

Education and Training Committee, 24 November 2016

Overview of Registration Appeals process

Executive Summary

### **Introduction**

In October 2016, the Executive was asked to provide an overview of Registration Appeals, the responsibilities of the Education and Training Committee and the powers delegated to the Executive.

This paper provides an overview of the Registration Appeals process and the responsibilities of the Education and Training Committee.

### **Decision**

The Committee is asked to discuss the paper.

### **Resource implications**

None

### **Financial implications**

All costs associated with the Registration Appeal process are within the Registration budget.

### **Appendices**

Practice Statement: Registration Appeals

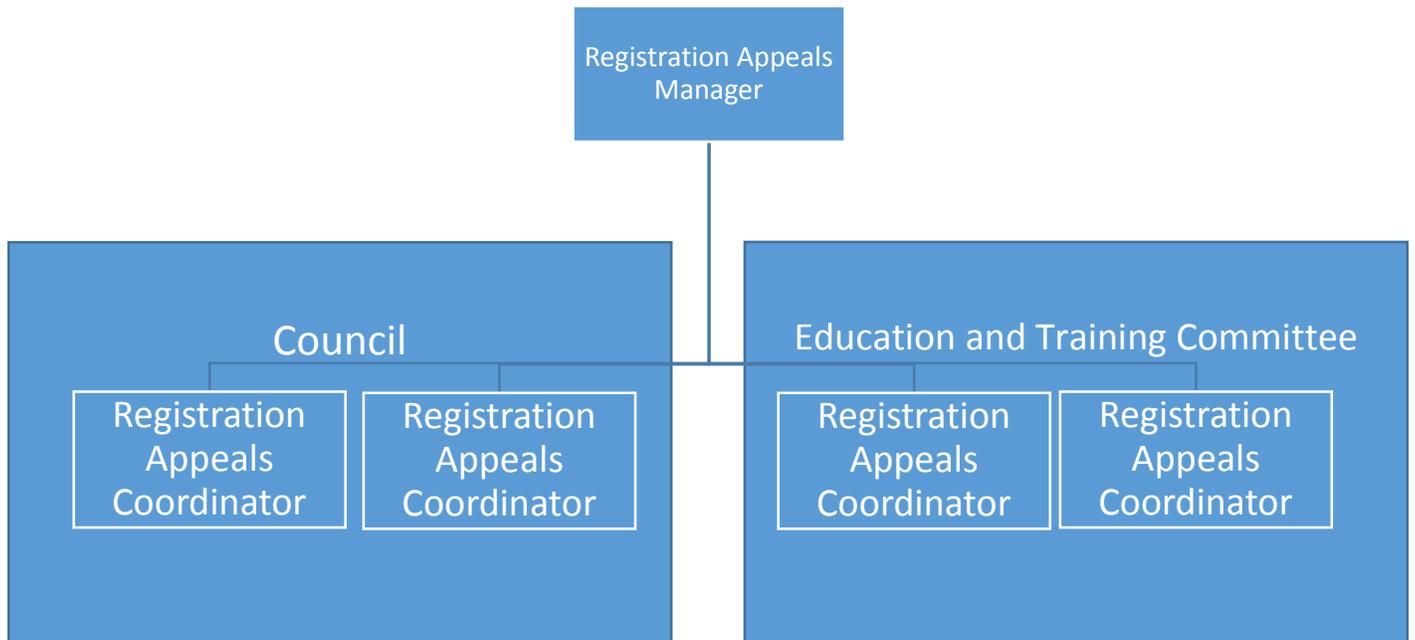
### **Date of paper**

26 October 2016

## 1. Registration Appeals Procedure

- 1.1 Article 37 of the Health and Social Work Professions Order 2001 (the **Order**) allows applicants or registrants who are aggrieved by certain registration-related decisions of the Education and Training Committee (the **ETC**) to appeal against those decisions to the Council.
- 1.2 Article 37 of the Order allows applicants or registrants who are aggrieved by certain registration-related decisions of the ETC to appeal against those decisions to the Council.
- 1.3 Article 37(5)(a) of the Order enables the Council to arrange for a panel to determine Registration Appeals on the Council's behalf. The Council has exercised that power and all Registration Appeals are determined on its behalf by its Registration Appeal Panel (the Appeal Panel).
- 1.4 The procedure for Registration Appeals is set out in statutory rules made by the Council, the Health and Care Professions Council (Registration Appeals) Rules 2003 (the appeal rules).
