

Preliminary hearings

Fitness to practise fact sheet

The information in this fact sheet is technical and relates to how hearings are conducted. You may wish to discuss the contents of this fact sheet with your representative to better understand it. Your case manager can help you understand the information, but they cannot give you any advice or tell you what you should do.

What is a preliminary hearing?

We have decided that there are case management issues that should be considered at a preliminary hearing by a panel of the Conduct and Competence or Health Committee.

Preliminary hearings deal with procedural, evidential, timetabling, or other case management issues that need to be resolved before a substantive hearing can take place. We will make an application to the panel on how we think the substantive hearing should be conducted.

Most case management issues can be satisfactorily resolved 'on the papers'. In some cases the preliminary hearing may take place in person.

'On the papers' means that the panel will review a bundle of information provided by us and by you, and make their decision without the need for a hearing. This will take place in private without you or the HCPC being present. You will be able to provide written submissions to the panel. The panel will provide a written copy of their decision that will be shared with you.

At an in-person hearing you would be able to attend and have the opportunity to make representations to the panel. We would also be able to put forward arguments to the panel.

The Health and Care Tribunals Service (HCPTS) will contact you in due course to inform you of the date and format of the preliminary hearing.

What do I need to do?

If you have been offered a hearing 'on the papers' but would prefer for an in-person hearing to take place, you should inform us as soon as possible.

You are welcome to provide a written response to our application and provide any other information you wish for the panel to consider.

What will happen next?

The panel will not be making any decisions on the facts of your case. The panel will issue directions as to how your substantive hearing will take place.

You will be provided with a copy of the panel's decision.

The HCPTS will contact you in due course to inform you of the date of your substantive hearing.

Jargon buster

Conduct and Competence Committee

An independent committee who are responsible for hearing and deciding on allegations of impaired fitness to practise. Each panel is made up of three members: a Chair, someone from the same profession as the registrant, and a lay person who is not from any of the professions we regulate.

Fitness to practise

Whether a registrant has the skills, knowledge and character to practise safely and effectively. When we say a registrant's practice is impaired, we mean they are not able to practise safely and effectively.

Health and Care Professions Tribunal Service (HCPTS)

The Health and Care Professions Tribunal Service (HCPTS) is the fitness to practise adjudication service of the HCPC. They organise hearings on behalf of the HCPC. Although it is part of the HCPC, it has a distinct identity to emphasise that hearings are conducted and managed by independent panels which are at arm's length from the HCPC.

Health Committee

An independent committee who are responsible for hearing and deciding on allegations of impaired fitness to practise. Each panel is made up of three members: a Chair, someone from the same profession as the registrant, and a lay person who is not from any of the professions we regulate.

'On the papers'

The panel review documentary evidence and submissions by the parties without an in-person hearing.

Representative

A person who represents a registrant during the fitness to practise process. They may be from a union or professional body, or they may be a legal representative. Registrants may also use a lay representative, such as a friend or family member.

Substantive hearing

A substantive hearing is sometimes also called a final hearing. At this hearing a panel of the Conduct and Competence Committee or Health Committee will decide on the facts of the case. The registrant and HCPC will make submissions on the facts that have been alleged. The panel may also hear evidence from witnesses.