

A stylized white silhouette of a human face in profile, facing right, set against a solid blue background. The silhouette is composed of smooth, rounded shapes representing the forehead, nose, lips, and chin.

Save Face

Internal Complaints Policy

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Part 1 Introduction

Save Face will always attempt to find a speedy and amicable resolution to any concern raised before invoking formal process.

1.1 Statement of Purpose

- To support the patient in making their complaint
- To monitor compliance with the complaints process
- To provide 3rd party investigation and review if satisfactory/fair resolution not achieved
- To identify areas for improvement and make recommendations
- To monitor implementation of service improvements, when recommended
- To include complaints made and process of resolution in clinic audit
- To identify areas of risk and take appropriate steps to prevent harm to the public and protect the reputation and credibility of the register and those on it.
- To gather data on the nature of complaints in aesthetic practice to inform best practice standards.
- Where there is evidence to indicate impairment of fitness to practice, to refer to appropriate statutory body and/or regulator.

1.2 Exclusion Criteria

- 1.2.1 If the complaint does not concern a registrant, information will be retained for audit and if appropriate, general advice and support may be provided in the interests of public education.
- 1.2.2 Unless the Advisory Board considers that there are exceptional circumstances, information received by Save Face about a registrant will not be considered under these procedures if the individual was not on the register at the time or over two years have elapsed since the conduct occurred or since the date on which the Complainant became aware of the conduct, whichever is the latest.
- 1.2.3 If the complainant is another practitioner or a member of the public who has no personal experience of the registrant, Save Face will include the complaint in the clinic portfolio for audit but not instigate investigation unless within context of other complaints.
- 1.2.4 If the complaint is based on hearsay, without supporting evidence.
- 1.2.5 If the complainant wishes to remain anonymous and anonymity would prevent proper investigation and/or the ability of the registrant to respond and address.
- 1.2.6 If the complaint has already been addressed and closed.
- 1.2.7 Where the registrar has received information about a Registrant and that Registrant is already the subject of an inquiry by the police or other body, or there are on-going criminal or civil proceedings, the investigation or referral may be deferred until the inquiry or proceedings have concluded.

1.3 Complaints Concerning Registrants

- 1.3.1 For complaints concerning registrants, in the first instance registrants should be provided with an opportunity to resolve the complaint as per complaints policy.
- 1.3.2 On receipt of a written complaint (completion of online form) about a registrant, the registrar shall first consider whether the nature of the complaint is such that it should be accepted.
- 1.3.3 If a complaint is accepted, the registrar shall determine the risk category and shall consider if it is appropriate to seek for it to be resolved informally, or formally by the clinic directly, by mediation, or escalate to the appropriate panel.
- 1.3.4 If it is not appropriate to seek for the complaint to be resolved informally or by mediation, or if informal resolution or mediation has not been successful, the registrar shall request information and evidence of process conducted by the registrant and proceed according to the risk category.
- 1.3.5 Should breaches in standards be identified the registrar shall refer the complaint to either the investigations panel or the adjudication panel according to the risk category.
- 1.3.6 Where Save Face has received information other than in a writing, that there is evidence of a serious (High Risk) breach by a registrant of the standards, and the matter is not already the subject of any inquiry by the police or other body or there are no on-going criminal or civil proceedings, the registrar may become the complainant and seek the co-operation of the registrant and any relevant third party. The registrar may also consider issuing an Interim Order.
- 1.3.7 It is not the intention of Save Face to duplicate any formal investigatory process conducted by The Statutory Regulators.

1.4 Complaint Categorization by Risk Assessment

Procedure is followed according to risk assessment

- 1.4.1 **LOW** - *The health and safety of the client has not been compromised - in relation to the standards.*
- Known side effect which has been explained at consent and will resolve spontaneously.
 - Treatment was administered appropriately, safely, in a safe environment, by a qualified clinician but client expectations have not been met.
 - Identify potential risk which can be addressed (e.g. consent and patient information)
- 1.4.2 **MEDIUM** - *The health and/well-being of the client has been directly compromised or service has fallen below acceptable standards- **Action required***
- The health/well-being of the patient has been compromised resulting in justifiable distress
 - Potential breach of standards
- 1.4.3 **HIGH** - Identifiable risks to patient safety and/or serious misconduct requiring **IMMEDIATE ACTION** - referral to clinical director, Governance Board and **Investigation panel**
- Likely breach of (criminal) legislation
 - Potential risk to other patients accessing this service
 - Likely breach of Save Face Standards
 - Likely breach of Professional Standards
 - Behavior which may harm the reputation of Save Face and/or the registrants.
 - Findings by a statutory regulator
 - A registrant who has frequently been the subject of complaints

Part 2 Committees and Panels

2.1 Personnel engaged with the management of complaints

- 2.1.1 Save Face recognizes the need to separate the investigation, adjudication and appeals stages of the process in order to prevent bias or conflict, and to make the process transparent and fair. Save Face has separated the stages and arranged that different personnel be engaged in each stage of the process.
- 2.1.2 Each of the panels is comprised of a member of the Governance board; a professional person, not associated with Save Face, who has an interest in Health Care and is engaged in a discipline that is not related to Aesthetic Medicine; and a lay person.
- 2.1.3 Individuals with specialist knowledge or expertise may be appointed as required by the nature of the complaint.
- 2.1.4 Save Face shall maintain a pool of individuals who have been pre-approved by the independent advisory board. Each panel shall comprise a minimum of three and a maximum of five individuals, with a quorum requiring three.

2.2 The Council

- The Council comprises Save Face Directors
- The Clinical Director/ registrar
- The Governance Board

2.3 The Governance Board

- View Governance Board [here](#)
- To inform, review and approve policy, process and standards
- To monitor and audit process and procedure
- To monitor outcomes
- To recommend reviews and changes
- To have representation at panel level

2.4 The Registrar

- Determine risk category
- Liaise with registrant and complainant
- Gather information/evidence
- Investigate and manage Low Risk complaints
- Compile summary reports for audit, approved by panels.
- Provide support to the panels and Governance Board for medium and high risk category complaints.

2.5 The Investigation Panel

Investigate medium risk complaints, and review complaints not resolved to the patient's satisfaction, examining available evidence from all involved parties behind the complaint or concern.

The Investigating Panel comprises:

Chair :
Health Professional:
Lay Person:
Member of Save Face Advisory Board

2.6 The Adjudication Panel

High risk complaints will be referred to The Adjudication Panel when suspension or removal orders are indicated.

