



British Association of Sport Rehabilitators (BASRaT)

Fitness to Practise Panel Guidance.

October 2023

Table of Contents

Table of Contents	2
Introduction.	3
Fitness to Practise panel hearing.	3
Stages of a panel hearing.	4
Preliminary matters.	4
Allegations and establishing facts.	4
Grounds.	5
Establishing Impairment.	5
Panel Decision and Sanctions.	6
Publication.	7
Version Control	8

Introduction.

This guidance outlines specific information surrounding the BASRaT fitness to practise (FtP) panel hearings, how decisions are made and the sanctions which the FtP panel can impose. It also provides guidance for FtP panels to use when deciding what sanction is appropriate in any given case.

BASRaT Fitness to Practice hearings are not a statutory process, and whilst they have similarities to panels conducted in that way, are not founded in legislation. They will be conducted in line with the process herein. Decisions about whether allegations are found proved are made on the balance of probabilities, meaning that, having considered the evidence, the panel will find the allegations proved if they are more likely to have happened than not. This process has been created following consultation with our legal advisors.

This guidance is aimed at anyone involved in a FtP panel hearing. This includes:

- Specified FtP panel members:
 - Chair, health professional (not active member of BASRaT) selected from a pool of qualified individuals held by BASRaT.
 - One member of the executive committee.
 - One active BASRaT registrant (not executive committee member).
 - One lay member from the executive committee.
- Registrants and their representatives (if appointed).
- Witnesses.
- The BASRaT Registrar may attend at the start of the hearing to advise on procedure but will not be involved in any decision making.
- Legal advisor, if BASRaT chooses to appoint one.

If the registrant declines to participate in the process, or decides not to attend the panel hearing, the panel will continue in their absence. Decisions made by the panel where there has been non-attendance by the registrant will be final and not subject to appeal.

If the registrant does wish to attend the panel hearing but cannot due to ill health or an unexpected emergency, the panel will address this in preliminary matters and can agree to reschedule if it is deemed appropriate. The registrant is required to provide evidence of the reasons for non-attendance.

This guidance will also be useful to anyone who wants to find out more about the BASRaT FtP process, including:

- Registrants.
- Members of the public.
- Other regulatory bodies and registers.

Fitness to Practise panel hearing.

A FtP panel hearing is a late stage part of the process following the decision by an investigating committee to refer the case to a panel for a decision.

Panel hearings are conducted in private.

Panel hearings may be conducted in person, or by video conference.

Notes of the panel hearing will be recorded and a redacted version published on the BASRaT website. No personal information identifying individuals raising the concern, or other third parties involved in the case will be published. In addition, any information related to the health of the registrant and/or individuals raising the concern will not be disclosed in the document published on the website.

Stages of a panel hearing.

Below is the standard approach taken at a final hearing. However, it is open to the panel to adjust this if they decide it is necessary. Adjustments will be addressed in preliminary matters.

Preliminary matters.

The Chair will present any preliminary matters to the panel. These are matters of procedure that require consideration such as: Proceeding in the absence of the registrant, amendments to the allegations, any special measures relating to witnesses.

Requests for adjustments to procedure should be submitted to the panel Chair in writing no later than 7 days prior to the hearing. Adjustments may be put in place in order to ensure the process is fair and proportionate, and/or to protect the mental, physical and emotional wellbeing of registrants, complainants, witnesses, and any others taking part in the process.

Allegations and establishing facts.

The panel Chair will present the allegations. The panel will also have access to any information submitted by both the registrant, complainant, and any third parties, during the preceding stages of the FtP process.

The registrant will be asked if they admit to any of the allegations. If the registrant does admit to the allegations at this stage then they must be found proved.

The Chair will then set out the background to the case and call upon any witnesses (and third parties) to give their evidence. Witnesses can bring a copy of their statements already provided, as well as any evidence they have to support their statements.

Witnesses can be asked questions in the following order:

1. Questions from the Chair presenting the case
2. Questions from the registrant or their representative
3. Re-questioning from the Chair presenting the case
4. Questions from the remaining panel members

In cases where it is not appropriate for the registrant to have contact with the witness, for example in cases where there is sexual misconduct, the registrant will not be provided the opportunity to question the witness. This and any other amendments necessary will be submitted to the chair in writing no later than 7 days before the panel hearing and addressed in preliminary matters. In such cases, witnesses may still be questioned by the Chair and other panel members.

Adjustments may be put in place in order to ensure the process is fair and proportionate, and/or to protect the mental, physical and emotional wellbeing of registrants, complainants, witnesses, and any others taking part in the process.

Following submissions from witnesses, the registrant can provide their representations to the panel and face questions. Questions will be lead by the panel Chair, followed by other panel members.

Grounds.

The panel Chair will set out the grounds for impairment based on the facts and highlight which elements of the BASRaT Standards of Ethical Conduct and Behaviour, and/or BASRaT Role Delineation, have been breached.

Establishing Impairment.

BASRaT uses the term impairment to mean any circumstance which impacts or may impact upon the ability and capability of an individual to undertake safe and effective practice, whilst also maintaining the standards outlined in the Standards of Ethical Conduct and Behaviour.

The FtP panel must decide whether the registrant's fitness to practise is impaired and poses a risk to the public The FtP panel must take into account all the evidence presented, which include whether or not the conduct or behaviour:

- Presents an actual or potential risk to the public.
- Effects public confidence in the profession and the regulatory process.

In order to assess this the panel will consider:

- Personal components of impairment:
 - What has happened since the events leading to the allegation occurred.
 - The level of insight shown.
 - Remedial steps taken.
 - The likelihood of repetition.
 - Current level of competence / conduct.
- Public component of impairment:
 - What is needed to protect service users?
 - What is needed to uphold professional standards?
 - What is needed to maintain public confidence in the regulatory process and the profession?

The registrant should provide as much information as possible, with evidence, to address the above points in advance of the panel hearing. They will also have the opportunity to address the above points with the panel during this part of the hearing.

Panel Decision and Sanctions.

The panel will continue in private (without the registrant) to discuss the case and arrive at its decision. Taking into account all of the information, the panel will determine whether the registrant's FtP is impaired and record its reasons for this decision.

If the panel decides the registrant's FtP is not impaired then this will be the end of the case. The decision will be recorded and shared in a report written by the panel Chair.

If the panel decides the registrant's FtP is impaired, they will continue to discuss the appropriate sanction. The panel can impose one of the following sanctions:

- Cautioning the individual using a note placed upon the registrant's register entry which highlights the area of concern and recommendations for future training/education. This note will remain in place for a given period of time or until further training/education is evidenced.
- Imposing conditions on the individual's practice such as clinical supervision or scope of practice restrictions.
- Suspending the individual from practice for a given period of time (up to one year) or until further training/education is evidenced.
- Striking the individual from the register.

In the case of an applicant for registration, rather than current registrant, the panel will have the following options:

- Refuse the application.
- Accept the application and register the individual, but apply one of the above sanctions.
- Accept the application and register the individual.

The FtP panel should make sure that the decision on sanction and reasons behind the decision are fully explained, in clear and direct language and understood to avoid misunderstanding or ambiguity.

Publication.

The panel chair will produce a written report outlining the decision made by the panel.

Where applicable, a redacted version of the report will be published on the BASRaT website as per the publication policy.

The report will be provided to the BASRaT Registrar who will write to the registrant outlining the decision within 10 working days.

Version Control

Version Number	Author	Date of Publication	Date of Review
v.01	Oliver Coburn	October 2023	As required