



British Association of Sport Rehabilitators (BASRaT)

Fitness to Practise: A guide for the public and employers.

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Introduction.

As holders of a Professional Standards Authority “Accredited Register” (AR), we (BASRaT) have a duty to put protection of the public at the centre of our work. We also have a duty to maintain public confidence in the profession and its regulation. We do this in part through setting standards for registrants and keeping them accountable to those standards via our Fitness to Practise processes.

As a Graduate or Allied Health Professional member (registrant) of The British Association of Sport Rehabilitators (BASRaT) individuals are entitled to refer to themselves as Graduate Sport Rehabilitators (GSRs) and use the suffix “BASRaT-reg”. They are also given permission to use the combined BASRaT and Professional Standards Authority Accredited Register logo in their marketing materials.

All registered registrants are required to meet and maintain the BASRaT standards of education, skill and conduct as stated in the BASRaT [Standards of Ethical Conduct and Behaviour](#) (SECB) and [Role Delineation](#) documents (RD). Please refer to the BASRaT website for further information.

Scope and applicability of this policy.

Concerns about registrants.

BASRaT is only able to investigate concerns raised against active registrants (Graduate and Allied-Health Professional membership categories) via the Fitness to Practise process described in this policy.

You can search the [public register](#) to verify the registration status of an individual.

Where concerns relate to cautions or convictions, we will investigate the concerns via our [Fitness to Practise for cautions and convictions process](#), not via the process described herein.

Concerns about non-registrants.

Concerns raised about individuals who are eligible for registration but are not active registrants, will be subject to investigation at the point of future application. They must meet all other eligibility criteria, including successful completion of the Registration Exam.

We will not consider concerns against other members of the organisation under this policy. Decisions regarding other members will be at the discretion of the Registrar.

Concerns about student members, and students on accredited degree programmes.

Student members, and students on BASRaT accredited degree programmes are subject to the disciplinary processes of their academic institution. BASRaT will forward any concerns it receives to the university as appropriate.

Students undergoing investigation by their university will not be eligible to apply for registration until the conclusion of the university complaints process. If at the conclusion of the university process there is a finding of fitness to practise being impaired, the university programme lead should not include the student in the list of students signed-off at fit to practise.

Concerns about individuals undertaking the registration exam.

Passing the BASRaT [Registration Exam](#) is a prerequisite for registration, therefore, candidates undertaking the exam are not yet registrants subject to the Fitness to Practise process outlined in this document.

Any person found to be in breach the BASRaT [Standards of Ethical Conduct and Behaviour](#) during the course of the examination process will not be eligible for registration. Such decisions will be taken by the Registrar and communicated to candidates in writing.

Monitoring of concerns about non-registrants.

BASRaT will maintain a record of concerns raised, including those about individuals who are not registrants at the time of the concern, but who are eligible to apply for registration. This is to ensure that an investigation into the concerns is triggered when an application to register is made.

BASRaT will not record concerns about people who are not eligible to apply for registration and will refer the information to the relevant authority where applicable. Where there are safeguarding concerns, BASRaT may liaise with the relevant local authority or police force. In the case that concerns raised relate to a potential criminal offence, BASRaT may report the concerns to the police for investigation.

In making decisions about raising concerns, BASRaT will balance its legal responsibilities with the wishes of the persons raising the concern. The registrar will take independent legal advice to inform any decisions where required.

Only data that is necessary and proportionate will be stored on the basis that it is required for fulfilling our function of public protection.

What is Fitness to Practise (FtP)?

An individual is considered 'fit to practise' if they possess the appropriate skills, knowledge, health and character to practise safely and effectively. In addition, this also includes acts and/or behaviour which may affect:

- Protection of the public,
- Public confidence in the profession and the regulatory process.

BASRaT has a responsibility to monitor professional standards of its registrants, protect the public and maintain public confidence in the profession and regulatory process.

When BASRaT makes a judgement regarding a registrant's good character we cannot state that an individual will never behave in an inappropriate way but based on the available evidence, there is no reason to believe that they would not adhere to our professional standards.

It is important to note that an individual's health and/or disability will be considered in direct relation to their ability to practise safely and effectively. If the condition is stable and managed appropriately then this should not affect a registrant's ability to practise safely and effectively. Being able to manage a condition appropriately also includes adapting, limiting, and stopping practice if required.