The panel will consider the evidence and determine if there has been a breach of professional behavior, a lack of technical competence, a breach of practice principles or other concern.

The panel will hear any mitigation offered and then determine how the case should proceed, any requirement that may be made of the practitioner, or any sanction that is to be applied, the timeframe in which that requirement should be completed and any further matters to bring early, fair and satisfactory resolution of the concern.

The Adjudication Panel comprises:

Chair:
Health Professional:
Lay Person:
Member of Save Face Governance Board

2.7 Appeals Panel

The Appeals Panel – will hear appeals against the findings and determinations of the Adjudication Panel and consider any new evidence. The Appeals Panel has the authority to vary any requirements placed upon a practitioner by the Adjudication Panel if the appeal hearing finds acceptable mitigation or grounds that are considered acceptable and reasonable.

The Appeals Panel comprises:

Chair:
Legal Professional:
Lay Person:
Member of Save Face Governance Board

2.8 Restoration Panel

Shall consider any application to be restored to the register.

The Restoration Panel shall comprise;

Chair

Lay person

Lay person

Member of Save Face Governance Board

2.9 Ethics Committee

In accordance with its stated intention to involve lay people and members of the public in its affairs and its governance, and to extend the transparency and demonstrate the fairness of its operations, Save Face has constituted an Ethics Committee.

The Ethics Committee, consisting of four lay persons, will be convened to hear complaints against Save Face itself, or its personnel. The Ethics Committee will also consider conflicts of Interest, or potential conflicts of Interest where they arise or are notified.

The Ethics Committee is formed of four lay persons that have no association with Save Face, and apart from the re-imburement of their paid expenses, they have no financial association with, or other interest in Save Face. The Ethics Committee will examine issues raised about Save Face itself, or its personnel.

Chair

Lay person

Lay person

Legal

The findings of the Ethics Committee will be entered by the registrar into the agenda of a board Meeting, so that the Directors and Governance Board can be informed and learn from the outcome. The Directors are pledged to accept the findings and recommendations of the Ethics Committee, and will seek to address the issue to prevent the conflict arising in the future.

Panels will be comprised from a pool of volunteers pre-approved by The Governance Board.

Part 3 Complaints Procedure

3.1 Procedure policy for low risk complaints

- 3.1.1 The registrar will ensure receipt of the complaint is acknowledged in writing, within 48 hours. The acknowledgement will include an explanation of how we intend to proceed according to the nature of the complaint and a time frame for subsequent communication.
- 3.1.2 The registrar will notify the registrant that a complaint has been received and provide a copy of that complaint, requesting information and evidence as appropriate, to be provided within 14 days.
- 3.1.3 Within 28 days, the registrar will review the evidence with reference to the complaint and compile a summary report and conclusion which shall be provided to the registrant.
- 3.1.4 The report shall include;
- The key elements of the complaint that were investigated with reference to The Standards
 - The evidence provided
 - Any breaches or lapses of standards identified
 - Any recommendations to improve standards
 - Any actions taken by the registrant to prevent further complaints of this nature
 - Any follow up and time frame
- 3.1.5 The complainant will receive, in writing a response to their complaint.
- 3.1.6 The response shall include;
- An expression of regret for the harm/distress suffered
 - An objective summary of the concerns raised by the consumer and an acknowledgement of any subjective information
 - An explanation of what and how the complaint has been investigated
 - Details of any findings with reference to Save Face Limited (SFL) standards
 - If relevant, a summary of the factors contributing to the adverse event and information on what has been done and will be done to avoid repetition of the adverse event, and how this will be monitored.
- 3.1.7 If a complaint is not resolved parties should have a clear understanding of what the next steps might be;
- a) Referral to Investigation Panel
 - b) Referral to an independent mediation or arbitration service
 - c) The complainant may choose to seek legal advice.

3.2 Audit for governance

3.2.1 The registrar shall complete an audit report which shall be presented to The Governance Board to identify and inform any necessary review of Save Face standards, policies or guidance documents.

3.2.2 The Audit Report shall include;

- A summary of the complaint made (anonymized)
- A summary of the investigation
- A summary of the findings
- A copy of the report to the registrant (anonymized).

3.3 Procedure policy for Medium Risk complaints

3.3.1 The registrar will ensure receipt of the complaint is acknowledged in writing, within 48 hours. The acknowledgement will include an explanation of how we intend to proceed according to the nature of the complaint and a time frame for subsequent communication.

3.3.2 The registrar will notify the registrant that a complaint has been received and provide a copy of that complaint, requesting information and evidence as appropriate, to be provided within 7 days.

3.3.3 The registrant will be informed that all evidence will be submitted to The Investigation Panel for Independent review.

3.3.4 If the panel find there is a realistic prospect of a finding of impairment, the evidence will be examined to determine whether to: impose an interim order, a restriction of practice order, a caution, a suspension,

3.3.5 Where a formal allegation against a registrant has been considered by the panel and the preliminary evidence is such that a statutory regulator should be informed, the matter shall be referred to the appropriate Statutory Body and further proceedings may be suspended pending the outcome/ruling by The Statutory Regulator.

3.3.6 If the panel decide there is not a realistic prospect of a finding of impairment they will consider whether to issue a warning. In deciding whether to issue a warning consideration will be given to whether the matter(s) complained of, if repeated, might meet the 'realistic prospect' test. (see Note 1)

3.3.7 Warnings will be disclosed to the complainant and any employer but will not be published. This is because the evidence will not have been tested by means of oral evidence and cross examination.

3.3.8 Warnings will be kept on record and used to identify patterns of behavior that could be used in any subsequent investigations relating to the registrant.

3.3.9 The registrant will have a right of appeal

3.3.10 Any warnings, sanctions or orders shall be published on the practitioner profile, pending appeal outcomes.

3.4 Procedure policy for Interim Order

- 3.4.1 If the evidence suggests there has been harm caused to a patient and a risk of harm to others or the reputation of the register and professions, the registrar will present a report with supporting preliminary evidence to the Investigating Panel to determine whether temporary removal from the register is appropriate pending a full investigation and report. The Interim Order shall be no longer than 28 days. If grounds are found for suspension or removal order, the matter is referred to The Adjudication Panel.
- 3.4.2 Interim Orders shall be published on the Practitioners Profile where the practitioner remains on the register.

