
Information for members of the public

How to make a complaint about a health professional

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How to make a complaint about a health professional

About this brochure

This brochure tells you what to do if you are not happy with the care you received from a registered health professional. We (the Health Professions Council or HPC) are responsible for protecting the health and wellbeing of people who use the services of registered health professionals.

If you are not happy with treatment you are given, or if you are worried about the behaviour or health of a registered health professional, you can always talk to us.

What is the HPC?

We currently register members of 14 different health professions, and we might register members of other professions in the future. We only register people who meet certain standards of professional skills, behaviour and health. In this brochure, we call health professionals who are registered with us 'registrants'.

We currently regulate the following professions.

- Arts therapists
- Biomedical scientists
- Chiropodists / podiatrists
- Clinical scientists
- Dietitians
- Occupational therapists
- Operating department practitioners
- Orthoptists
- Paramedics
- Physiotherapists
- Practitioner psychologists
- Prosthetists / orthotists
- Radiographers
- Speech and language therapists

To learn more about the role of a particular health professional, you can find information on our website at www.hpc-uk.org/aboutregistration/professions

You can also get information about health professionals from their professional bodies. You can look on our website for details of the professional bodies for the health professions we regulate.

What is fitness to practise?

When a health professional is described as 'fit to practise', this means you can be confident that they have the health and character, as well as the necessary skills and knowledge, to do their job safely and effectively.

The behaviour and level of skills and knowledge we can expect from a registrant are set out in the standards of conduct, performance and ethics and the standards of proficiency. For more information on the standards, please see our website (www.hpc-uk.org).

The Fitness to Practise Department is responsible for handling complaints. These are known as 'allegations' and question whether professionals who are registered with us are fit to practise.

What if you are not happy with a registrant?

If you have worries about the behaviour or health of a registrant, or if you are not happy with the treatment you have received, you may want to complain to us about it.

Who can complain?

Anyone can make a complaint to us about a registered health professional. This includes members of the public, employers, the police and other registrants.

What types of complaints can we consider?

We only consider complaints about fitness to practise. The types of complaints we can consider are those that question whether a registrant's fitness to practise is 'impaired' (negatively affected) by:

- misconduct;
- a lack of competence (not having the necessary skills and knowledge);
- a caution or conviction for an offence in the United Kingdom (or somewhere else for an offence that would be a crime if it was committed in England and Wales);
- their physical or mental health; or
- a determination (a decision) made by another regulator responsible for health care.

We can also consider allegations about whether an entry to the HPC Register has been made fraudulently or incorrectly.

We are a UK-wide regulator. This means that any action we take will affect a person's registration throughout the UK.

Whether you need to tell us about a matter will depend on the circumstances and how serious it is. If you are not sure about this, please contact the Fitness to Practise Department (see the end of this brochure for our contact details).

In the past, cases that have resulted in us taking action at a final hearing have included the following.

Convictions or cautions for criminal offences, including:

- theft;
- child pornography; and
- violence.

(Under the Home Office Notifiable Occupations Scheme we are told when a registrant is convicted or cautioned for an offence in England and Wales.)

Misconduct, including:

- working under the influence of alcohol;
- confirming results that are wrong;
- not carrying out clinical assessments well enough;
- not keeping records properly;
- not treating patients to a high enough standard;
- not communicating well enough with service users;
- accessing inappropriate websites at work;
- falsely claiming sickness or study leave; and
- having sexual relationships with patients.

This is not a complete list. We still look at each case separately.

How to make a complaint

If you want to make a complaint about a registrant you can do this in one of the following ways.

1 In writing

Send your complaint to the following address.

Director of Fitness to Practise
The Health Professions Council
Park House
184 Kennington Park Road
London
SE11 4BU

You will need to include:

- your full name and address;
- as much information about the registrant as you can give, such as their name, profession and place of work;
- if possible, the registrant's HPC registration number, which can be found on the online Register; and

- as much information about the incident as you can provide, such as names, dates and places.

You may also find it helpful to fill in our complaints form. You can download this from the complaints section of our website (www.hpc-uk.org). If you have any problems using this form, please phone the Fitness to Practise Department on the number below and we will send you a copy in the post.

2 Over the phone

We understand that it is not always possible for complaints to be in writing. For more information on how to make a complaint over the phone, please call the Fitness to Practise Department who will arrange a convenient time and date to call you.

The number is 020 7840 9814.

What happens next?

If your complaint is about one of our registrants, we will do the following.

- A member of the Fitness to Practise Department will deal with your complaint. We will give you their details.
- We will write to tell you that we have received your complaint.
- We will also carry out an investigation into your complaint.
- We will write to the registrant to tell them that a complaint has been made against them.

The information will be passed to a panel of our Investigating Committee. They will meet in private and consider the documents available to see whether we need to take any more action.

Each panel is made up of at least three people, including someone from the relevant profession and a lay person (someone who is not on our Register). This panel does not decide whether the complaint is proven, they only decide whether it raises any worries about fitness to practise.

If they think it does, they will pass the complaint to another panel. If they decide that a complaint should go forward, they say that there is a 'case to answer'.

If the panel decides that the complaint does not need to be taken any further, they will give reasons for this. We will write to you (and the registrant) to tell you about this. We can not consider the same complaint twice.

If the panel decides that there is a case to answer, they will pass the case to one of our fitness to practise committees and give a solicitor instructions to deal with the case for us.

How long will it take?

We understand that making a complaint can be stressful, so we will try to consider your complaint as quickly as we can. If the panel decides that your complaint should go forward (that there is a 'case to answer'), we will give you an idea of how long our enquiries will take.

What happens at the hearing?

