

## Register of Clinical Technologists (RCT)

### Fitness to Practise Procedure

(revised in 2024)

#### 1. Interpretation

In this Fitness to Practise Procedure the following words and phrases shall, save where the context otherwise requires, bear the following meanings:

Accredited register	A voluntary register for health and care practitioners accredited by the Professional Standards Authority for Health and Social Care
Adjudicator	A person appointed by the RCT to undertake the preliminary investigation of a complaint and determine whether it should be referred to a Fitness to Practise Panel
Appeal Panel	A panel appointed by the RCT Complaints Manager and made up of members of the Pool of Panel Members to hear appeals against decisions of Fitness to Practise Panels and appeals against Interim Suspension Orders
Case Presenter:	The representative of the RCT instructed to present the case to the Panel on their behalf at a Fitness to Practise Panel hearing or an Appeal Panel hearing – this may include a solicitor or barrister
Code of Conduct:	The RCT Code of Professional Conduct
Complainant:	The maker of the complaint who may be a member of the public, the Institute, the Register, an organisation, or an employer of the Subject Member
Complaint:	Any circumstances identifying a member of the Register and set out in writing (including email) which fall within section 3.1 of this Procedure
Consensual disposal:	An agreement made between the Subject Member and the RCT about aspects of the case and proposing how the case should be resolved
Consensual Panel Disposal:	A written document setting out the proposal for a consensual disposal of the complaint agreed between the Subject Member and the RCT and presented to a Fitness to Practise Panel for consideration
Fitness to Practise Panel:	A panel appointed by the RCT Complaints Manager and made up of members of the Pool of Panel Members
Institute:	The Institute of Physics & Engineering in Medicine (IPEM)

Interim Suspension Order	A temporary suspension of the Subject Member's registration made (if required) in order to protect the public while Fitness to Practise proceedings are completed
Panel Chair	Chair of Fitness to Practise panel or Appeal Panel who shall be a lay member of the Pool of Panel Members.
Pool of Panel Members	A pool of panel members appointed by the RCT comprising RCT registrants, who are senior members of the Register, and lay panel members, who are not members of the Register and have never been eligible to be members of the Register. No person who is a member of the RCT Board or the Institute's Board of Trustees, including Council Directors, or Executive Team members may also be a member of the Pool of panel members. Panel members shall normally be appointed to the Pool for a term of three years, renewable once.
RCT Board:	The RCT Management Board
RCT Complaints Manager	Person appointed by the RCT Board to oversee and manage this RCT Fitness to Practise procedure
'Realistic Prospect' Test:	This test is whether there is a realistic prospect that the RCT will be able to establish both the factual allegations and whether, if proved, the facts would demonstrate that the Subject Member may not be suitable to be on the RCT Register without action on registration. This test is applied by the Adjudicator in determining whether to refer a complaint to a Fitness to Practise Panel.
Register	The Register of Clinical Technologists
Registration Council	The Science Council and The Engineering Council
Regulatory body	A body in the United Kingdom responsible under any enactment for the regulation of a health or social care profession
Subject Member:	A Member of the Register who is the subject of a Complaint, including a former Member who leaves the Register after an investigation under this Procedure has commenced.

## **2. Code of Professional Conduct**

- 2.1 The RCT Board shall agree the rules of the Code of Professional Conduct to be observed by Members of the Register.

## **3. Fitness to Practise Procedure**

- 3.1 A Complaint may be investigated in accordance with this procedure where the circumstances relate to an allegation that a member of the Register may not be suitable to be on the Register in that they:

- (a) failed to comply with the RCT Code of Professional Conduct or otherwise failed to behave with probity or honesty or engaged in fraud.
- (b) engaged in any act or activity that undermines public confidence in the profession or the RCT. This includes if the member is declared bankrupt.
- (c) has a criminal conviction or caution in the UK for a criminal offence, or a conviction elsewhere for an offence which, if committed in the UK could constitute a criminal offence. or is the subject of an adverse determination by another professional regulatory body or accredited register or a Registration Council.
- (d) failed to co-operate with the RCT.
- (e) is unable to comply with the RCT Code of Professional Conduct due to any physical or mental health condition.
- (f) demonstrated a lack of professional competence.