3.5 Application for Interim Orders

- 3.5.1 Where the panel wishes to apply for an Interim Order, it shall apply to the registrar providing:
- 3.5.2 Details of the allegations upon which the application is based, including;
 - A statement setting out why the field of practice of the registrant should be restricted or registration of the registrant should be suspended.
 - The registrar shall inform the parties of the right to attend the hearing
 - Inform the parties of the time and venue for the hearing
 - Inform the registrant of the right to give evidence in person, to call witnesses and cross examine any witnesses called by the panel.
 - inform the registrant of the right to make oral submissions to the panel in person or to be represented by a:
 - I. solicitor
 - II. barrister
 - III. Representative from the registrant's Professional Body; or
 - IV. Representative from the registrant's Trade Union;
- 3.5.3 Request confirmation of whether the Registrant intends to:
 - attend the hearing
 - be represented at the hearing
- 3.5.4 Inform the Registrant that if acting in person, they may be accompanied and advised by some other representative (not listed in 3.5.2 above) and that such representative shall not be entitled to address the panel without permission, nor may they be called as a witness at the hearing.
- 3.5.5 Where notice of the hearing is served upon the registrant, an application for an Interim Order shall be heard no earlier than seven days after the date upon which notice of the hearing was served upon the registrant.
- 3.5.6 Where an urgent application for an Interim Order is made by the panel on the grounds of protection of members of the public, the registrar may dispense with the notice

period referred to in 3.5.5 The registrar may issue an Interim Order 7 days from notifying the practitioner of the complaint, which may be in force for up to 56 days.

3.6 Procedure policy for High Risk complaints

- 3.6.1 The registrar will ensure receipt of the complaint is acknowledged in writing, within 48 hours. The acknowledgement will include an explanation of how we intend to proceed according to the nature of the complaint and a time frame for subsequent communication.
- 3.6.2 The registrar will notify the registrant that a complaint has been received and provide a copy of that complaint, requesting information and evidence as appropriate, to be provided within 7 days.
- 3.6.3 Urgent application will be made for an Interim Order pending findings of adjudication panel
- 3.6.4 The registrant will be informed that all evidence will be submitted to the adjudication panel for independent review, and advised as per 3.6.1 and 3.6.2 above.
- 3.6.5 Where a formal allegation against a registrant has been considered by the adjudication panel and the preliminary evidence is such that a statutory regulator should be informed, the matter shall be referred to the appropriate Statutory Body and further proceedings may be suspended pending the outcome/ruling by the statutory regulator.
- 3.6.6 The adjudication panel may choose to impose an interim order, a restriction of practice order, a caution or a suspension, pending the outcome of any investigation by the statutory regulator.
- 3.6.7 In this circumstance, the registrant may accept any preliminary order or choose to proceed to a hearing.

3.7 Order of Hearing Procedure

- 3.7.1 Where the investigating panel or adjudication panel is considering whether or not to make an Interim Order, the order of proceedings shall be as follows:
- a) The presenter shall outline the facts of the case and set out the reasons why the registrant's registration should be made subject to an Interim Order, together with any evidence in support;
 - b) The registrant (if present) may set out the reasons why such an application should not be granted by the panel, together with any evidence in support;
 - c) The panel may obtain advice from the legal, medical or registrant adviser, where one is appointed;
 - d) The panel shall deliberate in private;
 - e) The panel shall determine the application and announce its decision and the reasons for that decision, in the presence of the parties.
- 3.7.2 Within seven days of the conclusion of the hearing, the registrar shall send a Notice of Decision
- 3.7.3 The Notice of Decision shall:
- a) record any advice given by the legal, medical or registrant adviser, where they have been appointed;
 - b) set out the decision of the panel;
 - c) specify the reasons for the panel's decision;
 - d) where an Interim Order has been imposed, set out the period of suspension or restriction, beginning on the date on which the Order is made;
 - e) inform the registrant of the right of appeal.
- 3.7.4 Where an Interim Order has been made:
- a) it shall be reviewed every six months until it expires; and the registrar, Governance Board or any person in respect of whom the Order was made may request a review at any other time.
 - b) An Interim Order shall not be reviewed until 3 months after it was made unless exceptional circumstances exist.
 - c) A decision whether to grant a request for a review and the conduct of a review will be undertaken by the investigating panel if the case has not yet been referred to a panel and by the panel which is to hear the formal allegation in any other case. The procedure at the review hearing shall be the same as at the original hearing.
- 3.7.5 After reviewing an Interim Order, the relevant panel may:
- a) Continue the order;
 - b) Revoke the order;
 - c) Amend the order;
 - d) Impose a further order, to commence upon the expiry of the existing order.
- 3.7.6 Within seven days of the conclusion of the review hearing, the registrar shall send a Notice of Decision to the parties and any interested third party.

3.8 Details of Procedure of the Adjudication Panel

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1 Interpretation

1.1 In this Appendix the panel means the adjudication panel.

2 Joinder

2.1 Any panel may determine together two or more formal allegations against a registrant and/or formal allegations against two or more registrants, if they consider it fair to so do.

3 Notice of hearing

3.1 As soon as practicable after the formal allegation has been referred to the adjudication panel, the registrar shall send the registrant, the independent advisory board and the directors a notice of hearing which shall:

- a) State the date, time and venue of the hearing;
- b) Specify the formal allegation(s) against the registrant;
- c) State whether the case is to proceed under the Conduct or the Health Procedure;
- d) Inform the parties of their respective rights to:
 - i. Attend the hearing;
 - ii. Give evidence to the Panel;
 - iii. Make oral submissions to the Panel either in person or through a representative as Set out in paragraph 9 below;
 - iv. Call and cross-examine witnesses;
 - v. Inform the Registrant of the possible sanctions open to the Panel in the event of a finding of impairment;

3.2 The hearing shall not be fixed for any date earlier than 28 days from the day after the posting of the notice of hearing except with the agreement of the registrant.

3.3 The registrar may send with the Notice of Hearing:

- a) a copy of these Procedures; and
- b) any reports, written statements or other documents which the panel will have before it.

4. Postponement of the hearing

4.1 Where either party wishes the hearing to be postponed, such application shall be made in writing to the Chair of the Panel.

4.2 The party making such application shall serve a copy of the application on the other party, together with any supporting documentation.

