



ROYAL COLLEGE OF SPEECH & LANGUAGE THERAPISTS

Regulations governing members struck off by the HPC

Interpretation

1. In these Regulations, the following words bear the following meanings:

appellant	an applicant who brings an appeal to an Appeal Panel under these Regulations
applicant	a member against whom a striking-off order had been made, who applies to the RCSLT for permission to be admitted as a de-certified member of the RCSLT
Chair	the Chair of an Appeal Panel established under these Regulations, except in the phrase 'Chair of Council'
Chief Executive	the Chief Executive of the RCSLT or a person nominated by her to perform any of her functions under these Regulations
Council	the Council of the RCSLT
documents	information recorded in writing or in any other form
HPC	Health Professions Council
member	member of the RCSLT
PDSB	Professional Development Standards Board of the RCSLT
RCSLT	Royal College of Speech & Language Therapists

words importing the female gender shall include the male, and the singular shall include the plural, and vice versa;

any reference to legislation shall mean that legislation as subsequently amended or re-enacted.

Scope of these Regulations

2. These Regulations concern cases in which the Health Committee or the Conduct and Competence Committee of the HPC has made an order under Article 29(5)(b) of The Health Professions Order 2001 directing the Registrar of the HPC to strike a member of the RCSLT off the professional register (a "striking-off order").
3. A consequence of a striking-off order coming into effect shall be that the Council at its next meeting shall order the member concerned to be erased from the list of members of the RCSLT, subject to which she may be admitted by the Council as a de-certified member in accordance with these Regulations.
4. It is the intention of the RCSLT that each stage of the procedure under these Regulations shall be dealt with expeditiously and in a compassionate, equitable and consistent manner.

Application by the member struck off

5. A striking-off order shall not be regarded as coming into effect:
 - (a) before the expiry of the period within which an appeal against the striking-off may be brought under The Health Professions Order 2001, or
 - (b) where such an appeal has been brought, before the appeal is withdrawn or finally disposed of.
6. As soon as practicable after a striking-off order comes into effect, the Chief Executive shall write to the member concerned:
 - (a) to inform her of the consequences
 - (b) to enquire of her whether she wishes to apply to be admitted as a de-certified member;
 - (c) if so, to require her to submit within 56 days:
 - (i) a written statement in support of such application;
 - (ii) a paginated bundle comprising the written representations and written evidence which were before the committee of the HPC which made the striking-off

order and a transcript of any hearing held by that committee, together with verification by the solicitor to the HPC of the completeness of the bundle; and

(iii) where the striking-off order came into effect after appeal proceedings under The Health Professions Order 2001, a similar bundle, similarly verified, relating to those proceedings; and

(d) to bring to her attention a copy of these Regulations and particularly the time limits which apply.

7. If the member concerned makes an application to be admitted as a de-certified member in accordance with Regulation 6, the matter shall be referred to the PDSB.

Consideration by the PDSB

8. On any reference to it under these Regulations, a special meeting of the PDSB shall be convened at which the quorum shall be five members. Regulations 32 to 34 shall apply, with the appropriate changes, to the meeting of the PDSB.

9. It shall be the duty of the PDSB to review the material leading to and the reasons for the striking-off order and to recommend to the Council whether or not the member concerned should be admitted as a de-certified member.

10. The PDSB shall reach its recommendation by reference to the question whether

(a) the impairment of the applicant's fitness to practice ; or

(b) the fraudulent procuring of the applicant's entry to the professional register

which resulted in the striking-off order was of such a character as to lead the PDSB to conclude that the applicant is unfit to be associated with the RCSLT in a de-certified capacity.

11. The PDSB shall reach its recommendation after consideration of:

(a) the documents submitted by the applicant under Regulation 6 and

(b) any further documents which may be submitted, whether or not at the request of the PDSB, by the applicant, the RCSLT or any other person, provided that the applicant shall be provided with a copy of any documents submitted by the RCSLT or any other person, and invited to submit any comment on them within 14 days.

The PDSB shall receive no oral evidence.

12. The PDSB shall submit its recommendation with reasons for reaching that recommendation to the Council and serve a copy on the applicant, within 70 days of receipt of all the documents it reasonably considers necessary.
13. If the recommendation of the PDSB is that the applicant should be admitted as a de-certified member, the Council shall order accordingly. If the recommendation of the PDSB is that the applicant should not be admitted as a de-certified member, either
 - (a) the Council shall order accordingly; or
 - (b) the question shall be referred back to the PDSB with instructions in respect of any matter which the Council believes ought to be further investigated.

