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Consultation document

# Consultation on updates to our sanctions policy

29 May 2025 – 1 September 2025

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# 1. Overview

The document consults on the Health and Care Professions Council's (HCPC's) proposal to update the guidance we give to practice committee panels (panels) who make decisions on the outcome of fitness to practise (FTP) cases. This guidance document, known as our sanctions policy, outlines the principles for determining FTP case outcomes.

The sanctions policy sets out the principles that panels should consider when deciding on the appropriate sanction, if any, in FTP cases. It is designed to support panels in making fair, consistent, and transparent decisions, ensuring that regulatory outcomes maintain public confidence and uphold professional standards. We last updated the document in 2019.

We periodically review all our policies and standards to ensure that they remain up to date, clear and aligned with best regulatory practice. The changes we propose are intended to improve clarity for panels when applying sanctions, support fair and proportionate decision-making in FTP cases, reflect recent legal developments and feedback from key stakeholders, strengthen public protection and maintain trust in the regulatory process.

The changes we propose are to:

1. **Reflect recent case law** – this ensures that panels have a clearer understanding of the guidance related to suspension orders and their application.
2. **Update guidance on interim orders** – this improves transparency and clarity on how panels should consider interim orders that may have been in place prior to a substantive hearing.
3. **Clarify our guidance on 'apology'** – this offers more detailed guidance to panels on how to assess apologies made by registrants when things go wrong.
4. **Clarify the 'strike off' section** – this clarifies that some conduct is so serious it is incompatible with continued registration.
5. **Add content on 'assessing seriousness and culpability'** – this enhances transparency and accountability by clearly setting out the aggravating and mitigating factors panels should consider, to help support consistent and proportionate decision-making.
6. **Expand guidance on discrimination** – this clarifies that all forms of discrimination are unacceptable and provides guidance for the factors panels should take into account when addressing this.
7. **Expand guidance on dishonesty** – this makes it easier to assess how dishonest actions may affect trust or cause harm, leading to more informed and consistent decisions in serious cases.

8. **Add sexually motivated misconduct** – this provides additional guidance to ensure panels not only consider sexual misconduct but also assess the registrant’s state of mind and intent in FTP cases, where conduct may have been sexually motivated.
9. **Introduce a new section on ‘professional boundaries’** – this ensures concerns about maintaining professional relationships are addressed appropriately.
10. **Make structural and editorial changes** – this ensures the guidance is clear and easy to read in order to support consistent, proportionate, and well-reasoned decision-making by panels.

A draft of the proposed revised sanctions policy is available [available here](#).

We are grateful to everyone who has helped to shape the proposals via our pre-consultation engagement activity. It has provided valuable insights that have informed the proposed changes to the sanctions policy. Our pre-consultation work has been integral to our understanding of the needs and views of registrants, professional bodies, employers, FTP partners, educational institutions and the public.

In accordance with the [Health Professions Order \(2001\)](#), which requires HCPC to consult with stakeholders before making changes to its regulatory policies, this document gives notice of our intention to make changes to the sanctions policy. We encourage all interested stakeholders and individuals to formally respond to this consultation. We will publish a summary of the comments we receive and explain the decisions we have taken as a result.

The consultation will run from 29 May 2025 to 1 September 2025 and is available [here](#). We anticipate that the revised sanctions policy will be implemented in winter 2025.

An Equality Impact Assessment for the proposed sanctions policy is available [here](#).

## Introduction

### About the HCPC

- 1.1 We are a regulator of health and care professionals established by the [Health Professions Order 2001](#). Our statutory role is to protect, promote and maintain the health and safety of the public; promote and maintain public

confidence in the professions we regulate; and promote and maintain proper professional standards and conduct for members of those professions.<sup>1</sup>

1.2 We promote high quality professional practice, regulating 15 health and care professions by:

- setting standards for education and training and practice;
- approving education programmes which professionals must complete to register with us;
- maintaining a register of professionals who meet our standards;
- acting if professionals on our Register do not meet our standards; and
- acting to stop unregistered practitioners from using protected professional titles.

