

Health Practice Associates Concerns Processing Policy and Procedure

Health Practice Associates Policy and Corporate Procedures

Version number: 1.4

First published: November 2018

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Health Practice Associates INFORMATION READER BOX

Publications Reference: 103	
Document Purpose	Policy and Procedure
Document Name	Concerns Processing Policy and Procedure
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Last Updated	16 January 2020
Target Audience	HPAC board, HPAC panel, HPAC registrants, Organisations registered with HPAC, service users of HPAC registrants, members of the public
Equality Impact assessment	This document does not unfairly impact any protected characteristics of HPAC stakeholders registrants, complainants or the public
Description	This updated document describes the process and guiding considerations when a concern is raised against one of our registrants.
Cross Reference	N/A - document currently includes both policy and procedure
Superseded Docs (if applicable)	N/A
Action Required	N/A
Timing / Deadlines (if applicable)	N/A
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Document Status

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Cause for concerns and complaint handling

Health Practice Associates seeks to ensure that its registrants uphold the highest standards of proficiency and conduct at all times, and will be held accountable for these at all times.

There may be instances when this is not the case, and therefore the policy below describes how any causes for concern or complaints regarding registrants will be managed.

Of overriding concern is the safety and well-being of end users for the care and management provided by HPAC registrants, and that such care and management brings credit to the registrant and HPAC.

The standards for registrant (both proficiency and conduct) are detailed in a separate publication, which should be read alongside the policy below.

Clarity on HPAC position

1. HPAC is not an alternative to the legal obligations (including Duty of Care) of an employer and has no influence on internal employer disciplinary processes
2. HPAC will refer concerns raised about the registrant to the employer, which registrants agree to as a condition of signing-up.
3. HPAC encourages a high degree of registrant integrity and will consider concerns relating to public safety and fitness to practice from:
 - self-reporting
 - public referrals (including relatives of the user)
 - referrals from government organisations ie Police
 - relevant referrals from employers
 - users of their service.

HPAC will not

1. Investigate non-registrants or unaffiliated organisations.
2. Become involved in personal care or manage customer service.
3. Become involved in issues which should be handled by a court or give legal advice.
4. Fine a registrant or make a registrant apologise.
5. Investigate anonymous concerns.
6. Hear-say complaints without supporting evidence.

HPAC will investigate fitness to practice where there are concerns on public safety. A registrant's fitness to practice is classified as impaired when there are concerns on the ability of the registrant to practice safely and effectively in accordance with their scope of practice; this includes driving where relevant.

Making a mistake does not necessarily classify the registrant as impaired. Registrants can be investigated for concerns relating to their practice before they were registered but within 3 years of the action raising the concern.

For consistency with the Health and Social Work Professions Order (2001), in the event where a complainant withdraws their complaint against a registrant, HPAC will be within their rights to continue the investigation.

The HPAC register is not intended to be an alternative 'safe haven' for Paramedics who have been removed from the HCPC register but who wish to continue a career in the care sector operating at a lower level. Instances of these will be addressed through the Cause for Concern process to ensure only bona-fide applications are considered.

Examples where complaints will be investigated

Some examples where evidence shows:

1. Failure to meet standards within their scope of practice, whether by action or inaction.
2. Acting beyond their scope of practice.
3. Exploitation of a vulnerable person.
4. Dishonesty, reckless acts, violent or threatening behaviour.
5. Health issues which may affect safe practice.
6. Substance abuse.
7. Criminal convictions or equally serious allegations, eg Police safeguarding notification.

Cause for Complaint Process

When applying for registration with HPAC, registrants agree to be held to account for their standards of care and professional conduct relevant to their level of registration.

Whilst HPAC has the authority to act against any registrant, the process for doing so needs to be fair and transparent, including a registrant's right of appeal against decision made.

Of overriding concern is the need to maintain the highest standards for patient care and respect, and also the good name and reputation of the HPAC.

The diagram below outlines the Cause for Complaint process.