## **4. Making a complaint**

- 4.1 Any person may bring a complaint against a member of the Register.
- 4.2 Members of the Register have a duty to bring a complaint against another member where it is in the public interest to do so.
- 4.3 A complaint under this Procedure can only be brought against a current Member of the Register, but a complaint can be made in relation to any conduct resulting in a criminal conviction or regulatory determination that took place prior to the period of RCT membership, where such matters were not disclosed by the Member at the time of joining the RCT Register or have come to light after that time.
- 4.4 Any person wishing to make a complaint should complete the online complaint form or write to [enquires@therct.org.uk](mailto:enquires@therct.org.uk) or The Register of Clinical Technologists, Fairmount House, 230 Tadcaster Road, York, YO24 1ES to ask for a downloadable or paper copy of the complaint form which they can complete offline and return by post or email.

## **5. Receipt and Investigation of Complaint:**

- 5.1 When any circumstances which could reasonably form the subject matter of a Complaint come to the notice of the RCT or any member of the RCT Executive or the RCT Board, or any member of staff of the Institute, whether by receipt of a complaint from any person or otherwise, any such circumstances shall be reported as quickly as possible to the RCT Complaints Manager. Concerns about a Subject Member that come to the attention of the RCT through social or other media should also be brought to the attention of the RCT Complaints Manager.
- 5.2 Upon receipt of any complaint form or such information outlined in 5.1 above, any such circumstances shall be reported as quickly as possible by the RCT Complaints Manager to an Adjudicator appointed by the RCT Complaints Manager or a staff member of the Institute and shall then constitute a Complaint.
- 5.3 Notification to the RCT of any investigation by a Regulatory Body, Accredited Register or Registration Council into the professional conduct of a member of the Register who is registered with that body shall be deemed to constitute a complaint within section 3.1 above. The RCT Complaints Manager will refer any such notification to an Adjudicator to determine whether to commence an immediate investigation under this Procedure or whether to await the outcome of an investigation by the Regulatory Body, Accredited Register or Registration Council and to determine whether an interim order is needed under section 6 below.
- 5.4 The outcome of an investigation by a Regulatory Body, Accredited Register or Registration Council shall not, itself, determine whether or not a complaint should be referred to a Fitness to Practise Panel hearing, and an investigation will be conducted in the same manner as for any other complaint.
- 5.5 The Adjudicator shall undertake or direct a preliminary investigation to establish whether the circumstances giving rise to the Complaint are such that the realistic prospect test is met. If the realistic prospect test is met the complaint should be referred to a Fitness to Practise Panel.
- 5.6 If it is determined that the Complaint is not a realistic prospect the Adjudicator will thank the complainant for their concern and confirm that no further action will be taken.
- 5.7 The Adjudicator shall take or direct such steps as they think fit in order to make a thorough investigation of the Complaint, including conducting additional enquiries and investigations where appropriate regardless of any existing employer's investigation. The Adjudicator may consider any evidence providing that it is fair to do so.
- 5.8 The Adjudicator shall inform the Subject Member at as early a stage as is reasonably possible that they are the subject matter of such an investigation but may refrain from doing so where in the reasonable opinion of the Adjudicator the investigation might be jeopardised. Details of the Subject Member's employer may be requested from the Subject Member so that enquiries can be made of them.
- 5.9 The Adjudicator may request a Subject Member to attend an independent medical examination if it is considered necessary in a particular case due to any concerns being raised that the Subject member is unable to comply with the RCT Code of Professional Conduct due to any physical or mental health condition. Such an examination will be conducted at the RCT's expense.
- 5.10 At the earliest opportunity, and in all cases prior to the Adjudicator making their decision, the Subject Member should be provided with a copy of the written complaint and any relevant

supporting documentation gathered during the investigation and should be provided with an opportunity to respond in writing within 28 days.

