



Ag Rialáil Gairmithe Sláinte
agus Cúraim Shóisialaigh

Regulating Health +
Social Care Professionals



CORU

Guide to Fitness to Practise

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Don't make a decision to act (or not) based on the information in this Booklet alone. Seek further appropriate advice if you need it.

What is a Fitness to Practise complaint?

Fitness to Practise begins when CORU receives a complaint about a registered health and social care professional. Fitness to Practise is about finding out whether or not the person is fit to practise. If he or she is unfit, we will then take the appropriate steps.

CORU calls a health and social care professional registered with a Registration Board a 'registrant'.

If a registrant is unfit to practise, they put the safety of the public at risk.

What is CORU?

We are Ireland's multi-profession health and social care regulator. Our role is to protect the public through statutory registration of health and social care professionals and by promoting high standards of:

- professional conduct;
- education;
- training; and
- competence.

CORU is the name we use to describe the Health and Social Care Professionals Council and the Registration Boards established under the Health and Social Care Professionals Act 2005 (as amended).

To see a list of the professions CORU regulates, please log on to www.coru.ie

How will we regulate the professions?

To regulate the professions, we will:

- set the standards that health and social care professionals must meet;
- make sure that the relevant educational bodies deliver qualifications that prepare professionals to provide safe and appropriate care;
- maintain and publish a Register of health and social care professionals who meet our standards;

- make sure that registered professionals keep their skills up to date by promoting continuing professional development; and
- look into Fitness to Practise complaints about our registrants.

When will Fitness to Practise begin?

On **Wednesday 31 December 2014**. We can only receive complaints after this date.

Will Fitness to Practise replace complaints to employers or disciplinary procedures?

Fitness to Practise will not replace employers' complaints or disciplinary procedures.

To put it simply, Fitness to Practise is concerned with those issues that affect a person's ability to practise in their profession.

Who will be able to make a complaint?

Anyone can make a complaint directly to us about a Registered Health or Social Care Professional (a registrant). This includes members of the public, employers, other registrants and An Garda Síochána.

Registration Boards can also make a complaint.

What type of things may people complain about to CORU?

- (a) Professional misconduct.
- (b) Poor professional performance.
- (c) A relevant medical disability which may affect a registrant's ability to practise their profession.
- (d) A failure to comply with a term or condition of registration imposed following a previous fitness to practise hearing.
- (e) A failure to comply with an undertaking or to take any action specified in a consent provided to a Committee of Inquiry following a previous hearing.

- (f) A contravention of the Health and Social Care Professionals Act 2005 (as amended), the rules or byelaws.
- (g) A conviction in the State for an offence that may be tried on indictment (or an equivalent conviction outside the State).

Step-by-step to complaints process

Here is a summary of the complaints process. The rest of this document goes into detail.

1. We will tell the registrant that there has been a complaint against them.
2. The Preliminary Proceedings Committee will decide if a complaint warrants further action.
3. Further action may be a Fitness to Practise Hearing or mediation (an independent third party is involved to help both sides of the dispute to reach a decision).
4. If the complaint is not suitable for mediation, it will go to hearing before a Committee of Inquiry, which may be a Professional Conduct Committee or a Health Committee.
5. If the complaint is proven, the Health and Social Care Professionals Council of CORU will impose sanctions.
6. The registrant may make a submission about the sanctions imposed.
7. The registrant may appeal to the High Court if the Council decides to suspend, cancel or put conditions on their registration.

Who looks into complaints initially?

The Preliminary Proceedings Committee will look into complaints initially.

The Preliminary Proceedings Committee will be made up of seven people:

- three non-registrants;
- two registrants of the same profession as the registrant being complained about; and
- two registrants from a different profession.

The Preliminary Proceedings Committee will examine all complaints received. A Preliminary Proceedings Committee must consider the information before it and whether or not the complaint is:

- trivial or vexatious;
- made in bad faith; or
- without substance.

A Fitness to Practise hearing will only take place if the Preliminary Proceedings Committee is satisfied that the matter warrants further action. Alternatively, and only if the registrant and complainant agree, the Preliminary Proceedings Committee may decide to refer a complaint for mediation.