Proportionality of decisions made by BASRaT.

In deciding what, if any, sanction to impose BASRaT will apply the principle of proportionality taking into account the interest of the public with those of the registrant. The following points will be considered before the confirmation of decisions:

- Is the sanction a legitimate exercise at the current stage of the process (figure 1).
- Is it a suitable means of attaining the appropriate degree of public protection identified at the current stage (figure 1).
- Is it the least restrictive means of attaining that degree of public protection.
- Is it proportionate in striking the correct balance between public protection and the rights of the registrant.

Raising a concern.

Any concerns can be brought to the attention of BASRaT in a number of ways:

1. Declaration by Accredited Institution (AI)*
2. Self-declaration at initial registration**
3. Self-regulation of active registrant**
4. Concerns raised by a member of the public/employer

5. Information received by BASRaT (this may be from a number of sources including an insurance claim or information reported in the media) regarding an active registrant or applicant to the register.
6. In the latter case an 'applicant' may refer to a new applicant or an individual who wishes to be readmitted to the register.

*Please refer to BASRaT Fitness to Practise- Guide for Accredited Institutions.

**Please refer to BASRaT Fitness to Practise- Membership Guide.

Allegations related to fitness to practise would **not** generally include:

- Poor time keeping (unless this has a direct impact on client care).
- Interpersonal conflicts/disagreements (unless involving bullying/threatening behaviour).
- Sickness absence (unless this involves fraudulent claims and/or lack of appropriate self-management of a condition).
- Disputes relating to employment or contractual arrangements.

In the case of the above examples and where there is no suggestion of risk to the public, it will most likely be suitable for BASRaT to deal with the concern informally. This may involve the BASRaT Registrar asking you what an ideal resolution would be, for example a verbal or written apology. This must then be agreed with the registrant concerned. If no agreement can be made then facilitated mediation via the BASRaT Ethics Committee (see fitness to practise process, section 7) will be considered. If a concern is suitable for mediation you, and the registrant concerned must agree to this course of action.

Mediation is when a member of the BASRaT Ethics Committee will discuss the problem with both you and the registrant concerned separately in order to come to an agreeable resolution.

When might an individual's fitness to practise be impaired?

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. Impairment can take many forms including transitory or permanent circumstances. BASRaT considers possible circumstances for impairment of fitness to practise on an individual basis. For example, impairment is likely if an individual:

- Conduct that falls below the BASRaT standards of education, skill and conduct as stated in the BASRaT [Standards of Ethical Conduct and Behaviour](#) (SECB) and [Role Delineation](#) documents (RD).
- Has been dishonest, been convicted of fraud or theft or abused someone's trust.
- Has covered up mistakes or impeded some form of investigation.
- Were involved in sexual misconduct.
- Has a substance abuse or misuse issue.

- Has exploited a vulnerable person.
- Failed to respect a client's rights.
- Has been violent or exhibited threatening behaviour.
- Had an inappropriate relationship with a client.
- Has a health problem which is not appropriately managed, and which impacts on their ability to practise safely and effectively.
- Has a caution or conviction.

In the case of the above examples, it would be more appropriate for the concern to be investigated via a formal process. Additionally, if a registrant has been the subject of more than two concerns of a similar nature that were dealt with informally then the formal process will be undertaken. If you are unsure as to whether your concern is related to fitness to practise, then please refer to the BASRaT Standards of Ethical Conduct and Behaviour (SECB) and Role Delineation documents (RD) and/or contact BASRaT as soon as possible:

Administration Email- administration@basrat.org

Registrar Email- registrar@basrat.org

How to raise a concern.

As stated above you may want to discuss your concerns with BASRaT initially and this may be done via completing the [raising of a concern](#), via telephone or email. The Raising a Concern form is available on our website, but a hard copy is also attached at the end of this document.

You can also raise a concern using our [online form](#).

For a concern to be recorded by BASRaT you will be asked for the following information:

- Accurate identification of the BASRaT registrant (if possible, their registration number)
- Nature of the concern:
- Events that took place and if possible, when/where.
- Context.
- If an employer, any action taken by yourself/company.