- 5.11 The investigation shall be carried out and completed as rapidly as is reasonably practicable. A written record of the outcome, with reasons, must be prepared and agreed by Adjudicator.
- 5.12 If the Complaint is not to be referred to a panel hearing because the realistic prospect test is not met, the RCT Complaints Manager shall inform the Subject Member (if this has not already been done) of the investigation and of the decision not to refer the case to a hearing.
- 5.13 If the Adjudicator resolves that the matter should proceed to a Fitness to Practise panel hearing, they shall formulate the precise Complaint or Complaints that are to be the subject matter of the panel hearing.
- 5.14 The Subject Member shall usually remain a member of the Register until the consideration of the complaint has been completed. If a Subject Member ceases their registration during the Fitness to Practise process, the investigation or proceedings will normally continue with or without their cooperation and participation, unless the RCT Complaints Manager or a Fitness to Practise Panel consider that it is not in the public interest to do so.
- 5.15 The complainant will be informed that a Fitness to Practice Hearing will be taking place but will not be provided with details to ensure fairness. They will be provided with contact details for the RCT Complaints Manager who will act as their liaison throughout this process.

## **6. Interim Suspension Orders**

- 6.1 If an Interim Suspension Order (ISO) is considered necessary to protect the public while the Fitness to Practise proceedings take place, this should be determined by the Adjudicator in line with the policy on 'Managing registration in respect of on-going investigations.'
- 6.2 The Adjudicator must be satisfied that there is a real continuing risk (actual or potential) to patients, colleagues or other members of the public if an ISO is not made.
- 6.3 When imposing an ISO, the Adjudicator must specify the period of suspension which must not exceed 18 months beginning with the date on which the ISO is made. In deciding the period of suspension, the Adjudicator must take into account the amount of time which is likely to be needed to complete the FTP procedure and may specify arrangements for review of the ISO.
- 6.4 All Interim Suspension Orders should be reviewed by the Adjudicator as specified in the original order, and shortly before the expiry of any ISO; and in the event of a significant change of circumstances. Any extension to the original ISO must specify the further period of suspension which must not exceed a further 18 months beginning with the date on which the original ISO expired.
- 6.5 The RCT Complaints Manager will notify the Subject Member and the Complainant of any decision to impose an Interim Suspension Order and may also notify any known employer. The Subject Member will also be informed in writing of their right of appeal and of the procedure to be followed.
- 6.6 If an interim suspension order is imposed, the Subject Member will have a right of appeal to an Appeal Panel.

- 6.7 An appeal against the interim suspension decision by the Subject Member must be made in writing to the RCT Complaints Manager, not later than 14 days after the date of the notification of the decision, or at any time in the event of a significant change of circumstances.
- 7. Fitness to Practise Panel hearings**
- 7.1 The RCT Complaints Manager or a staff member of the Institute (having consulted with the Subject Member and taken into account to such extent as may be reasonable any representations they have made on the matter) shall fix a date time and place for a Fitness to Practise Panel hearing.
- 7.2 When a Fitness to Practise Panel hearing is required, a Fitness to Practise Panel will be appointed by the RCT Complaints Manager or a staff member of the Institute. The Fitness to Practise Panel is to be composed of at least three panel members, one of which must be a lay member. The Chair of the Panel will be a lay panel member.
- 7.3 At least 28 days' notice shall be given of the Fitness to Practise Panel hearing to the Subject Member. The notice of a Fitness to Practise Panel hearing shall include:
- (a) Date, time and place of the hearing, or access information if the hearing is to be held online.
  - (b) Details of the procedure to be followed by the Fitness to Practise Panel.
  - (c) The names of the members of the panel.
  - (d) Particulars of the Complaint against them and all the evidence to be used at the panel hearing (including copies of witness statements and documents) and any requests by the RCT for special measures for witnesses.
- 7.4 A staff member of the Institute will act as the Fitness to Practise Panel RCT Complaints Manager and will be responsible for the administration of the hearing and will communicate relevant information to all parties and update the panel members as to the hearing date. The Fitness to Practise Panel RCT Complaints Manager will be responsible for establishing that the Subject Member was properly notified if the Subject Member does not attend the hearing.
- 7.5 The Fitness to Practise Panel hearings will be held in public unless the Panel is satisfied that, in the interests of justice or for the protection of the private life of the Subject Member, the complainant, or any witness, the public should be excluded from all or part of the hearing.
- 7.6 If at any stage a member of the Fitness to Practise Panel withdraws or becomes unable to continue dealing with the Complaint, then another panel member from the Pool may be substituted by the RCT Complaints Manager for that person provided that adequate steps can be taken to ensure a fair hearing.
- 7.7 The Fitness to Practise Panel may consider medical evidence provided by the Subject Member from their treating doctor, in the form of a written report from their GP, a specialist medical report or an occupational health report. It may also consider any report following an independent medical examination requested by the Adjudicator under section 5.8 above.