1.3 We currently regulate these 15 health and care professions:

- Arts therapists
- Biomedical scientists
- Chiropodists / podiatrists
- Clinical scientists
- Dietitians
- Hearing aid dispensers
- Occupational therapists
- Operating department practitioners
- Orthoptists
- Paramedics
- Physiotherapists
- Practitioner psychologists
- Prosthetists / orthotists
- Radiographers
- Speech and language therapists

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<sup>1</sup> Article 3(4) and (4A) of the Health Professions Order (2001) states that the HCPC's over-arching objective is to protect the public and sets out how this objective should be pursued.

## About the consultation

- 1.4 This consultation seeks the views of stakeholders on a revised version of our sanctions policy<sup>2</sup>. This document explains the background to the policy as well as the approach we took in reviewing it and the changes we propose.
- 1.5 The consultation will be of particular interest to members of the public, HCPC registrants, professional bodies, unions, employers, Health and Care Professions Tribunal Service (HCPTS) panel members, complainants in FTP proceedings, legal representatives, service users, carers and other health care professionals.
- 1.6 The consultation will run from 29 May 2025 to 1 September 2025.

## About this document

- 1.7 This document is divided as follows:
  - Section 2 provides background to our proposed sanctions policy
  - Section 3 explains our review approach
  - Section 4 outlines the changes we propose
  - Section 5 sets out our consultation questions
  - Section 6 explains next steps following the consultation

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<sup>2</sup> [Proposed sanctions policy](#)

## 2. Background

- 2.1 The HCPC's Sanctions Policy was first published in 2004 as the 'Indicative Sanctions Policy'. In July 2019, a revised sanctions policy (the '2019 Sanctions Policy')<sup>3</sup> was launched to replace the Indicative Sanctions Policy.
- 2.2 The aim of our sanctions policy is to set out the principles that panels should consider when deciding on the appropriate sanction, if any, in FTP cases. It is designed to support panels in making fair, consistent, and transparent decisions that maintain public confidence, uphold professional standards, and protect the public. The primary function of any sanction is to safeguard public safety by addressing risks posed by the registrant or concerns about public confidence in the profession.
- 2.3 Panels make independent decisions and must assess each case on its merits. The sanctions policy serves as a guide rather than a constraint on a panel's independence. However, if a panel deviates from the policy, it must provide clear reasons for doing so.
- 2.4 Since the last review in 2019, we have updated our standards of proficiency,<sup>4</sup> and standards of conduct, performance and ethics<sup>5</sup> and introduced new HCPTS Practice Notes<sup>6</sup> on specific aspects of the adjudication process. Updating our 2019 Sanctions Policy is necessary to reflect these changes and relevant developments in case law. Many of the changes we are suggesting to the 2019 Sanctions Policy are to language, style and to reflect current tone and approach as well as to provide further clarity.
- 2.5 We have now conducted a comprehensive review of the document and are seeking stakeholder feedback on the proposed sanction policy.

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<sup>3</sup> [2019 sanctions-policy.pdf](#)

<sup>4</sup> The revised [standards of proficiency](#) came into effect on 1 September 2023

<sup>5</sup> The revised [standards of conduct, performance and ethics](#) came into effect on 1 September 2024

<sup>6</sup> [HCPTS-practice-notes---consolidated.pdf](#). The purpose of Practice Notes is to provide guidance on how panels should approach admissions made by registrants at Conduct and Competence and Health Committee hearings to allegations regarding their FTP.