- 1.5 When such an appeal is lodged with the Council and the grounds are deemed to be valid, the ETC are notified of the decision appealed against. The ETC review the grounds for appeal, looking at the initial application, any further information that may have been submitted as part of that application **and** any additional information submitted as part of the appeal.
- 1.6 Where the additional information submitted is both substantially different to what has been previously submitted and is relevant to the overall application, the ETC may make the decision to have a reassessment undertaken. If after such a reassessment a recommendation to register is provided, an ETC draft consent order will be sent to the Registration Appeals Panel (the **Panel**) detailing the reasons why the ETC will not contest the appeal. At the same point, the appellant will be contacted and asked if they agree to their appeal being dealt with by the consent route.
- 1.7 If the appellant and the Panel agree to the consent route the consent order is signed by the Panel and appellant and ETC are notified of the outcome (to register).
- 1.8 If the appellant does not agree to the consent route, then a hearing will be scheduled. If the appellant agrees but the Panel does not, then a hearing will be scheduled.
- 1.9 Where no substantially relevant further information is provided as part of an appeal, then a hearing will be scheduled.
- 1.10 When any appeal is lodged against an ETC decision, notice is given to an officer with delegated authority to act on behalf of the ETC, as noted in the Practice Statement: Registration Appeals.

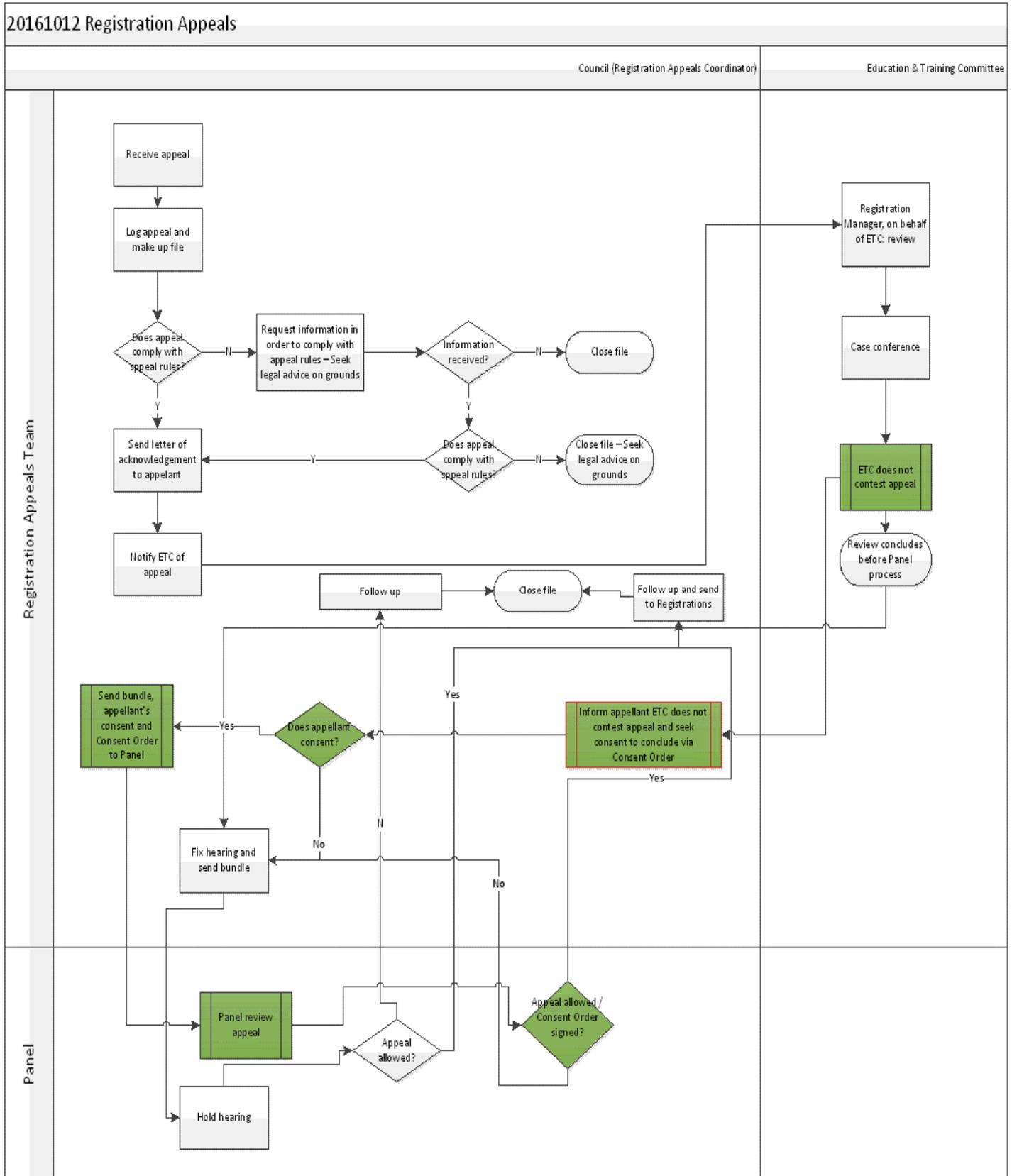
## 2. Operational and organisational flow