- 7.8 The Fitness to Practise Panel may also take into account a refusal to undertake a medical examination requested by the Adjudicator.
- 7.9 From the time at which the Adjudicator refers a Complaint to a Fitness to Practise Panel, the Fitness to Practise Panel shall take over the conduct of the proceedings. Subject as stipulated in this Procedure, the Fitness to Practise Panel shall regulate its own procedures and may make directions as to the conduct of cases, including arrangements for the attendance and expenses of Complainants, Subject Members and Witnesses. This Procedure may only be modified by the Fitness to Practise Panel so far as is necessary to ensure that the case is heard and conducted fairly.
- 7.10 The Fitness to Practise Panel may consider and determine together:
- (i) two or more complaints against the same Subject Member; or
  - (ii) complaints against two or more Subject Members, where it would be just to do so.
- 7.11 The Fitness to Practise Panel may admit any evidence providing that it is fair and relevant.
- 7.12 The Fitness to Practise Panel shall have the power to amend the particulars of the Complaint at any stage prior to the announcement of their decision on the facts. Any such amendment is subject to the requirements of fairness, particularly to the Subject Member, and the parties must be offered the chance to make submissions as to any proposed amendments.
- 7.13 All members of the Fitness to Practise Panel must participate in all decisions of the Fitness to Practise Panel, which shall be decided by the majority, which must include the lay member in every finding of proof. In the event of an equality of votes, the Panel Chair shall have an additional casting vote. The quorum of a Panel shall be three Panel members including the Chair, with at least one lay member and one registrant member. The Chair of the Panel will be a lay panel member.
- 7.14 The Subject Member has the right to submit written representations to the Fitness to Practise Panel not less than 7 days in advance and/or may make oral representations at the hearing. The Subject Member shall confirm in writing to the RCT Complaints Manager at least 7 days before the hearing:
- (a) Whether they intend to be present and/or represented at the hearing (subject to section 13.7 below).
  - (b) The names, contact details and standing of any persons accompanying and/or representing them at the hearing.
  - (c) The names, contact details and standing of any witnesses they seek permission to call in the course of the hearing.
  - (d) Any requests for special measures for the Subject Member or their witnesses as outlined under section 13.5 below.
- 7.15 If a Subject Member or the RCT make any request for any special measures under section 13.5, such a request may be considered by the Panel Chair in advance of the hearing or at the beginning of the panel hearing.