This is so the registrant can understand and respond to the concern.

In addition, we will also ask for:

- Your full name and contact details.
- Details of any other individuals involved.
- Details of someone else we can contact if further information is required.

Please contact BASRaT if you require any support to put your concern in writing. BASRaT will not ignore a concern because it is not in writing and will support those who may be unable to put a concern/complaint in writing (e.g. due to language or literacy difficulties).

The Fitness to Practise process.

A general overview of the process is given below (figure 1). Any concerns raised will initially be considered by the BASRaT Registrar in conjunction with another member of the BASRaT Executive Committee (stage 1). If it is deemed not to be a fitness to practise issue or not involving a registrant, then it is likely that no formal fitness to practise investigation will proceed. Any decision made at stage 1 will be based upon the presence of prima facie evidence in relation to fitness to practise. At stage 1 the Registrar may also proceed with informal communication aimed at facilitating an appropriate resolution. This may involve mediation between the parties concerned through the BASRaT Ethics Committee (see Section 4). The nature of some concerns may result in mediation not being an appropriate route. Examples would include concerns involving sexual assault/abuse.

Any decision made at stage 1 will be confirmed in writing within 5 working days of the decision being made. This decision may include the immediate imposition of an interim order (this may be in the form of interim conditions or suspension) if the allegation is judged to be of such a nature as to involve a risk or potential risk to protection of the public or public confidence in the profession. The interim order would last for a period of up to 28 days allowing time for the concern to be considered by the Investigating Committee (stage 2). Further information regarding decision making can be found in the BASRaT- Interim Order Guide document.

If the practitioner is a BASRaT registrant and the concern is deemed to be related to his/her fitness to practise the Registrar will delegate to an Investigating Committee (stage 2). This committee will comprise of the following:

- Chair, health professional (not active member of BASRaT) selected from a pool of qualified individuals held by BASRaT.
- At least one member of the BASRaT executive committee (not the same member involved in stage 1 above).
- One lay executive committee member.

The Investigating Committee will gather additional information regarding the concern from relevant sources (registrant, yourself, any others concerned). Information related to medical details and/or criminal convictions will only be pursued with written consent of the registrant. It must be noted that if an individual declines to give written consent, then this will be considered during any decision-making process.