- 2.1 Registration appeals are managed specifically by a team that is made up of a Registration Appeals Manager, and four Registration Appeals Coordinators. As it is the decision of the ETC that is being appealed against to the Council, the four Registration Coordinators are split into two sub teams. Two work specifically on the operations undertaken on behalf of the Council and two work specifically on the operations undertaken on behalf of the ETC. This is to ensure that there is a clear demarcation between the two bodies whilst an appeal against one is being considered by the other.
- 2.2 The Registration Appeals Manager (the Manager) has overall operational responsibility for the process. They ensure that the Registration Appeals Coordinators (the Coordinators) are aware of their requirements which they carry out on behalf of Council and ETC.

### 3. Registration Appeals Process

3.1 The Registration Appeals process is summarised is outlined in the diagram below:



#### **4. Appeals statistics**

4.1 Responsibility for the management of Registration Appeals passed from the Fitness to Practice Department to the Registration Department on 11 January 2016.

4.2 Between January 2016 and 31 September 2016 the HCPC received 47 new Registration Appeal cases<sup>1</sup>.

#### **4.3 Appeal type:**

Of these 47 cases:

- 2 cases related to removal for failure to comply with CPD requirements (4%)
- 14 cases related to applications made under the International route (30%)
- 20 cases related to applications made under the European Mutual Recognition (EMR) route (43%)
- 10 cases related to health and character declarations (21%)
- 1 case related to removal for failure to complete return to practise requirements (2%)

4.3.1 The vast majority of appeals are from International and EMR applicants (73%) The majority of the remainder relate to refusals following consideration by a Registration Panel of a health and character declaration (21%).

#### **4.4 Professions:**

Of these 47 cases, appeals were received from the following professions:

- 3 biomedical scientists
- 2 clinical scientist
- 2 dieticians
- 2 hearing aid dispensers
- 3 paramedics
- 15 physiotherapists
- 12 practitioner psychologists
- 1 radiographer
- 7 social workers

4.4.1 Physiotherapists account for the majority of appeals at 32%, followed by practitioner psychologists (26%) and social workers (15%). This is comparable to figures recorded previously by the Fitness to Practise (FTP) Department.

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<sup>1</sup> This number includes one case which was received by the Fitness to Practise Department prior to the Registration Appeals team becoming operational on 11 January 2016. This case was subsequently handed over to the Registration Appeals team mid-year.

#### 4.5 Case outcomes

Of these 47 cases:

- 14 were closed (withdrawn / resolved<sup>2</sup>) (30%)
- 2 were withdrawn by the appellant (4%)
- 2 were closed (appeal not valid – out of time) (4%)
- 10 are scheduled for hearings in November and December (21%)
- 19 progressed to a hearing<sup>3</sup> (40%)

#### 4.6 Hearing outcomes

Between January 2016 and 31 September 2016, the new Registration Appeals Team held 6 days of hearings, where 26 cases were considered<sup>4</sup>.

Of these 26 cases:

- 4 were allowed (15%)
- 19 were dismissed (73%)
- 3 were remitted back to ETC (12%)

Of the 4 cases that were allowed:

- 2 cases related to health and character declarations
- 1 case related to an International applicant, and
- 1 case related to an EMR applicant.

Of the 3 cases remitted back to ETC:

- 1 case was remitted back to allow for the ETC to grant an extension for the individual to complete their return to practise requirements
- 1 case was remitted back for the completed CPD profile to be assessed, and
- 1 case was remitted back so the ETC could re-assess new information provided (EMR applicant).

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<sup>2</sup> These cases were dealt with by way of the previous Fitness to Practise process of case conferences, where additional appeal documentation was reviewed and considered with legal advice. This is now the consent order process as detailed in the registration appeals process diagram on page 3.

<sup>3</sup> including the one case received by FTP pre 11 January 2016

<sup>4</sup> This number includes a total of 8 cases referred from FTP, and includes the one case received by FTP in January 2016. This number does not include 20 cases that were considered by an Appeal Panel at hearings that were scheduled by the FTP Department between January and April 2016.