- 7.16 The Fitness to Practise Panel may, if it considers it necessary to resolve any preliminary issues relating to evidence or witnesses or public access to the hearing, hold a preliminary hearing in advance of the hearing or at the beginning of the panel hearing.
- 7.17 Witnesses may only be called where a written statement of the substance of their evidence has been provided in advance.
- 7.18 Where the Subject Member is neither present nor represented at the Fitness to Practise Panel hearing, the Fitness to Practise Panel may proceed to consider the Complaint if they are satisfied that all reasonable efforts have been made to notify the Subject Member of the Complaint and the arrangements for the hearing, and that in all the circumstances it is fair to proceed.
- 7.19 At the hearing the Fitness to Practise Panel will consider the evidence and any submissions made by the Case Presenter (including, if the Fitness to Practise Panel deems appropriate, hearing witnesses) and shall give the Subject Member the opportunity to comment on the same and present oral evidence.
- 7.20 The Subject Member may be assisted by a friend or colleague of their choice, or a legal representative, subject to the conditions in section 13.7 below.
- 7.21 The RCT Complaints Manager shall arrange for a full audio recording of each panel hearing and shall keep the same until the expiry of at least 12 months from the conclusion of the hearing or of any appeal.
- 7.22 The burden of proving any disputed aspects of the facts underlying the Complaint rests on the RCT. The standard of proof shall be the civil standard on the balance of probabilities.
- 7.23 The Fitness to Practise Panel shall retire in private (in the absence of the parties and any recording facilities) to consider each of the matters set out in 7.24, 7.25 and 7.26. The Fitness to Practise Panel will consider whether it is necessary, in the interest of fairness, to return to invite submissions from the parties between each or any of these stages.
- 7.24 The Fitness to Practise Panel shall first consider whether any disputed facts underlying the Complaint are found proved. It shall announce the facts admitted and/or found proved.
- 7.25 The Fitness to Practise Panel shall next determine whether the Complaint(s) made under section 3.1 above is/are sustained.
- 7.26 The Fitness to Practise Panel shall then determine what action to take in relation to the Complaint(s) which has/have been sustained, in accordance with section 8 below.
- 7.27 The Fitness to Practise Panel may give its decision to the Complainant and the Subject Member at the conclusion of the Fitness to Practise Panel hearing in writing (and may read out its decision) either at the conclusion of its deliberations or at the latest on the expiry of twenty one days from the conclusion of the Fitness to Practise Panel hearing.
- 7.28 The RCT Complaints Manager will notify the Complainant and the Subject Member of the Fitness to Practise Panel's decision. The Subject Member will also be informed in writing of his or her right of appeal and of the procedure to be followed.



- 7.29 The Fitness to Practise Panel shall give succinct reasons for all elements of their decision.
- 7.30 The decision (including reasons) of the Fitness to Practise Panel shall usually be published on the RCT website unless there is an exceptional reason not to publish. Written decisions may be redacted to protect the identity or personal sensitive information of any third parties in accordance with the [RCT Policy on Information](#)
- 7.31 Any such publication will not be effected until after any appeal has been heard. Any application by the Subject Member in relation to the publication of a decision must be made at the hearing or in writing upon receipt of the written decision and will be considered by the Fitness to Practise Panel.
- 7.32 Any publication of the decision of the Fitness to Practise Panel by any member of the Institute not approved by the RCT Complaints Manager may itself be the subject of a Complaint under this Procedure.

## **8. Sanctions**

- 8.1 The following outcomes and sanctions shall be available in respect of any Complaint which the Fitness to Practise Panel finds to have been sustained:
- (a) that no action be taken.
  - (b) that no action be taken save that any sustained complaint should be noted on the Subject Member's record for a specified time not exceeding five years and may be raised only if relevant in subsequent fitness to practise proceedings concerning such Subject Member.
  - (c) that the Subject Member receive a written reprimand which shall be recorded on their membership record for a specified time not exceeding five years and may be raised only if relevant in subsequent fitness to practise proceedings concerning such Subject Member.
  - (d) that the Subject Member be subject to a temporary suspension from the Register for a specified period, up to a maximum period of 18 months.
  - (e) in a case where any finding has been made relating to the Subject member's physical or mental health, that the Subject Member be subject to a temporary suspension from the Register for a specified period up to 18 months, with a further review by a Fitness to Practise Panel before the end of that period and a right to an early review at the request of the Subject Member.
  - (f) that the Subject Member be removed from the Register.
- 8.2 In determining the appropriate sanction, the Fitness to Practise Panel should have regard to any Sanctions guidance approved by the RCT Board and published on the RCT website.
- 8.3 In the event of a review of a temporary suspension order under 8.1(e) above, the Fitness to Practise Panel shall consider any up-to-date medical evidence provided by the Subject Member or the RCT and any other relevant evidence and shall consider whether the Subject Member remains unable to comply with the RCT Code of Professional Conduct due to any physical or mental health condition. On such a review, the Fitness to Practise Panel shall have the power to vary, revoke or

extend the period of temporary suspension, but any extension shall be for a maximum period of 18 months from the expiry of the original order.

