambiguous.

Before the imposition of any interim order by the Investigating Committee at stage 2 of BASRaT Fitness to Practise process*, the registrant involved will have the opportunity to submit written concerns regarding their opinion on why the interim order may not be appropriate.

* Please refer to BASRaT Raising a Concern/FtP: Guide for the Public and Employers. BASRaT Fitness to Practise: Membership Guide. BASRaT Fitness to Practise: Guide for Accredited Institutions.

** Please refer to BASRaT Standards of Ethical Conduct and Behaviour (SECB)