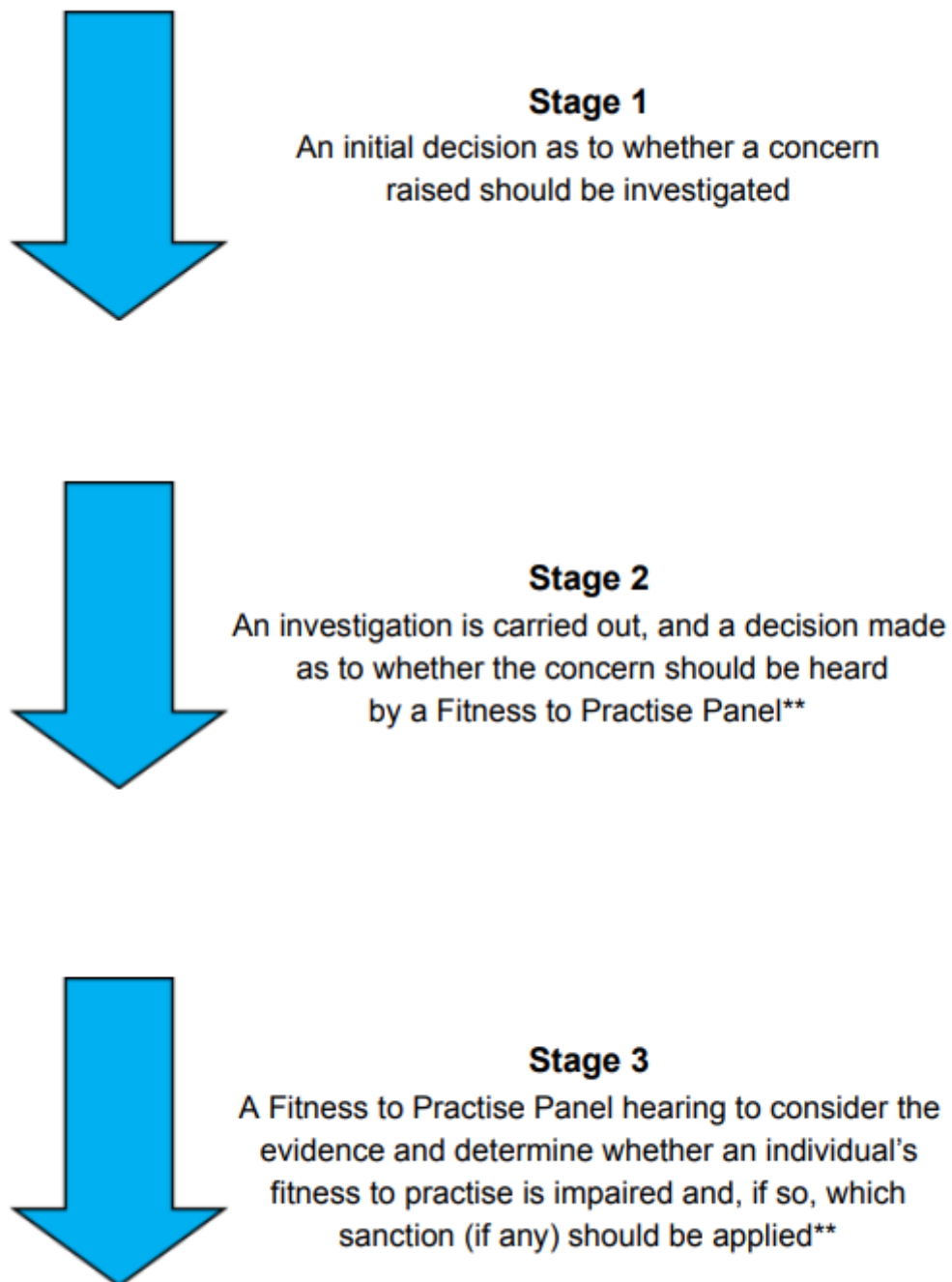
The Investigating Committee will independently consider the case presented and make a judgement on whether the case should be considered by a fitness to practise panel based upon the balance of probabilities using the evidence available. Alternatively, if there is no further 'case to answer' then no further action will be taken. The outcome (decision), reasons behind the decision and relevant contact details of the Investigating Committee will also be confirmed in writing within 5 working days from the decision being made. Please note that at stage 2 the Investigating Committee may also recommend informal communication aimed at facilitating an appropriate resolution. This may involve mediation between the parties concerned through the BASRaT Ethics Committee (see Section 4). If mediation is

recommended but does not resolve the concern, then the case will be referred to the Investigating Committee.

The Investigating Committee can also consider the imposition of an interim order, or the extension of the existing interim order imposed at stage 1 if the concern is judged to be of such a nature as to involve a risk or potential risk to protection of the public or public confidence in the profession. Any interim order would cover the period necessary for the concern to be considered by the Fitness to Practise Panel (stage 3) and be for a maximum period of 18 months. Any interim order imposed at stage 2 will be reviewed after six months and every three months following, but will also be reviewed if new evidence, relevant to the order, becomes available.

If the Investigating Committee decides that there is a 'case to answer' and that an individual's fitness to practise may be impaired, then the case will be heard by a Fitness to Practise Panel (stage 3). The Fitness to Practise Panel and its responsibility, process and procedure is described in more detail in the next section (8). The Fitness to Practise process is subject to appeal at stages 1, 2 and 3. More information about the appeals process can be found in section 10. Please note that the BASRaT fitness to practise process will not be discontinued should a registrant choose to leave the organisation.

Figure 1.



Fitness to Practise Panel.

Full details and information relating to the panel stage of the process are available in the BASRaT [Fitness to Practise panel guidance](#).

Fitness to Practise panels will comprise of the following:

- 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.

BASRaT will not provide legal advice, but please refer to section 11 for relevant organisations which may be of use. BASRaT will provide expenses for travelling to/from a hearing. BASRaT will ensure that complainants and witnesses are treated fairly and with respect, providing reasonable support as required by the specific case (for example, accessibility arrangements, separate waiting rooms during hearing, etc). Please contact the BASRaT administration office if you require any special arrangements.