## **9. Consensual Panel Disposal**

- 9.1 The Case Presenter may at any time up to the hearing communicate with the Subject Member regarding the Complaint and if they consider that the matter can be satisfactorily dealt with through admissions of the Complaint or of a substantial element of it, and expressions of regret and/or undertakings are given by the Subject Member, may seek to agree a consensual disposal by way of a Consensual Panel Disposal agreement.
- 9.2 Any such Consensual Panel Disposal agreement is subject to the approval of the Fitness to Practise Panel. If it is approved, it shall be entered upon the Subject Member's record for a period of time specified by the Fitness to Practise Panel and may be raised only if relevant in subsequent proceedings concerning such Subject Member.
- 9.3 Other than in exceptional circumstances, the Consensual Panel Disposal outcome will be published in accordance with RCT publication policy.

## **10. Appeal Panel hearings**

- 10.1 The Subject Member may appeal against:
  - (a) any decision of the Fitness to Practise Panel.
  - (b) any decision of an Adjudicator to impose an interim suspension order, in accordance with section 6 above.
- 10.2 An appeal against the decision of a Fitness to Practise Panel shall be made by written notice to the RCT Complaints Manager within 14 days of the notification by the Fitness to Practise Panel to the Subject Member of its decision (which time limit may be extended by the discretion of the RCT Complaints Manager).
- 10.3 The RCT Complaints Manager or a staff member of the Institute (having consulted with the Subject Member and taken into account to such extent as may be reasonable any representations they have made on the matter) shall fix a date time and place for a Appeal Panel hearing.
- 10.4 When an Appeal Panel hearing is required, an Appeal Panel will be appointed by the RCT Complaints Manager or a staff member of the Institute. The Appeal Panel is to be composed of at least three panel members, one of which must be a lay member. The Chair of the Panel will be a lay panel member.
- 10.5 A staff member of the Institute will act as the Appeal Panel RCT Complaints Manager and will be responsible for the administration of the hearing and will communicate relevant information to all parties and update the panel members as to the hearing date. The Appeal Panel RCT Complaints Manager will be responsible for establishing that the Subject Member was properly notified if the Subject Member does not attend the appeal hearing.
- 10.6 The Appeal Panel will comprise three members of the pool of Panel members, including at least one lay member who will act as Chair and one registrant member.

- 10.7 The Appeal Panel acts independently, and Appeal Panel members must not have played any previous part in the decision that is being appealed.
- 10.8 The Appeal Panel hearings will be held in public unless the Appeal Panel is satisfied that, in the interests of justice or for the protection of the private life of the Subject Member, the complainant, or any witness, the public should be excluded from all or part of the hearing.
- 10.9 The Subject Member may be assisted by a friend or colleague of their choice, or a legal representative, subject to the conditions in section 13.7 below.
- 10.10 The Appeal Panel may at their discretion invite written or verbal arguments from the Case Presenter, and the Subject Member before determining an appeal. In exceptional circumstances the Appeal Panel may admit new evidence.

*Appeals against Fitness to Practise Panel decisions*

- 10.11 The Appeal Panel may uphold the Subject Member's appeal in whole or in part or dismiss it in whole or in part.
- 10.12 If the Appeal Panel upholds the appeal, it may substitute the decision of the Fitness to Practise Panel with any decision open to the Fitness to Practise Panel or remit the case in whole or in part back to the original Fitness to Practise Panel to a new Fitness to Practise Panel to be appointed from the Pool of panel members. for rehearing or reconsideration. In such circumstances the original or new Fitness to Practise Panel having reheard or reconsidered the case may (as well as altering any previous findings) make fresh decisions as to the sustaining of any Complaint and any sanction.
- 10.13 The new Fitness to Practise Panel may uphold the original Fitness to Practise Panel's decision as to sanction or may substitute some lesser sanction but may not increase the sanction from that decided by the original Fitness to Practise Panel.
- 10.14 The result of any appeal shall be notified by the RCT Complaints Manager to the Subject Member forthwith and shall be implemented by the RCT Complaints Manager with immediate effect. It shall also be noted on the Member's record save where it has been decided that no action is to be taken.
- 10.15 Should the Appeal Panel uphold the decision of a Fitness to Practise Panel that a Subject Member should be removed from the Register this will not prejudice any right that the Subject Member may have to appeal to a Registration Council against removal of their status as a registered engineer or registered scientist or other registered professional. If such an appeal is successful it will not prejudice the Subject Member's expulsion from the Register.

