

# AHCS

# Guidance on

# Accepted

# Outcomes

# Procedure

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<b>1.0</b>	Final Document for publication	Jude Savage	October 2023
<b>1.1</b>	Updated following review, Accepted Outcomes procedure scope widened to include interim orders and suspensions	Jude Savage	January 2026

## **GUIDANCE ON ACCEPTED OUTCOMES PROCEDURE**

1. The grounds on which a Registrant's fitness to practise may be found to be impaired are set out in paragraph 11 of the Fitness to Practise Procedure. One of those grounds is '*A determination by a statutory regulator*'.
2. The Fitness to Practise Procedure provides two means by which allegations of impairment of fitness to practise on the ground of a determination by another statutory regulator may be dealt with by AHCS:
  - a. the determination may be examined by the Investigating Panel and/or referred to the Fitness to Practise Panel in accordance with the Fitness to Practise Procedure; or
  - b. via the Accepted Outcomes procedure
3. This guidance concerns the Accepted Outcomes procedure only. It does not set out binding rules but the Registrar should have regard to this guidance when making decisions under the Accepted Outcomes procedure.
4. The considerations set out below are not exhaustive. The Registrar should always carefully consider the particular facts and circumstances of each case.

### **When can the Accepted Outcomes procedure be used?**

5. The Accepted Outcomes procedure only applies where a Registrant has previously been registered by a statutory regulator overseen by the Professional Standards Authority (PSA) and has been subject to fitness to practise proceedings which have led to the following sanctions being applied to their registration:
  - a) Interim Order
  - b) Suspension
  - c) Removal

6. The Accepted Outcomes procedure only applies to decisions made by the following statutory regulators:
  - a. General Chiropractic Council
  - b. General Dental Council;
  - c. General Medical Council;
  - d. General Optical Council;
  - e. General Osteopathic Council;
  - f. General Pharmaceutical Council;
  - g. Health & Care Professions Council;
  - h. Nursing and Midwifery Council;
  - i. Pharmaceutical Society of Northern Ireland;
  - j. Social Work England

This list is complete at time of publication; provided a statutory regulator is overseen by the PSA it falls within the scope of the Acceptance Outcomes procedure.

7. The Accepted Outcomes procedure does not apply where any sanction short of interim order, suspension or removal from the relevant professional register has been imposed.
8. For removals, the Accepted Outcomes procedure only applies where the relevant statutory regulator has removed a person from their register on the grounds that their fitness to practise is impaired. It does not apply to other cases where a person is removed from a relevant professional register; it does not include, for example:
  - a. removal for non-payment of registration fees;
  - b. voluntary removal; or
  - c. removal on the ground of incorrect/fraudulent entry
9. The Accepted Outcomes procedure should not be applied until any appeal by a Registrant against the determination of a statutory regulator has been finally disposed of. The Registrar can apply for an Interim Order under the AHCS Fitness to Practice Procedure until appeal proceedings are concluded where it is necessary:
  - a) for the protection of the public; and/or
  - b) It is otherwise in the public interest; and/or
  - c) It is in the interests of the registrant.

## **Changes to the decision made by Statutory Regulators following application of an accepted outcome**

The sanction imposed on an individual's registration by a Statutory Regulator may change. Where AHCS has imposed a corresponding sanction to the Register, the Registrar will consider the change of decision and whether to make a parallel change to Academy's register. The Registrar can refer the decision to a Review Panel if required.

## **Is the determination of the regulator relevant to the Registrant's registration with the Academy?**

10. If the Accepted Outcomes procedure is potentially applicable, the Registrar must consider whether the determination of the relevant statutory regulator is relevant to the Registrant's registration with the Academy. This will generally involve consideration of the grounds on which a determination of impairment of fitness to practise was made.
11. In general, if the determination of the relevant regulator relates to skills or competence in a specialist area of professional practice (or to standards applicable only in a specialist area of practice), the determination will not be relevant. In such cases, it will usually be necessary for the Investigating Panel and/or Fitness to Practise Panel to consider whether a Registrant has the skills and knowledge relevant to their registration with the Academy.
12. On the other hand, determinations involving the following will usually be relevant to a Registrant's registration with the Academy:
  - a. serious dishonesty;
  - b. deliberately or recklessly endangering the health and safety of patients;
  - c. deep-seated attitudinal issues including discriminatory conduct (whether towards patients, colleagues, or the public)

## **Would an interim order, suspension or removal from the Academy's register be a proportionate response?**

13. Even if a determination appears relevant, careful consideration should be given to the issue of proportionality. There may be many reasons why applying the determination to the Academy's register may not be proportionate. Two particular considerations are addressed below but the Registrar's task is to consider all the circumstances of the particular case and determine whether the action proportionate. In making this decision, regard should generally be given to the following:

- a. the Academy's core regulatory functions and in particular the need to protect the public, declare and uphold proper professional standards and maintain public confidence in the profession.
- b. the reasons why the Registrant was under sanction from the relevant statutory register;
- c. any evidence of remediation or insight following the determination in question;
- d. fairness to the Registrant

#### **Physical or mental health**

- 14. Unless a Registrant consents to the Accepted Outcomes process, it will not usually be proportionate to apply the Accepted Outcomes procedure where a statutory regulator has suspended or removed a person from its register for reasons closely connected to their physical or mental health. In most cases involving physical or mental health, it will be necessary for the Investigating Panel and/or a Fitness to Practise Panel to carefully consider whether a Registrant has the health they need to practise their profession safely and effectively and/or what the appropriate sanction should be if they do not.
- 15. Similarly, where there is evidence that physical or mental health was a significant contributing factor in the conduct which led to a person being suspended or removed by a relevant statutory regulator, or where there is substantial personal mitigation in some other form, it may not be proportionate to apply the Accepted Outcomes procedure.
- 16. It may not be appropriate to apply the Accepted Outcomes procedure where the determination in question only comes to the Academy's attention after several years have passed, particularly if the Registrant has been practising without incident as an Academy Registrant since the date of the determination.