4.3 The party served with the application may submit a written response to the Chair of the panel.

4.4 The application shall be considered by the Chair of the panel who shall determine the application, taking into account:

- a) The submissions of both parties;
- b) Any likely prejudice to either party;
- c) The public interest in the prompt disposal of the case.

4.5 In the event that the application for postponement is granted, or the matter has to be re-scheduled for some other reason, the registrar shall inform the parties and the complainant of the new hearing date as soon as possible.

5. Notice to complainant and interested third parties

5.1 The registrar shall send a copy of the Notice of Hearing to the complainant and to any interested third party.

6. Disclosure of case and service of documents

6.1 No later than 42 days before the date of hearing, the panel shall serve on the registrant and upon the registrar, copies of all documents and reports upon which they intend to rely.

6.2 No later than 14 days before the date of the hearing, the registrant shall:

- d) Advise the council which, if any, of the evidence served by the panel they agree; and/or
- e) Serve on the panel and upon the registrar, copies of all documents and reports upon which they intend to rely.

6.3 The parties shall make arrangements for original documents to be inspected no later than seven days before the date of the hearing.

6.4 Upon receipt of the registrant's case, the registrar shall consider whether there are any further documents in the registrar's possession which may assist the registrant, and shall serve copies of such documents, if any, to the panel.

6.5 No later than seven days before the hearing, the registrar shall send the panel copies of:

- a. The Notice of Hearing;
- b. Any documents or reports provided by the Parties (whether agreed or otherwise).

7. Procedure at the hearing

7.1 Subject to the requirements of a fair hearing, the panel may decide its own procedures generally and may issue directions with regard to the just and prompt determination of the proceedings.

7.2 If at any time during the hearing it appears to the panel that the alleged impairment has been caused by, or substantially contributed to, by the registrant's physical or mental ill health, the panel may adjourn the hearing and refer the case to the appropriate statutory regulator.

7.3 The hearing shall be conducted in four stages as follows:

- a) Preliminaries and findings of fact;
- b) Findings regarding misconduct, lack of competence, conviction or caution, relevant determination, ill health or false entry;
- c) Impairment;
- d) Mitigation and sanction.

8. Public and Private hearings before Adjudication Panel

8.1 Subject to paragraphs 8.2 - 8.4, below, the hearing shall be conducted in the presence of the parties and shall be held in public.

8.2 The panel may, of its own volition, or upon the application of a witness or any of the parties, decide that persons not connected with the hearing should withdraw from the whole or any part of the proceedings, provided always that:

- a) A decision to exclude the public causes no prejudice to either party;
- b) The particular circumstances of the case outweigh the public interest in holding a public hearing;
- c) The decision is made after hearing representations from both parties (where possible).

8.3 In this paragraph, a person is not connected with the hearing if that person is not:

- a) A member of the Panel
- b) The legal, medical or registrant adviser to the panel;
- c) The registrar
- d) A party or a representative of that party
- e) A witness
- f) A shorthand writer
- g) An audio technician
- h) A translator
- i) An interpreter

8.4 For the purpose of arriving at any decision in relation to the hearing, the panel shall sit in private. however, the panel shall announce any decision in public.

9. Representation and entitlement to be heard

9.1 The presenter and the registrant shall be entitled to be heard by the panel.

9.2 The Registrant may be represented by

- a) Barrister
- b) Solicitor
- c) Representative from the registrant's professional body;
- d) Representative from the registrant's trade union.

9.3 Where the registrant is acting in person, they may be accompanied and advised by some other representative (not listed in 9.2 above) but such representative shall not be entitled to address the panel without permission, nor may they be called as a witness at the hearing.

9.4 The panel may exclude from the whole or part of the hearing any person whose conduct, in the opinion of the panel, has disrupted or is likely to disrupt the hearing

9.5 Whilst the panel has no power to compel a witness to attend and give evidence, in exercising its function under paragraph 7.3 above, the panel may request that the complainant attend and give evidence where the parties have not called the complainant to so do.

9.6 Where the complainant is to give evidence, the complainant shall not be allowed to attend or watch the proceedings until after they have completed giving evidence to the panel and been formally released by the Chair of the panel.

9.7 Complainant, registrant, and any witnesses may be afforded privacy and protection such as private waiting area, screens or provide testimony via video link.

9.8 Where the complainant has been called as a witness, the parties shall have the opportunity to question the complainant.

10. Evidence

10.1. Subject to the advice of the legal adviser if appointed, the requirements of a fair hearing, and of relevance, the panel may:

- a) Admit evidence whether or not it would be admissible in a court of law;
- b) Exclude evidence in order to ensure fairness to the registrant and between the parties.

10.2 The panel may receive oral, documentary or other evidence of any fact or matter which appears to it to be relevant to its consideration of the case.

10.3 Whilst the panel has no power to compel the attendance of witnesses or the production of documents, it may of its own volition, request the parties to provide documentation or request any person to give oral evidence, which it considers might assist it in its decision making under paragraph 7.3 above.

10.4 The panel may admit evidence adduced by a party notwithstanding that such evidence has not been disclosed to the other side in advance of the hearing:

- a) If the parties consent; or
- b) Where, after consultation (including with the legal adviser if appointed), it is satisfied that:
 - The admission of such evidence is necessary to ensure the fairness of the proceedings and outweighs any prejudice to the party which has not previously seen such evidence;
And
 - There is a good reason why such evidence was not previously disclosed.

10.5 The findings of fact and certification of conviction of any United Kingdom criminal court or the findings of a Judge in any United Kingdom civil court shall be conclusive proof of the conviction or finding and the underlying facts.

10.6 Any relevant determination and findings of fact by any United Kingdom statutory regulator or an equivalent regulator outside the United Kingdom shall be conclusive proof of the determination and the underlying facts.

11. Burden and standard of proof

11.1 The burden of proving the facts alleged in the formal allegation shall rest upon the panel.

11.2 The standard of proof shall be on the balance of probabilities.

12. Adjournment of the hearing

12.1 Subject to the requirements of a fair hearing and after hearing representations from the parties, the panel may, at any stage of the hearing, adjourn the proceedings.

12.2 Where the hearing has been adjourned, the registrar shall, as soon as practicable, notify the parties and interested third parties if any, of the time and date fixed for the hearing to be resumed.