## 3. Reviewing the policy

- 3.1 We review all our policies periodically to ensure they remain clear, current, and aligned with best regulatory practices and continue to assist panels in making fair, proportionate and transparent decisions to protect the public.
- 3.2 Since the last update of our sanctions policy, we have taken into account a number of developments, including changes to case law and feedback from stakeholders. We engaged with key organisations and groups such as the Professional Standards Authority (PSA), members of the HCPC FTP Partnership Forum meeting,<sup>7</sup> the Equality, Diversity and Inclusion Forum,<sup>8</sup> and FTP partners.<sup>9</sup> Their feedback has provided valuable insights that have informed updates to our standards, helped us develop our new HCPTS Practice Notes, and shape our proposals.
- 3.3 Through this consultation, we aim to:
- ensure that our sanctions policy remains clear, fair, fit for purpose and up to date;
  - support consistent, proportionate, and well-reasoned decision-making by FTP panels;
  - improve transparency and public confidence in the HCPC's FTP process; and
  - strengthen regulatory protections to uphold professional standards and patient safety.
- 3.4 An outline of our proposed changes is provided in the next section.

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<sup>7</sup> The HCPC FTP Partnership Forum consists of, registrants' representatives, FTP colleagues and representatives from professional bodies.

<sup>8</sup> The EDI forum is open to all our diverse groups of registrants and stakeholder organisations with expertise in EDI and lived experience.

<sup>9</sup> The FTP Partners consists of members of the practice committee panels.

## 4. Proposed changes

- 4.1 We periodically review all our policies and standards to ensure that they remain up to date, clear and aligned with best regulatory practice. The changes we propose are intended to improve clarity for panels when applying sanctions; support fair and proportionate decision-making in FTP cases; reflect recent legal developments and feedback from key stakeholders; strengthen public protection and maintain trust in the regulatory process.
- 4.2 The proposed changes are set out as follows:

### Suspension order

- 4.3 This proposed change clarifies the approach panels should take when considering insight in relation to sanctions, ensuring alignment with established caselaw.<sup>10</sup>
- 4.4 Our proposed changes clarify that when considering a suspension order, panels must assess whether the proven misconduct demonstrates behaviour that is fundamentally incompatible with continued registration. If so, a suspension order should not be imposed solely because some or all of the factors listed in the sanctions policy are present. In such cases, a striking-off order may still be necessary, if it is required to protect the public and uphold wider public interest considerations.

**Q1:** To what extent do you agree or disagree with the proposed changes on suspension orders?

### Interim order

- 4.5 This proposed change provides additional guidance on how panels should consider a registrant's prior interim order when determining the proportionate length of a sanction.
- 4.6 We propose to clarify that panels may take into account whether a registrant has been subject to an interim order as a relevant factor in their decision-making. However, panels should not simply deduct or discount the time a registrant was previously restricted or suspended under an interim order from

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<sup>10</sup> PSA v NMC and Kadiatu Jalloh (2023) EWHC 3331 (Admin). This case sets out the correct approach panels should take when considering insight.

the substantive sanction.<sup>11</sup> Panels should assess each case individually, considering all relevant circumstances. This is not a change in position but a clarification to ensure consistency in how panels approach cases where a registrant has been subject to an interim order.

**Q2:** To what extent do you agree or disagree with the proposed changes on interim orders?

## Apologies

- 4.7 In September 2024, we published updated standards of conduct, performance and ethics, which introduced a strengthened duty to be open and honest when something goes wrong (duty of candour).<sup>12</sup> The revised standards highlight that offering an apology is a key part of the duty of candour. The standards also make clear that an apology is always the right thing to do and should not be viewed as an admission of liability.
- 4.8 Reflecting these standards, we are proposing changes to the 2019 Sanctions Policy to strengthen our guidance on apologies. The proposed changes seek to reinforce this principle within our FTP processes. We propose to provide more clarity that an apology offered by a registrant will not, in itself, be treated as an admission of guilt. This aligns with our standards, which encourage registrants to be open and honest and to apologise when appropriate.
- 4.9 In particular, we intend to make clear that, while an apology may be a relevant mitigating factor in assessing a registrant’s insight and remediation, panels should not automatically interpret it as an acceptance of wrongdoing. Equally, the absence of an apology should not, on its own, be treated as an aggravating factor or result in a more restrictive sanction. We also propose to separate guidance on insight, remorse, and apology to provide greater clarity and ensure decision-making panels are supported with more tailored guidance.
- 4.10 These proposed changes aim to support a more consistent and fair approach to how apologies are considered in decision-making.

