

A statement explaining the purpose of the fitness to practise process

July 2014

Introduction

The Professional Standards Authority has developed the following statement because our project on *Modern and efficient fitness to practise adjudication*¹ found evidence of widespread confusion about the purpose of fitness to practise procedures among the public, registrants and other stakeholders.

We will use the statement in our work and communications and would welcome other people adopting it.

The statement

The purpose of the regulators' fitness to practise processes

To help protect the public and maintain public trust in the health and care professions, the regulators we oversee use a 'fitness to practise process' to enforce professional standards. Although each regulator has their own different process, they all share the same purpose which is to protect the public and maintain public trust in the professions they regulate.

The regulator will take action against a professional if it decides it is necessary to:

- Protect the public
- Maintain public trust in the profession and/or
- Declare and uphold professional standards.

What type of action is necessary will depend on the nature of the professional's shortcomings and what legal powers the regulator has. Usually, the regulator will warn the professional, limit how they work, make them do training or other things to put right their shortcomings or suspend their professional registration. However, the regulator will strike the professional off the register if it decides that their shortcomings are so serious it cannot allow them to stay in the profession.

Although fitness to practise action often seems like punishment, that is not one of its aims. The regulator must, therefore, choose the least amount of action necessary for the three reasons listed above.

If a professional's actions amount to a crime it is the role of the Criminal Justice System to decide what, if any, punishment is appropriate. Anyone who suspects a

¹ CHRE (2011). Modern and efficient fitness to practise adjudication - CHRE's advice for Secretary of State, paras 1.4 and 6.6. <http://www.professionalstandards.org.uk/docs/default-source/psa-library/modern-efficient-fitness-to-practise-adjudication---final-report-.pdf?sfvrsn=0>

professional has committed a crime should tell both the police and the professional's regulator, so that they can each perform their different roles.

Victims

The fitness to practise process can help victims of professional wrongdoing ensure others do not experience the harm they have suffered. However, it will not decide what redress the victim is owed or ensure they receive it. The regulator cannot make a professional apologise or tell them to give someone a refund, compensation or a particular treatment or service. Anyone wanting one of these outcomes should follow the complaints procedure at the professional's work place and, if appropriate, consider making a court claim and/or complaining to a relevant ombudsman.

When to report a professional to their regulator

You should report a health or care professional to their regulator if you know or suspect their work or behaviour:

- Has harmed or may harm you or someone else and/or
- Has been or may be so unprofessional that, unless the regulator takes action, the general public will lose trust in that profession.

For up to date details of how to report your concerns visit the relevant regulator's website. Links to the regulators' websites are provided below together with information about who they regulate.

- [General Chiropractic Council](#) regulates chiropractors in the United Kingdom
- [General Dental Council](#) regulates dentists, dental hygienists, dental therapists, clinical dental technicians, orthodontic therapists, dental nurses and dental technicians in the United Kingdom
- [General Medical Council](#) regulates doctors in the United Kingdom
- [General Optical Council](#) regulates opticians (optometrists and dispensing opticians), student opticians and optical businesses in the United Kingdom
- [General Osteopathic Council](#) regulates osteopaths in the United Kingdom
- [General Pharmaceutical Council](#) regulates pharmacists, pharmacy technicians and pharmacy premises in Great Britain
- [Health and Care Professions Council](#) regulates arts therapists, biomedical scientists, chiropodists / podiatrists, clinical scientists, dieticians, hearing aid dispensers, occupational therapists, operating department practitioners, orthoptists, paramedics, physiotherapists, practitioner psychologists, prosthetists / orthotists, radiographers and speech and language therapists in the United Kingdom and social workers in England
- [Nursing and Midwifery Council](#) regulates nurses and midwives in the United Kingdom
- [Pharmaceutical Society of Northern Ireland](#) regulates pharmacists in Northern Ireland