13. Attendance at the hearing

13.1 Where the registrant fails to attend and is not represented at the hearing, the Chair of the panel shall:

- a) Require evidence that the registrant has been served with the notice of hearing in accordance with these procedures and that reasonable efforts have been made to inform the registrant of the hearing; and
- b) Inquire whether any reasons for the registrant's non-attendance have been communicated to the registrar or to the panel.

13.2 Where the panel is satisfied that the notice has been duly served on the registrant, and that reasonable efforts have been made to inform the registrant of the hearing it may:

- a. Hear and determine the case in the absence of the Registrant; or
- b. Adjourn the hearing and give directions.

14. Introduction of Panel and reading of the formal allegation

14.1 At the opening of the hearing, the Chair of the panel shall introduce the members of the panel and the parties.

14.2 The Chair of the panel shall ask the registrant to confirm their name and registration number.

14.3 The registrar shall then read out the formal allegation against the registrant.

15 Amendment of the formal allegation

15.1 Subject to the requirements of a fair hearing, the panel may amend the formal allegation at any stage prior to the finding of impairment.

15.2 The panel shall first hear representations from the parties, and take advice from the legal adviser if appointed, before deciding whether or not the formal allegation should be amended.

16 Admissions

16.1 After the formal allegation has been read, the chair of the panel shall ask the registrant whether any facts or convictions, cautions, relevant determinations, health issues or false entries (hereinafter "relevant facts") alleged in the formal allegation are admitted and whether there is an agreed statement of facts.

16.2 Where any relevant facts are admitted, the Chair of the panel shall announce that such relevant facts have been found proved.

17 Presentation of the Council's case

17.1 Where no admissions are made, or some relevant facts remain disputed, the Presenter shall present the case against the registrant to the panel, make an opening submission and adduce evidence in support of those relevant facts which are not admitted.

18 Witnesses

18.1 The Panel may, on the application of the party calling the witness, agree that the personal details of the witness shall not be revealed in public.

18.2 Witnesses shall be examined by the party calling them and may then be cross-examined by the opposing party. The party calling the witness may then re-examine the witness.

18.3 Witnesses may then be questioned by the panel (or by the legal, medical or registrant adviser, if appointed, with the leave of the Chair of the panel).

18.4 The Parties may then question the witnesses on matters arising out of the panel's questions. The party calling the witness shall question the witness last.

18.5 Any further questioning of witnesses shall be at the discretion of the panel.

18.6 Witnesses shall not be allowed to attend or watch the proceedings until after they have completed giving evidence to the panel and been formally released by the Chair of the panel.

19 Registrant's evidence

19.1 At the end of the evidence presented by the presenter, the registrant may adduce evidence and witnesses in their support.

20 Closing Submissions

20.1 The presenter and then the registrant may make closing submissions to the Panel.

21 Findings

21.1 The Panel shall then consider in private

- a) Whether the relevant facts in the formal allegation have been proved on the balance of probabilities;
- b) If the formal allegation is one of misconduct or a lack of competence whether, on the facts found proved, the registrant has committed misconduct or lacks competence;
- c) In all cases, whether the registrant's fitness to practice is impaired.

21.2 In deciding upon the issues in 21.1b and 21.1c above, the panel shall have regard to the standards published by Save Face.

21.3 The panel shall announce its findings in public and give reasons for its findings.

21.4 If no relevant facts have been proved or (where appropriate) there is no finding of misconduct or lack of competence, or there is no finding that the registrant's fitness to practice is impaired, the formal allegation will be dismissed.

22 Mitigation

22.1 Where the panel finds that the registrant's fitness to practise is impaired, the presenter shall provide the panel with details of the registrant's previous disciplinary record if any, and may adduce evidence and make submissions in relation to the appropriate sanction, if any, to be made by the panel.

22.2 The registrant may then address the panel in mitigation and may adduce references and testimonials, and may call character witnesses in support.

22.3 Where character witnesses are called, they may be questioned by the presenter and the panel.

22.4 Where the registrant has chosen not to attend the hearing, the registrant may provide details of mitigation in writing, in advance, to the registrar. The registrar shall provide such mitigation documents to the panel at this stage.

22.5 After hearing the registrant, the panel shall decide, in private, what sanction if any it should impose.

23 Sanctions

23.1 Upon a finding of impairment, the adjudication panel shall:

- a) Decide to take no further action; or
- b) Caution the registrant and direct that a record of the caution be placed on the registrant's entry in the register, for a period of up to five years; or
- c) Issue a restriction of practice order, for a period of not less than one year and not more than three years; or
- d) Make an order suspending the registrant's registration for a period not exceeding two years ('a suspension order'); or
- e) Make an order for removal of the registrant's name from the register ('a removal order'); and/or
- f) Revoke any interim order.

23.2 In making the decisions in 23.1 and 23.2 above, the panel shall take into account:

- a) The seriousness of the registrant's conduct;
- b) The protection of the public;
- c) The public interest in maintaining confidence
 - i. In cosmetic services; and
 - ii. The issue of proportionality.

23.3 The panel shall announce its decision on sanctions in public, and shall give reasons for its decision.

23.4 Any decision of the panel shall take effect as soon as it is made.

23.4 Any sanctions as per 23.1 b-e shall be published on the register and the relevant statutory body informed.

24 Notice of Decision

24.1 Within seven days, after the conclusion of the hearing, the clerk to the panel shall send a Notice of Decision to:

- a) The registrant;
- b) The council;
- c) The complainant; and
- d) Interested third parties, if any.

24.2 The Notice of Decision shall:

- a) Record any advice given by the legal, medical or registrant adviser if appointed;
- b) Set out the panel's findings of fact, its decisions on misconduct or lack of competence (where appropriate), impairment and sanction;
- c) Specify the reasons for the panel's decisions;
- d) Where a suspension order or restriction of practice order has been imposed, set out the period of suspension or restriction;
- e) Inform the registrant of the right of appeal;
- f) Inform the registrant that any sanction imposed by the committee took effect from the date on which it was made.

25 Notes and transcript of the proceedings

25.1 A person shall be appointed by the Council to take a verbatim note of the proceedings before the panel.

25.2 Upon application, the registrar shall send the registrant and the complainant a transcript of the verbatim note, of any part of the proceedings at which the registrant or, as the case may be, the complainant was entitled to be present.

26 Publication of Notice of Decision

26.1 the council shall publish the panel's findings of fact and the panel's determination, as per 23.4 and such means as it considers appropriate, as soon as is reasonably practicable following any finding of fact and determination.