Points to note

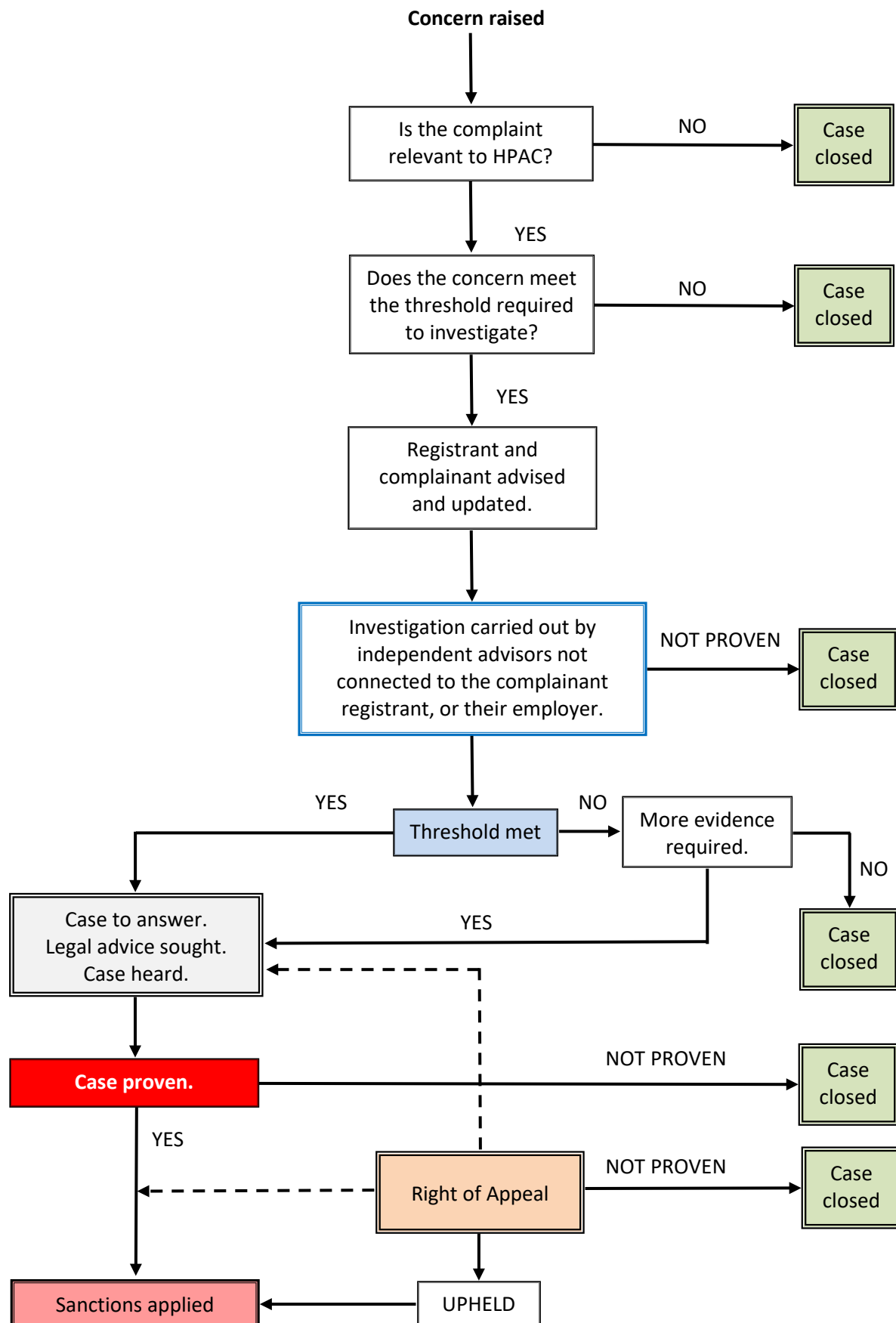
1. At all points during the process due account will be taken of the potential conflict of interest, whether HPAC officers or independent experts.
2. At all points during the process, the Registrant will be provided with 14 days-notice of any intended actions in the Cause for Concern process.
3. An HPAC Executive team member will determine whether the complaint is relevant to HPAC and identify a suitable independent expert to undertake an investigation.
4. If there is insufficient evidence for a case to be heard, the expert has the right to request additional to help determine whether the case proceeds or otherwise.
5. Where a Cause for Concern is not upheld at any stage, the case will be considered closed.
6. Where a case is raised for a Cause for Concern, it will be considered by a Case Panel of three relevant experts.
7. Registrants found to be in breach of HPAC standards of practice have the Right to Appeal, which must be notified to HPAC within 28 days of notification.
8. Appeals by Registrants will be considered by the HPAC Executive Team, who can uphold the decision of the Case Panel, refer the case back to the Case Panel or close the case.
9. The decision of the HPAC Executive Team is final and binding on all parties.

Sanctions available

A range of sanctions are available for registrants found to be in breach:

1. A note made on the Registrant's record.
2. Conditions placed on a Registrant's practice, such as Supervision arrangements.
3. Suspension of registration pending evidence of successful refresher training.
4. Removal from the Register for a determined period of time, with re-registration requirements specified.
5. Permanent removal from Register.

Cause for Concern Process



Registrant Right of Appeal Procedure

This Appeal procedure provides a process for managing appeals from registrant who have been adjudged to have breached the standards of practice and conduct required by HPAC.

This may be due to a number of reasons, for example;

- a) Actions/inactions that endanger the wellbeing of the service user.
- b) Failure to meet standards within their scope of practice.
- c) Acting beyond their scope of practice.
- d) Exploitation of a vulnerable person.
- e) Lack of respect.
- f) Dishonesty, reckless acts, violent or threatening behaviour.
- g) Health issues which may affect safe practice.
- h) Substance abuse.
- i) Criminal convictions.

The Appeal by a registrant will be reviewed by HPAC Executive Directors, with due account taken of any potential conflicts of interest.

HPAC Executive Directors will consider the appeal within 14 days of receiving documentation; this meeting need not necessarily be in person but may be conducted through media such as tele or video conferencing.

The decision of the HPAC Executive will be relayed by the Chairman to all parties within 7 days of the meeting. This decision will be final and binding on all parties; either

- the case is not upheld and the case is closed, or
- the case is not upheld but referred back to the Review Group for re-consideration, or
- the case is upheld and any recommendations are enacted.

Where the circumstances of a Registrant materially change, and they wish to overturn any decision to suspend or revoke their registration, then this will be referred to the Review Group for consideration.

Date effective: _____

To be reviewed: _____