Fitness to Practise cases are heard by the panel in private with any decision and reasons behind the decision confirmed in writing within 10 working days from the decision being made.

Decisions will be published as per the Publication Policy.

Sanctions.

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.

Appeals.

As outlined previously all individuals concerned will be informed of any decision and reasons behind any decision in writing at each of the stages outlined.

Appeals against any decision made at stage 1 must be filed within 10 working days from the written confirmation letter. Any interim order imposed at stage 1 will be reviewed if new evidence, relevant to the order, becomes available.

Appeals against any decision made at stage 2 or 3 (i.e., by the Investigating Committee (stage 2) or Fitness to Practise Panel (stage 3) must be filed within 20 working days from the written confirmation letter.

Any interim order imposed at stage 2 will be reviewed after six months and every three months following, but will also be reviewed if new evidence, relevant to the order, becomes available.

At stages 2 and 3 an appeal panel constructed using the same criterion as the Fitness to Practise panel will consider the appeal lodged. Members of the Investigating Committee and the Fitness to Practise panel will not be permitted to sit on the Appeal Panel. The Appeal panel decision and reasons behind the decision will be confirmed in writing within 10 working days from the decision being made. A full transcript of the hearing and decisions will be kept by BASRaT whilst an amended version will be made available to the public via the BASRaT website. The amended version will not disclose any personal information of individuals raising the concern or other third parties involved with the case, such information will be anonymised. 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.

Once the appeals process has concluded, no further appeals will be allowed.

Additional contacts.

The following organisations may be useful for further advice or support.

Action Against Medical Accidents (AvMA)

This is an independent charity which provides free specialist advice on public and private health-care complaints, if it is suspected that harm has been caused or there is a threat to client safety.

Phone: 0845 123 2352

Website: www.avma.org.uk

Advertising Standards Authority

You can also complain about false or misleading advertising to the: Advertising Standards Authority. Phone: 020 7492 2222

Website: www.asa.org.uk

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

Raising a concern form.

You can also raise a concern using our [online form](#).

Please use this document to raise a concern regarding a registrant of BASRaT. A registrant includes the following membership categories:

- Graduate
- Allied Health Professional

Please note that AHP Registrants of BASRaT will also be on a statutory register (e.g., Health and Care Professions Council) and your concerns should be raised with the statutory register in the first instance.

Before completing this document, you may want to check the type of membership held by the individual concerned (Register Check) - <http://www.basrat.org/membercheck>

You may also wish to check BASRaT's definitions of fitness to practise via <https://basrat.org/member/fitnesstopractise>

The aim of this document is to provide BASRaT with:

- Basic information about yourself and the person you wish to raise a concern about
- Details of the concern
- Desirable outcomes

Your Contact Details

Full Name	
Address	
	Postcode:
Phone Number	
Email	
Signature	
Date	

*By signing this form, you are giving BASRaT permission to disclose your details in any investigation relating to this concern.

Registrant Details

Full Name	
Registration Number	
Contact Information (if known):	Phone:
	Email:

Details of your concern

Please describe your concern in as much detail as possible, please consider the following:

- Events that took place and if possible, when/where (if applicable).
- Context.
- If an employer, any action taken by yourself/company

You may find BASRaT's Raising a Concern /FtP Guide useful in filling out this form

Please continue on additional pages if required.

We may contact you to request additional information if required.

Next Steps

Once completed this form can be posted to:

FAO: Registrar
BASRaT Administration Office
PO Box 627
Manchester
M14 0PN

Alternatively, you can also email the form to the BASRaT registrar, registrar@basrat.org or administration office, administration@basrat.org

As another option you can also raise a concern by telephone. In this case, please contact the BASRaT administration office on 0161 295 0070. With your consent, details will be noted using this form and then you may be contacted by the BASRaT Registrar as a follow up.

Please contact BASRaT if you require any support to put your concern in writing. BASRaT will not ignore a concern because it is not in writing and will support those who may be unable to put a concern in writing (e.g., due to language or literacy difficulties).

Administration Office Tel- 0330 133 2123
Administration Email- administration@basrat.org
Registrar Email- registrar@basrat.org

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