26.2 The council may also at any time provide a copy of the panel's findings of fact and the panel's determination, to any of the statutory regulatory bodies or interested third parties if it is in the interests of justice to so do.

27 Reviews

27.1 Where a panel has imposed a suspension order, it shall be reviewed before it expires.

27.2 Where a panel has imposed a restriction of practice order, it shall be reviewed before it expires.

27.3 In addition to the mandatory reviews envisaged in paragraphs 28.1 – 28.2 above, a Panel may, at the request of the registrant or the council, review the order before the end of the period for which the suspension or restriction has been ordered provided that there has been a material change of circumstances since the order was imposed.

27.4 a decision whether to grant a request for a review and the conduct of any review held in accordance with 28.1-28.4 above, will be undertaken by the panel that imposed the order.

27.5 the procedure at a review hearing held in accordance with 27.1 - 27.4 above shall be as follows:

- A. The registrar may address the panel in relation to the relevant history of the case and make any submissions or observations in relation to the decision that the panel have to make;
- B. The registrant may address the panel, make submissions in relation to the order and may adduce documents and call witnesses in support.

27.6 The panel may, after reviewing a suspension order or restriction of practice order, revoke, vary or amend that order. The panel may also impose a further suspension or restriction of practice order, to commence upon the expiry of the existing order.

27.7 At the conclusion of the resumed hearing, the panel shall announce its decision and the reasons for its decision, in public.

27.8 Within seven days of the conclusion of the hearing, the registrar shall send a notice of decision, containing the reasons for the panel's decision to:

- a) The registrant;
- b) The council;
- c) The complainant;
- d) Interested third party, if any.

27.9 Save in exceptional circumstances, the panel shall not be obliged to review a suspension order or restriction of practice order until 3 months after the date on which the order was made.

28 Interim Orders

28.1 The adjudication panel shall consider any application by the investigations panel or registrar for an interim suspension or interim restriction of practice order.

28.2 In deciding whether to impose an interim order, the panel shall follow the procedure in paragraph 4 above.

28.3 An application for an interim order cannot be made by the registrar unless the registrant had been given notice as per 3.5.6 of such an application.

3.9 Procedure of the Appeals Panel

- 1 Interpretation**
- 2 Time Limit for Appeal**
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- 22 Health Procedure Appeals**
- 23 Publication of Notice of Decision**

1 Interpretation

1. The Appeal means an appeal held in accordance with this Appendix.
2. The Order means a determination that a Registrant's fitness to practice is impaired, made by a Committee or Panel
 - a) The Panel means the Appeals Panel.
 - b) The Appellant means the Party that is appealing the Order or sanction.
 - c) The Respondent means the Party who is not appealing.

2. Time limit for Appeal

- 2.1. An appeal under this Appendix must be made within 28 days from the day on which the order or sanction was made.
- 2.2 Appeals must be made on an appeals form which shall be provided by the registrar at the request of the party which wishes to lodge an appeal.

3. Notice of Hearing

3.1 As soon as practicable after the appeals form has been referred to the panel, the clerk to the panel shall send the appellant and the respondent a notice of hearing which shall;

- a) State the date, time and venue of the hearing;
- b) Specify the grounds of the appeal ;
- c) Inform the parties of their respective rights to:
 - i. Attend the hearing;
 - ii. Make oral submissions to the panel either in person or through a representative as set out in paragraph 9.2 below;
 - iii. Call fresh evidence at the discretion of the panel;
 - iv. Inform the parties of the possible options open to the panel in the event of an appeal being allowed or dismissed.

3.2 The hearing shall not be fixed for any date earlier than 28 days from the day after the posting of the Notice of Hearing except with the agreement of the registrant.

3.3 The Clerk to the Panel may send with the Notice of Hearing:

- a) A copy of these procedures; and
- b) Any reports, written statements or other documents which the panel will have before it.

3.4 Pending the outcome of an appeal, if the practitioner is to remain on the register, any order will remain published unless the practitioner is removed temporarily from the register.

4. Postponement of the hearing

4.1 Where either party wishes the hearing to be postponed, such application shall be made in writing, to the Chair of the panel.

4.2 The party making such application shall serve a copy of the application on the other party, together with any supporting documentation.

4.3 The party served with the application may submit a written response to the Chair of the panel.

4.4 The application shall be considered by the Chair of the panel who shall determine the application, taking into account:

- a) The submissions of both parties;
- b) Any likely prejudice to either party;
- c) The public interest in the prompt disposal of the case.

4.5 In the event that the application for postponement is granted, or the matter has to be re-scheduled for some other reason, the Clerk to the Panel shall inform the parties of the new hearing date as soon as possible.

5. Notice to any interested third parties

5.1 The Clerk to the Panel shall send a copy of the Notice of Hearing to any interested third party.

6. Disclosure of case and service of documents

6.1 No later than 28 days before the date of the hearing, the appellant shall serve on the respondent and upon the registrar copies of any written submissions upon which they rely and any fresh evidence (where appropriate)

6.2 No later than 14 days before the date of the hearing, the respondent shall serve on the appellant and upon the Clerk to the Panel, copies of any written submissions upon which they intend to rely and any fresh evidence (where appropriate).

6.3 If the appellant is the registrant, upon receipt of the appellant's submissions, the Council shall consider whether there are any further documents in the Council's possession which may assist the appellant, and shall serve copies of such documents, if any, on the appellant and to the Clerk to the Panel.

6.4 No later than seven days before the hearing, the Clerk to the Panel shall send the panel, copies of:

- a) The Appeal Form;
- b) Notice of Hearing;
- c) Any written submissions provided by the Parties;
- d) Any fresh evidence upon which the Parties propose to rely;
- e) All the material and written evidence that was before the previous Committee or Panel;
- f) A transcript of the proceedings to which the Appeal relates;
- g) A copy of the Order to which the Appeal relates.

7. Procedure at the hearing

7.1 Subject to the requirements of a fair hearing, the panel may decide its own procedures generally and may issue directions with regard to the just and prompt determination of the proceedings.

7.2 The appeal hearing shall be conducted by the panel in 3 stages as follows:

- a) Subject to 10.1-10.5 below, it shall consider the information provided under 6.4 above and it shall hear submissions from the parties;
- b) It shall make a decision on whether the appeal is allowed or dismissed;
- c) In the event that it allows the appeal, it shall make a decision on whether to vary the order, remit the case for a re-hearing or amend or vary the sanction.