**Q3:** To what extent do you agree or disagree with the proposed changes on apologies?

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<sup>11</sup> GCD v AGA [2025] EWCA Civ 68. This case sets out that panels should not take into account ‘time served’ under an interim order when deciding length of a substantive sanction.

<sup>12</sup> [Being open and honest when things go wrong | The HCPC](#)

## Striking off

- 4.11 In response to feedback from the PSA, we propose refining the wording in relation to striking off to ensure greater clarity. The PSA noted that in the 2019 Sanctions Policy, HCPC's reference to striking off as a "sanction of last resort", may be misleading, as it could imply that other sanctions must have been attempted and failed before striking off can be considered.
- 4.12 Therefore, we propose to clarify that the seriousness of the misconduct may mean that striking off is the only appropriate sanction from the outset, without the need to first impose lesser sanctions. This clarification does not change HCPC's policy position but aims to ensure panels apply an appropriate approach when considering striking off in cases of serious misconduct.

**Q4:** To what extent do you agree or disagree with the proposed changes on strike-off where concerns are so serious, they are incompatible with continued registration?

## Assessing seriousness and culpability

- 4.13 This proposed addition provides further guidance on how panels should assess the seriousness of misconduct, including considerations of risk of harm and culpability.
- 4.14 The proposed changes emphasise the importance of a structured approach to evaluating seriousness, ensuring that both aggravating and mitigating factors are fully considered and clearly recorded in the panel's written decision. Therefore, panels should assess the level of risk posed by the registrant's actions, the degree of culpability, and the potential or actual harm caused. This clarification strengthens existing guidance to support consistent and well-reasoned decision-making.

**Q5:** To what extent do you agree or disagree with the proposed changes on assessing seriousness and culpability?

## Discrimination

- 4.15 We propose to expand our guidance on discrimination to clarify that all forms of discrimination are unacceptable and set out the different types of discrimination to ensure that there is adequate information on what is expected of registrants. This is intended to provide a clearer context on how panels should address all forms of discrimination.

- 4.16 In January 2025, we updated the [HCPTS Practice Note: Making Decisions on a Registrant's State of Mind](#) to provide clearer guidance on cases involving allegations of racially motivated conduct. The update includes specific direction on how panels should approach cases where a registrant's actions are alleged to be based on discrimination. Additionally, we have clarified that the principles outlined in the Practice Note apply to any other allegations where a registrant's state of mind is in question, including cases involving discriminatory behaviour.
- 4.17 Therefore, for consistency in panel assessment of FTP cases, we propose to include in the sanctions policy, guidance for panels to follow to understand who discrimination could apply to and the different forms of discriminatory behaviour that are unacceptable. This proposed change is intended to provide robust protection for everyone, including service users and colleagues, who are subject to discrimination.

**Q6:** To what extent do you agree or disagree with the proposed changes on concerns about discrimination?

### **Dishonesty**

- 4.18 We propose to expand our guidance to make it easier to assess how the dishonest actions of registrants may affect trust or cause harm, leading to more informed and consistent decisions in serious cases. The proposed changes would provide panels with more information on how to assess dishonesty of registrants in FTP cases.

**Q7:** To what extent do you agree or disagree with the proposed changes on dishonesty?

### **Sexually motivated misconduct**

- 4.19 We have also clarified and strengthened our guidance for panels in relation to sexually motivated misconduct. We propose to explicitly include sexually motivated misconduct to ensure that the guidance captures not only the nature of the behaviour but also the registrant's intent. This proposed change aims to provide greater protection for the public and clearer support for panels in assessing such cases. By clarifying that both the conduct and the motivation behind it need to be assessed, the proposal will help ensure a fair, consistent, and robust assessment in FTP cases.