Hearings are usually held in public. This means that members of the public (including the press) can attend. A court reporter will also be there to record what happens and produce a transcript. All or part of the hearing may be held in private (for example, if the panel thinks they need to protect patient confidentiality or to protect details about the registrant's health).

The panel will normally be made up of three people, including a registrant and a lay person. A legal assessor will also be there. The legal assessor does not take part in the decision-making process, but they will give the panel and the other people involved advice and information on the law and procedure. We try to make sure the hearings are as informal as possible.

Our solicitor will normally open the hearing by presenting the case and calling our witnesses. The registrant or their representative may cross examine (question) the witnesses. The panel can then ask some questions. After we have made our case, the registrant may call witnesses or make statements to the panel.

The panel will normally leave the room to decide whether the allegation is proven. If they decide the case is proven, they will say that it is 'well-founded'.

What powers does the panel have?

Our role is to protect the public, rather than to punish registrants. If the panel finds the allegation to be well-founded, they will return to hear submissions from the registrant or their representative and from our representative about what action they should take. The panel has the following options available.

- They can decide to take **no further action**.
- They can make a **caution order**. This means the word 'caution' will appear against the registrant's name on the HPC Register. (Caution orders can be for between one and five years.)
- They can place a restriction or some conditions on the registrant's registration. This is known as a '**conditions of practice order**'. (This might include demanding that the registrant works under supervision, or has more training.)
- They can **suspend registration**. (This cannot be for longer than one year.)
- They can decide to remove the registrant's name from the Register. This is known as a '**striking-off order**'.

Witness support and giving evidence

When you make a complaint about a health professional and the investigating panel decides to refer the case for a hearing, we may need to talk to you and take a witness statement. You may also need to give evidence at a hearing. We have a witness support programme in place which is designed to make the process as straightforward and comfortable as possible. Please contact our Fitness to Practise Department if you have any questions or worries about this (see the back of this brochure for contact details).

What can we not do

We are not a professional body or trade union. Our role is different. We can not provide legal advice or representation. We can only get involved if the case is about a registrant's fitness to practise.

We can not:

- look at complaints about professionals who are not in the professions listed on page 1;
- look at complaints about hospitals (we only deal with complaints about individual registrants); or
- help you make a claim for compensation.

Keeping your information confidential

We understand that making a complaint can be stressful. Please be aware that when we are investigating a complaint, we will need to tell the registrant who made the complaint.

Our main purpose is to protect the public. If an anonymous complaint (one where the person making the complaint does not give us their name) raises serious and credible (realistic) doubts about whether a registrant is fit to practise, we will still consider whether we should take further action. But it can be very hard to do so if we can not contact the person who made the complaint for more information.

If you have any worries about this, please contact the Fitness to Practise Department (see below for details).

Fitness to Practise Department
The Health Professions Council
Park House
184 Kennington Park Road
London
SE11 4BU

Phone: +44 (0)20 7840 9814

Email: ftp@hpc-uk.org

Other regulatory bodies

The organisations that can consider complaints for other health professionals are listed below.

Chiropractors

General Chiropractic Council
Phone: 020 7713 5155
Website: www.gcc-uk.org

Doctors

General Medical Council
Phone: 0845 357 8001
Website: www.gmc-uk.org

Dentists

General Dental Council
Phone: 020 7887 3800
Website: www.gdc-uk.org

Nurses and Midwives

Nursing and Midwifery Council
Phone: 020 7637 7181
Website: www.nmc-uk.org

Opticians

General Optical Council
Phone: 020 7580 3898
Website: www.optical.org

Osteopaths

General Osteopathic Council
Phone: 020 7357 6655
Website: www.osteopathy.org.uk

Pharmacists

Royal Pharmaceutical Society

Phone: 020 7735 9141

Website: www.rpsgb.org

Pharmaceutical Society for Northern Ireland

Phone: 028 9032 6927

Website: www.psni.org.uk

Other contacts

The following organisations may be useful for finding advice or support about your complaint. You may also wish to complain to the NHS Trust involved, if appropriate, as they will have local complaints procedures.

Citizens Advice

The Citizens Advice service helps people deal with their legal, money and other problems by providing free, independent and confidential advice.

Phone: 020 7833 2181 (to find out where your local office is)

Website: www.citizensadvice.org.uk

Independent Complaints Advocacy Service (ICAS)

The Independent Complaints Advocacy Service (ICAS) is a national service that supports people who wish to make a complaint about their NHS care or treatment.

Phone: 020 7210 4850 (to find out where your local ICAS office is)

Website: www.dh.gov.uk

Patient Advice and Liaison Service (PALS) in England

PALS provides information on and explains NHS complaints procedures and how you can get in touch with someone who can help. They are available in all NHS Trusts. You can contact PALS by phoning your local hospital, clinic, GP surgery or health centre and asking for details of PALS, or by phoning NHS Direct on the number below.

Phone: 0845 1558 121

Website: www.pals.nhs.uk

Board of Community Health Councils in Wales

This organisation can provide you with free, confidential help if you have a problem or complaint with NHS services in Wales.

Phone: 0845 644 7814

Website: www.patienthelp.wales.nhs.uk

Parliamentary and Health Service Ombudsman

This organisation carries out independent investigations into complaints made about UK government departments and their agencies, and the NHS in England.

Phone: 0345 015 4033

Website: www.ombudsman.org.uk

WITNESS

WITNESS is a charity dedicated to helping people who have been abused by health and social care workers and working to prevent abuse.

Phone: 08454 500 300

Website: www.popan.org.uk

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184 Kennington Park Road
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on request.**

Call 020 7840 9806

or email publications@hpc-uk.org



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