8. Public and private hearings

8.1 Subject to paragraphs 8.2 - 8.4, below, the hearing shall be conducted in the presence of the parties and shall be held in public.

8.2 The panel may, of its own volition, or upon the application of a witness or any of the parties, decide that persons not connected with the hearing should withdraw from the whole or any part of the proceedings, provided always that:

- a) A decision to exclude the public causes no prejudice to either party;
- b) The particular circumstances of the case outweigh the public interest in holding a public hearing;
- c) The decision is made after hearing representations from both parties.

8.3 In this paragraph, a person is not connected with the hearing if that person is not;

- a) A member of the Panel;
- b) The legal, medical or registrant adviser to the panel;
- c) The Clerk to the Panel;
- d) A party or a representative of that party; e. a witness;
- e) A shorthand writer;
- f) An audio technician;
- g) A translator;
- h) An interpreter.

8.4 For the purpose of arriving at any decision in relation to the hearing, the panel shall sit in private. however, the panel shall announce any decision in public.

9. Representation and entitlement to be heard

9.1 The appellant and the respondent shall be entitled to be heard by the panel.

9.2 the registrant (whether appearing as an appellant or respondent) may be represented by

- a) A barrister;
- b) Solicitor;
- c) Representative from the registrant's professional body;
- d) Representative from the registrant's trade union.

9.3 where the registrant is acting in person, they may be accompanied and advised by some other representative (not listed in 9.2), but such representative shall not be entitled to address the panel without permission and may not be entitled to be called as a witness at the hearing.

9.4 The panel may exclude from the whole or part of the hearing, any person whose conduct, in the opinion of the panel, has disrupted or is likely to disrupt the hearing.

10. Evidence

10.1. Subject to the advice of the legal adviser if appointed, the requirements of a fair hearing, and of relevance, the panel may:

- a) Admit evidence that was not available or not known to the appellant at the time of the original hearing ("fresh evidence");
- b) Exclude evidence in order to ensure fairness to the appellant and the respondent.

10.2. When making the decision in 10.1 above, the panel may admit evidence adduced by a party notwithstanding that such evidence has not been disclosed to the other side in advance of the hearing:

- a) If the parties consent; or
- b) Where, after consultation (including with the legal adviser if appointed), it is satisfied that:
 - c) The evidence is fresh evidence;
 - d) The admission of such evidence is necessary to ensure the fairness of the proceedings and outweighs any prejudice to the party which has not previously seen such evidence; and
 - e) There is a good reason why such evidence was not previously disclosed.

10.3 Whilst the panel has no power to compel a witness to attend and give evidence, in exercising its function under paragraph 11 below, the panel may of its own volition request the parties to provide documentation or request any person to give oral evidence which it considers might assist it in its determination of the appeal.

10.4 The findings of fact and certification of conviction of any UK Criminal Court or the findings of a Judge in any UK Civil Court shall be conclusive proof of the conviction or finding and the underlying facts.

10.5 Any relevant determination and findings of fact by any statutory regulator or any equivalent regulator outside the United Kingdom shall be conclusive proof of the determination and the underlying facts.

11. The nature of the Appeal

11.1 An appeal shall be limited to a review of the decision of the original committee or panel and consideration of any fresh evidence.

11.2 The Panel will allow an appeal:

- a) In cases where no fresh evidence is admitted, if they decide that the original committee or panel ought to have reached a different decision on the material before it;
- b) In cases where fresh evidence is admitted, if:
- c) In the light of that evidence, the original committee or panel would have reached a different decision;
- d) Notwithstanding that evidence, the original panel ought to have reached a different decision on the material before it.

12. Adjournment of the hearing

12.1. Subject to the requirements of a fair hearing, and after hearing representations from the parties, the panel may, at any stage of hearing, adjourn the proceedings.

12.2 Where the hearing has been adjourned, the clerk to the panel shall, as soon as practicable, notify the parties and interested third parties if any, of the time or date fixed for the hearing to be resumed.

13. Attendance at the hearing

13.1. Where the registrant, if they are the respondent, fails to attend and is not represented at the hearing, the chair of the panel shall:

- a) Require evidence that the registrant has been served with the notice of hearing in accordance with these procedures and that reasonable efforts have been made to inform them of the hearing; and
- b) B. Inquire whether any reasons for the registrant's non-attendance have been communicated to the clerk to the panel or the council.

13.2. Where the panel is satisfied that the notice has been duly served on the parties, and that reasonable efforts have been made to inform the registrant of the hearing it may:

- a) Hear and determine the case in the absence of the appellant or registrant if they are not the appellant; or
- b) Adjourn the hearing and give directions;
- c) Dismiss the appeal without a determination of its merits.

14. Order of Proceedings

14.1 at the opening of the hearing, the chair of the panel shall introduce the members of the panel and the parties.

14.2 the chair of the panel shall ask the appellant, if they are the registrant, to confirm their name and their registration number.

14.3 the clerk to the panel shall then read out the reason(s) for the appeal (if provided) and state which party is appealing and the nature of the decision appealed.

14.4 the chair of the panel shall ask the appellant to make oral submissions in support of their appeal.

14.5 any application to adduce fresh evidence shall be made and the panel shall rule in accordance with paragraphs 10.1 and 10.2 above.

14.6 at the end of the case presented by the appellant, the respondent may make submissions in support of their case.

14.7 the panel shall then consider in private whether the appeal is upheld or dismissed in accordance with paragraph 11 above.

14.8 the panel shall announce its decision in public and give reasons for its findings.

15. Witnesses

15.1 should the panel rule that fresh evidence can be admitted and that evidence involves the calling of a witness, the provisions in 15.2 -15.7 below shall apply.

15.2 the panel may, on the application of the party calling the witness, agree that the personal details of the witness shall not be revealed in public.

15.3 witnesses shall be examined by the party calling them and may then be cross-examined by the opposing party. The party calling the witness may then re-examine the witness.

15.4 witnesses may then be questioned by the panel (or by the legal, medical or registrant adviser if appointed, with the leave of the chair of the panel).

15.5 the parties may then question the witnesses on matters arising out of the panel's questions. The party calling the witness shall question the witness last.

15.6 any further questioning of witnesses shall be at the discretion of the panel.

15.7 witnesses shall not be allowed to attend or watch the proceedings until after they have completed giving evidence to the panel and been formally released by the chair of the panel.