**Q8:** To what extent do you agree or disagree with the proposed changes on sexually motivated misconduct?

## Professional boundaries

- 4.20 We propose to introduce a new section on professional boundaries. This is to ensure that concern about registrants maintaining professional relationships with service users are addressed appropriately. The proposed addition to the sanctions policy, reinforces the importance of maintaining professional standards while ensuring that panels are fair in their assessment of cases.
- 4.21 We have recently updated our standards<sup>13</sup> which are embedded in our Practice Notes. In September 2024, we introduced a new [HCTPS Practice Note on Professional Boundaries](#) to provide guidance to support panels in cases involving breaches of professional boundaries. This is to ensure a consistent and fair approach and provide clarity on how to evaluate concerns related to professional boundaries.
- 4.22 The proposed addition would ensure that our sanctions policy aligns with our standard and practice notes. This will help panels apply a structured and well-reasoned approach to their decision-making in relation to professional boundaries.

**Q9:** To what extent do you agree or disagree with the proposed changes on professional boundaries?

## Structural and editorial improvements

- 4.23 We propose to make some minor structural and editorial revisions to the policy document to make it clearer and easier to understand. For example, we propose to introduce a better explanation of where sanctions fit in the FTP process and the role of evidence and submissions. We have also provided greater clarity in our guidance for criminal convictions, cautions and conditions of practice guidance.
- 4.24 We also propose to improve signposting in the document by making greater use of subheadings. These will help to clearly distinguish key elements in the proposed sanction policy document such as insight, remorse and apology and the reasons for decision to issue a sanction, among others.
- 4.25 The proposed changes will support panels in making consistent, proportionate, and well-reasoned decisions. The proposed changes will improve the overall

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<sup>13</sup> [Standards of proficiency](#) and [standards of conduct, performance and ethics](#)

flow and readability of the document, ensuring that key principles and guidance are easy to understand and apply.

**Q10:** To what extent do you agree or disagree that the structural and editorial improvements are clear?

#### General views on our proposed changes

**Q11:** To what extent do you agree or disagree with the proposed changes to our sanctions policy in general?

**Q12:** Are there any further changes we should consider to the sanctions policy?

#### Equality impact assessment

**Q13:** Do you think the proposed changes have any positive or negative impacts on groups or individuals who share one or more of the protected characteristics under the Equality Act 2010 and equivalent Northern Ireland legislation?

**Q14:** Are there any additional steps we should take to ensure the proposed changes do not unintentionally disadvantage any groups?

## 5. Consultation questions

5.1 We would welcome your response to this consultation. Please provide your answers to the following questions, together with your reasoning wherever possible. You don't need to answer all the questions if you prefer not to.

**Q1. To what extent do you agree or disagree with the proposed changes on suspension orders?**

*Strongly agree / Agree / Neither agree nor disagree / Disagree / Strongly disagree / Don't know*

Please provide reasons for your answer.

**Q2. To what extent do you agree or disagree with the proposed changes on interim orders?**

*Strongly agree / Agree / Neither agree nor disagree / Disagree / Strongly disagree / Don't know*

Please provide reasons for your answer.

**Q3. To what extent do you agree or disagree with the proposed changes on apologies?**

*Strongly agree / Agree / Neither agree nor disagree / Disagree / Strongly disagree / Don't know*

Please provide reasons for your answer.

**Q4. To what extent do you agree or disagree with the proposed changes on strike-off where concerns are so serious, they are incompatible with continued registration?**

*Strongly agree / Agree / Neither agree nor disagree / Disagree / Strongly disagree / Don't know*

Please provide reasons for your answer.