Will a registrant be informed of a complaint?

Yes. We will tell the registrant about any complaints we receive by sending the registrant a copy of the complaint. The registrant will have an opportunity to respond and submit information to the Preliminary Proceedings Committee.

What happens if further action is to be taken?

If a complaint warrants further action and it is not suitable for mediation, it will go to a hearing before a Committee of Inquiry.

The Committee of Inquiry may be either a Professional Conduct Committee or a Health Committee (see below).

A registrant is entitled to attend the hearing and be represented if they so wish.

The Professional Conduct Committee, or the Health Committee, will decide if the complaint is proven.

What is a Professional Conduct Committee?

A Professional Conduct Committee deals with complaints about a registrant's conduct or competence. It examines the complaint and decides whether the complaint is proven.

The Professional Conduct Committee is made up of three people: one non-registrant, one registrant from the same profession as the registrant being complained about and one registrant from a different profession.

A Legal Assessor will sit with the Committee.

What is a Health Committee?

A Health Committee decides whether or not a registrant's relevant medical disability is affecting their ability to practise their profession. One of the grounds on which a complaint may be referred to a Health Committee is impairment of the registrant's ability to practise because of a relevant medical disability. A relevant medical disability means a physical or mental disability and can include an addiction to alcohol or drugs. The Health Committee decides whether or not the complaint is proven.

The Health Committee has a similar composition to the Professional Conduct Committee.

A registered medical practitioner, with relevant expertise, will advise the Health Committee, as well as a Legal Assessor.

Who is the Legal Assessor?

A legal advisor (known as a Legal Assessor) will sit with the Committee. The role of the Legal Assessor is to make sure that the law and fair procedure is followed in the hearing.

The Legal Assessor plays no part in the decision making process.

Are hearings in public or private?

Hearings before a Professional Conduct Committee will be in public, unless the Professional Conduct Committee is satisfied that part of it, or all of it, should be held in private.

Hearings before a Health Committee will be in private, unless the Health Committee is satisfied that part of it, or all of it, should be held in public.

Is a registrant entitled to be represented?

If the matter is going to a hearing the registrant will be able to attend the hearing, question the evidence and give their side of the story.

The registrant is entitled to bring their own representative to the hearing.

How long does the process take?

The length of the procedure will vary depending on the nature of the complaint made and how complicated the issues are.

What are the sanctions that may be imposed?

Following a hearing if the complaint is proven, the Health and Social Care Professionals Council of CORU may admonish (reprimand firmly) or censure the registrant (express severe disapproval). Otherwise it may impose the following sanctions.

- (a) We may attach conditions to the registrant's registration. This may include restricting the practice of the registrant's profession.
- (b) We may suspend the registrant's registration for a specified period.
- (c) We may cancel the registrant's registration.
- (d) For a specified period, we may ban the registrant from applying to restore their registration.

How will a sanction be imposed?

The CORU Council will decide on the sanction to be imposed and will direct the Registration Board to impose the sanction. CORU will then apply to the High Court to

confirm the direction to impose the sanctions a-d above, unless the registrant has challenged the direction in the High Court.

Who will CORU inform if a sanction is imposed?

If a sanction is imposed by CORU then we:

- must notify the Minister for Health and employers; and
- may advise the public of certain sanctions.

Can a registrant make submissions at sanction stage?

Yes, a registrant will have the right to make a submission to the Council about the sanction being imposed.

Can a registrant appeal a decision of the Committees of Inquiry?

The registrant may apply to the High Court to challenge decisions the Council makes about:

- attaching conditions to registration;
- suspending registration;
- cancelling registration;
- banning a registrant from applying to restore their registration.

Why is the Code of Professional Conduct and Ethics important?

Each Registration Board has its own Code of Professional Conduct and Ethics. Click [here](#) to view the Codes of Professional Conduct and Ethics or log onto www.coru.ie.

The Code sets out the standards of conduct, performance and ethics expected of a registrant.

If an allegation of professional misconduct is made against a registrant, the standards contained in the Code are those against which a registrant will be measured at a Fitness to Practise hearing.