

AHCS

Guidance on Accepted Outcomes Procedure

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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 another professional regulatory body*'.
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 professional regulatory body 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 individual 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 their removal from that register.

6. The Accepted Outcomes procedure does not apply to decisions made by non-statutory regulators. In addition, the Accepted Outcomes procedure does not apply to decisions made by statutory regulators unless they are overseen by the PSA. At present the following statutory regulators are overseen by the PSA:

- a. General Dental Council;
- b. General Medical Council;
- c. General Optical Council;
- d. General Osteopathic Council;
- e. General Pharmaceutical Council;
- f. Health & Care Professions Council;
- g. Nursing and Midwifery Council;
- h. Pharmaceutical Society of Northern Ireland;
- i. General Chiropractic Council;
- j. Social Work England

This list is for information only; 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 removal from the relevant professional register has been imposed.

8. The Accepted Outcomes procedure only applies where the relevant statutory regulator has removed a person from their register on the ground 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.

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 ground(s) 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 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 removal from 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 removal is 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 removed 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 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 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.

Passage of time

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.