16. Appeal against an interim order

16.1. Where the registrant is appealing against an interim order, the panel must consider the appeal in accordance with paragraph 11 above and must:

- a) Allow the appeal and remit the matter to the conduct and competence panel, the health panel or the investigating committee (whichever made the decision) for a re-hearing; or
- b) Allow the appeal and amend, vary or revoke the interim order imposed; or
- c) Allow the appeal and, if an interim suspension order was imposed, impose an interim restrictions of practice order instead; or
- d) Dismiss the appeal, in which case, the interim order will continue.

17 appeal against the order of the investigation or adjudication panel

17.1 where the registrant is appealing against the order of the conduct and competence panel or health panel, the panel must determine the appeal in accordance with paragraph 11 above and must:

- a) Allow the appeal; or
- b) B. Dismiss the appeal

17.2 if the panel allow the appeal they must either:

- a) Quash the order and dismiss the formal allegation(s);
- b) Quash the order and substitute any decision that the original panel could have made; or
- c) Remit the matter to the original panel for a re- hearing.

17.3 where a registrant appeals the order and the sanction made by the conduct and competence panel or health panel, the panel shall:

- a) Consider the appeal against the order first;
- b) Consider the appeal against the sanction thereafter.

17.4 in considering the appeal against the sanction, the panel shall proceed in accordance with paragraph 18 below.

18 appeal against sanction

18.1 where the appeal relates to the imposition of a sanction, the panel must consider the appeal in accordance with paragraph 11 above and must:

- a) Allow the appeal; or
- b) Dismiss the appeal.

18.2 the powers of the panel in an appeal against sanction are as follows:

- a) They may revoke, amend, vary or extend the sanction imposed; or
- b) Remit the matter to the original panel for a re- consideration.

18.3 in deciding upon the issue of the sanction, the panel shall have regard to the code of conduct, ethics and performance issued by the cnhc and the standards of proficiency.

18.4 the sanctions available to the panel are those that were available to the panel at the original hearing.

19 Appeal against an order of the restoration committee

19.1 Where the registrant is appealing against the order of the restoration committee, the panel must determine the appeal in accordance with paragraph 11 above and must:

- a) Allow the appeal and restore the registrant to the register; or
- b) Allow the appeal and vary, amend or remove the conditions of registration imposed;
- c) Dismiss the appeal.

19.2 In making this decision, the panel shall have regard to the provisions of appendix 4, paragraph 7.

20 Notice of decision

20.1 Within seven days, after the conclusion of the hearing, the clerk to the panel shall send a notice of decision to:

- a) The appellant and the respondent; b. The complainant; and
- b) Interested third parties, if any.

20.2 The notice of decision shall:

- a) Record any advice given by the legal, medical or registrant adviser, if appointed;
- b) Set out the panel's decision on the appeal;
- c) Specify the reasons for the panel's decision;
- d) Where an order has been imposed, set out the nature of the order;
- e) Inform the registrant that any further sanction imposed by the panel took effect from the date on which it was made.

21 Notes and transcript of the proceedings

21.1 A person shall be appointed by the council to take a verbatim note of the proceedings before the panel.

21.2 Upon application, the clerk to the panel shall send the registrant a transcript of the verbatim note, of any part of the proceedings at which the registrant was entitled to be present.

22 Publication of notice of decision

22.1 Save Face shall publish the panel's determination, by such means as it considers appropriate, as soon as is reasonably practicable following any such determination.

22.2 The panel may also at any time provide a copy of the panel's determination, to any of the statutory regulatory bodies or interested third parties if it is in the interests of justice to so do.

Note 1 the ‘realistic prospect’ test

Save Face complaints procedure includes within its policies that where an allegation is referred to a panel they shall decide based on the evidence before it whether there is a ‘case to answer’.

In deciding whether there is a case to answer, the test to be applied by a panel is whether based upon the evidence before it, there is a ‘realistic prospect’ that the panel will be able to establish that the registrant’s fitness to practice is impaired.

The test, which is known as ‘the realistic prospect test’ is widely used in a variety of proceedings as it is relatively easy to understand and apply. Lord Woolf noted in *Swain v Hillman* 2001:

The words, ‘no real prospect of succeeding’ do not need amplification, they speak for themselves. The word ‘real’ distinguishes fanciful prospects of success...or, as (counsel) submits, they direct the court to the need to see whether there is a ‘realistic’ as opposed to a ‘fanciful prospect of success’.

Applying the test

In determining whether there is a case to answer, the panel must decide whether, in its opinion, there is a ‘realistic prospect’ that save face (which has the burden of proof) will be able to establish that the registrant’s fitness to practice is impaired.

The test applies to the whole allegation, that is; > the facts set out in the allegation;

- Whether those facts amount to the ‘ground’ of the allegation (e.g. Amount to misconduct or a lack of competence)
- In consequence, whether the registrant’s fitness to practice is impaired.

In the majority of cases, the evidence will relate solely to the facts and typically, this will be evidence that certain events involving the registrant occurred on the dates, and at the places and times alleged. It will be rare for separate evidence to be provided on the ‘ground’ or the issue of impairment and these will largely be a matter of inference for the panel, such as where the factual evidence suggests that the care provided by the registrant fell below the standards expected of a reasonably competent practitioner or that the registrant’s actions constitute misconduct when judged against established norms of the profession. In reaching the decision the panel should have regard to save face standards

The test does not require that the panel conducts a detailed enquiry. It only needs to be satisfied that there is a realistic prospect (as opposed to a remote or fanciful one) that the council will be able to establish its case.

In reaching its decision, the panel;

- Must recognize that it is conducting a limited, paper- based, exercise and should not seek to make findings of fact on the substantive issues;
- May assess the overall weight of evidence but should not seek to resolve substantial conflicts of evidence. The assessment of the relative strengths of the evidence can only be properly undertaken at a full hearing, when it will be for the council to prove its case.

Registrants are not obliged to provide any evidence to the panel but many will do so voluntarily and any such evidence should be considered by the panel.

The panel may decide that the matter cannot be resolved at this stage because typically there will be a conflict between the evidence provided by council and the registrant that needs to be tested at a hearing.

A decision of 'no case to answer' should only be made where there is no realistic prospect of save face proving its case, for example, because there is insufficient evidence to substantiate the allegation or the evidence is manifestly unreliable or discredited. In all other cases there will be a 'case to answer' and the issues will be considered at a full hearing.