**Q5. To what extent do you agree or disagree with the proposed changes on assessing seriousness and culpability?**

*Strongly agree / Agree / Neither agree nor disagree / Disagree / Strongly disagree / Don't know*

Please provide reasons for your answer.

**Q6. To what extent do you agree or disagree with the proposed changes on concerns about discrimination?**

*Strongly agree / Agree / Neither agree nor disagree / Disagree / Strongly disagree / Don't know*

Please provide reasons for your answer.

**Q7. To what extent do you agree or disagree with the proposed changes on dishonesty?**

*Strongly agree / Agree / Neither agree nor disagree / Disagree / Strongly disagree / Don't know*

Please provide reasons for your answer.

**Q8. To what extent do you agree or disagree with the proposed changes on sexually motivated misconduct?**

*Strongly agree / Agree / Neither agree nor disagree / Disagree / Strongly disagree / Don't know*

Please provide reasons for your answer.

**Q9. To what extent do you agree or disagree with the proposed changes on professional boundaries?**

*Strongly agree / Agree / Neither agree nor disagree / Disagree / Strongly disagree / Don't know*

Please provide reasons for your answer.

**Q10. To what extent do you agree or disagree that the structural and editorial improvements are clear?**

*Strongly agree / Agree / Neither agree nor disagree / Disagree / Strongly disagree / Don't know*

Please provide reasons for your answer.

**Q11. To what extent do you agree or disagree with the proposed changes to our sanctions policy in general?**

*Strongly agree / Agree / Neither agree nor disagree / Disagree / Strongly disagree / Don't know*

Please provide reasons for your answer including your views on the substance of the changes.

**Q12. Are there any further changes we should consider to the sanctions policy?**

**Q13. Do you think the proposed changes have any positive or negative impacts on groups or individuals who share one or more of the protected**

characteristics<sup>14</sup> under the Equality Act 2010 and equivalent Northern Ireland legislation?<sup>15</sup>

If so, please provide details.

**Q14. Are there any additional steps we should take to ensure the proposed changes do not unintentionally disadvantage any groups?**

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<sup>14</sup> Age, disability, gender reassignment, marriage & civil partnership, pregnancy and maternity, race, religion and belief, sex, sexual orientation.

<sup>15</sup> [www.equalityni.org/legislation](http://www.equalityni.org/legislation)

## 6. How to respond

6.1 The consultation closes on 1 September 2025. We look forward to receiving your comments.

6.2 You can respond to this consultation in one of the following ways:

- Online, by completing our easy-to-use online survey: [www.hcpc-uk.org/sanctions-policy-survey](http://www.hcpc-uk.org/sanctions-policy-survey)
- By email: [consultation@hcpc-uk.org](mailto:consultation@hcpc-uk.org)
- By writing to us at:

*Consultation on revised sanctions policy  
Policy and Standards Department  
The Health and Care Professions Council  
Park House  
184 Kennington Park Road  
London  
SE11 4BU*

6.3 To request a copy of this documentation in an alternative format or if you require any reasonable adjustment, please contact us by emailing [consultation@hcpc-uk.org](mailto:consultation@hcpc-uk.org).

6.4 Responses to this consultation will help us to understand the impact our proposals could have on groups who are protected under the Equality Act 2010. Responses will also inform and enable us to update our Equality Impact Assessment for the sanctions policy, which we will publish.

## 7. Next steps

- 7.1 Once the consultation period has finished, we will analyse the responses we have received. We will then publish a document detailing the comments received and explaining the decisions we have taken as a result, including any further amendments needed. This will be available on our website.
- 7.2 The updated sanctions policy will be published and communicated to our stakeholders.
- 7.3 Once published, we will continue to make prompt changes to the sanctions policy where necessary, for example, to reflect changes in case law. However, we anticipate conducting a thorough review and seeking the views of stakeholders on any proposed changes at least once every five years. This is consistent with our approach to the periodic review of our standards.