*Appeals against Interim Suspension Orders*

- 10.16 An appeal against an interim suspension order will be undertaken by the Appeal Panel as a full re-hearing.
- 10.17 The Appeal Panel will apply the same test as the Adjudicator, set out in section 6 above.

- 10.18 The Appeal Panel may vary, revoke or uphold the Interim Suspension order but the maximum period of any ISO, including any further ISO following a review, will be a period of 18 months from when that ISO was imposed.

## **11. Sharing Fitness to Practise decisions**

- 11.1 Should a Fitness to Practise Panel decide that a Subject Member who is registered with a Regulatory Body or Registration Council should be removed from the Register, or be subject to any other sanction under this Fitness to Practise Procedure, then at the expiry of the appeal period if no appeal has been made, or after an appeal, if the Appeal Panel upholds the decision of the Fitness to Practise Panel, the RCT Complaints Manager shall write in confidence to the Registrar of the relevant Regulatory Body or Registration Council to communicate the decision of the Fitness to Practise Panel and any Appeal Panel
- 11.2 Should a Fitness to Practise Panel decide that a Subject Member should be removed from the Register or be subject to any other sanction under this Fitness to Practise Procedure, then at the expiry of the appeal period if no appeal is made, or after an appeal, if the Appeal Panel upholds the decision of the Fitness to Practise Panel, then the RCT will bring the decision to the attention of other signatories of the Information Sharing Protocol held by the Accredited Registers Collaborative by way of the agreed alert system contained therein.

## **12. Appointment of Panel Members and Adjudicators**

- 12.1 The RCT shall appoint and maintain a pool of panel members to sit on the Fitness to Practise Panels and Appeals Panels. The pool shall include RCT registrant panel members and Lay panel members who are not, and have never been eligible to be, on the Register. No person who is a member of the RCT Board or the Institute's Board of Trustees, including Council Directors, or Executive Team member, may also be a member of the Pool of panel members.
- 12.2 A panel member may sit on more than one of the above Panels, but the panel members allocated to deal with a particular matter must not have had any dealings with the case in question at an earlier stage of the fitness to practise process. To be properly constituted, all Panels require three members in total, including at least one Registrant panel member and one Lay panel member and the Chair of each panel shall be a Lay panel member.
- 12.3 RCT shall appoint and maintain a pool of people who can act as Adjudicators in relation to complaints under this Procedure. The pool of Adjudicators may be appointed from the Pool of Panel Members.
- 12.4 RCT shall ensure that any panel members and Adjudicators have the necessary skills, experience and training to undergo their roles.

## **13. General Management of the Fitness to Practise Procedure**

- 13.1 RCT may arrange any meeting or hearing of the Fitness to Practise Panel or the Appeals Panel under this Procedure to be conducted as a virtual meeting or hearing using audio or video conferencing facilities.

- 13.2 If any panel member becomes aware of any personal involvement or interest in any Complaint they shall forthwith declare the same to the RCT Complaints Manager and shall take no further part in the deliberations of the Panel relating to that Complaint.
- 13.3 If any registrant panel member is the subject of any Complaint (or, involved in circumstances which could form the subject matter of a Complaint), that complaint will be considered under this Procedure in the same manner as for any other complaint and any decision about their role as a panel member will be a separate matter for the RCT Complaints Manager and the RCT.
- 13.4 The Panel Chair may allow special measures to be put in place during a panel hearing where they consider that a witness or party may be assisted by them to give evidence or participate effectively or such measures are otherwise necessary for a fair and effective hearing, whether or not a direction has previously been given.
- 13.5 The special measures may include, but are not limited to:
  - (a) setting ground rules for questioning
  - (b) not allowing a party or witness to be directly questioned by the other party
  - (c) allowing a party or witness to give their evidence remotely or from behind a screen
  - (d) allowing additional breaks during the hearing or giving of evidence
  - (e) allowing the use of an interpreter, intermediary or other supporter or communication aids for any party or witness
- 13.6 The Fitness to Practise Panel or an appeal panel may be advised by any legal advisors appointed by the RCT Complaints Manager, but any advice provided to the Panel must be given openly during the hearing and not during any private deliberations.
- 13.7 The Subject Member may be assisted by a friend or colleague of their choice, or a legal representative at a Fitness to Practise Panel or Appeal Panel hearing, provided that:
  - (a) they shall disclose to the Fitness to Practise Panel or the Appeal Panel before the hearing the identity of the person who is to accompany or represent them if they wish their representative to receive copies of the documentation.
  - (b) Any travel and subsistence costs incurred by a friend or colleague will not be the responsibility of the Fitness to Practise Panel or the Appeal Panel, the RCT Board or the Institute.
  - (c) Any professional fees, travel, and subsistence costs of a legal or professional representative of the Subject Member will not be the responsibility of the Fitness to Practise Panel or the Appeal Panel, the RCT Board or the Institute.
  - (d) Any travel costs of the Subject Member will not be the responsibility of the Fitness to Practise Panel or the Appeal Panel, the RCT Board or the Institute,
  - (e) The RCT Board or the Institute will also not be liable to pay the Subject Member's legal costs.

- 13.8 The RCT Complaints Manager may engage a legal representative for the Subject Member in cases of sexual misconduct, if they are not legally represented, to facilitate the questioning of witnesses.

#### **14. Service of documents.**

- 14.1 Failure to receive documents served in connection with this Fitness to Practise Procedure shall not render the procedure invalid. It is the responsibility of all parties to a complaint to provide up to date contact details. Documents shall be deemed to have been validly served on any party:

- (a) If sent by email to an email address that has been provided to RCT and is known to have been active and accurate recently,
- (b) If sent by recorded delivery post to the last known address provided by the party to RCT or to an address specified in writing (including the address of their legal advisor) or
- (c) If handed to them in person, or
- (d) If served in a way that may be directed by a Panel Chair

#### **15. Confidentiality**

- 15.1 Details of a complaint and its progress must be treated as confidential by the Subject Member, Complainant, RCT Complaints Manager, Panel members and any RCT or IPEM Staff members, or lay members, without time limit, except that:

- (a) Information may be passed to third parties (e.g. Witnesses) on a strict 'need to know' basis and such third parties are bound by section 15.1.
- (b) Fitness to Practise and Appeal Panel hearings will usually be held in public except in specific circumstances in accordance with section 7.5 and 10.8 above.
- (c) All Panel decisions would normally be published, save for any information relating to the physical or mental health of any of the parties or witnesses, which may be redacted.
- (d) The RCT may disclose to any person any information relating to a complaint against a member which it considers to be in the public interest to disclose.

- 15.2 All correspondence to and from panel members regarding specific cases involving a named Subject Member must be handled in strictest confidence, using either encrypted email, or post addressed to the panel member at their designated home address and marked 'Strictly private – to be opened by addressee only'.

- 15.3 All data will be processed and stored in accordance with the [RCT/ Institute's data handling](#) /privacy policy

- 15.4 Any breach or alleged breach, of confidentiality may give rise to a further complaint.

#### **16. Amendments to this Procedure**

- 16.1 Amendments may be made to this Procedure from time to time by the RCT Board

- 16.2 In making such amendments the RCT Board will consult with any representatives of registrant members, complainants, panel members and members of the public as it considers appropriate and will take steps to ensure fairness to all parties and to ensure compliance with current applicable legislation.
- 16.3 Any amendments made by the RCT Board will be notified to all members of the Register by publication on the RCT website, and to all parties to any ongoing complaints and will apply immediately to all complaints, unless expressly stated otherwise.