Notice shall be served on the applicant of the decision of the Council.

14. No person shall take any part in the consideration of the matter by the PDSB or the Council if:
 - (a) she has had any material previous contact with the applicant personally or professionally, or
 - (b) she has taken any part in earlier consideration of matters leading to the striking-off order.

Appeals

15. The applicant may appeal to an Appeal Panel against an order of the Council not to admit her as a de-certified member by submitting a notice of appeal to the Chief Executive.
16. Any such notice of appeal must be submitted before the end of the period of 28 days beginning with the date on which notice of the order was served on the applicant.
17. An order not to admit the applicant as a de-certified member shall not have effect:
 - (a) before the expiry of the period within which an appeal against the order to an Appeal Panel may be brought; or
 - (b) where an appeal to an Appeal Panel against the order has been brought, before the appeal is withdrawn or finally disposed of.

Administration of appeals

18. The day-to-day administration of appeals shall be managed in accordance with these Regulations by the Chief Executive in consultation with the Chair of Council.

19. Any function or step under these Regulations which is to be discharged by the Chair of Council may, if she is unable to act due to absence or any other reason, be discharged by the Deputy Chair of Council or any other member of Council nominated by her.

Notice of appeal

20. The appellant must submit the following with the notice of appeal:
- (a) a full submission of the grounds of appeal; and
 - (b) if the appellant requests that the appeal should proceed by oral hearing, a submission as to the reasons why the appellant believes this to be necessary.
21. On receipt of a duly submitted notice of appeal the Chief Executive shall without delay constitute an Appeal Panel to hear the appeal.

Constitution and function of Appeal Panels

22. Every Appeal Panel shall consist of three persons, who shall be the three persons last retired from Council, other than by reason of disqualification under the Articles of Association of the RCSLT, provided that any such person who is ineligible under Regulation 23 or unwilling to serve shall nominate another eligible person to serve in her stead. Such person shall be another retired member of Council or a retired or current member of the PDSB or the Management Board of the RCSLT who is not also a member of Council. In default, the Chair of Council shall nominate an eligible senior member of the RCSLT who is not a member of Council to fill any vacancy in the Appeal Panel.
23. No person shall act as a member of an Appeal Panel if she:
- (a) has had any material previous contact with the appellant personally or professionally;
or
 - (b) has been a member of the PDSB or Council at the time it was concerned with the subject of the appeal or otherwise taken any part in the previous consideration of matters relevant to the appeal.
24. The members of the Appeal Panel shall nominate one of their number to serve as Chair.
25. Where any member of an Appeal Panel is not present at a hearing, the Appeal Panel shall not proceed to hear the appeal but shall instead adjourn the hearing.

26. If a member of an Appeal Panel for any reason relinquishes her membership of the Appeal Panel after the hearing has begun, the appeal shall proceed by way of a complete re-hearing before a newly constituted Appeal Panel.
27. The function of the Appeal Panel in hearing an appeal shall be to reconsider the question before the PDSB under Regulation 10 and determine whether or not the appellant should be admitted as a de-certified member.

Notice of appointment of Appeal Panel

28. As soon as practicable after an Appeal Panel has been constituted, the Chief Executive shall issue an appointment notice specifying the persons who have been appointed as members of the Appeal Panel. Copies of the appointment notice shall be given to the appellant and the members of the Appeal Panel.
29. The appellant shall have the right upon receipt of the appointment notice to give notice to the Chief Executive objecting to any one or more of the members of the Appeal Panel, stating the ground of the objection.
30. Upon receipt of such objection, the Chief Executive shall, if satisfied that it is properly made, request the Chair of Council to exercise her default power of nomination. Notice of nomination of a substitute member of an Appeal Panel shall be given by means of a substitute appointment notice, copies of which shall be given to the same parties as the original appointment notice.
31. Upon receipt of notification of such nomination the appellant shall have the same right of objection as is conferred by Regulation 29.

Assessors to assist the Appeal Panel

32. The Appeal Panel shall be assisted by an experienced legal assessor. It shall particularly be the duty of the legal assessor to assist the Chair in making any order, giving any direction or exercising any discretion under these Regulations.
33. The Chair may direct that in dealing with the matters before the Appeal Panel, the Appeal Panel shall have the assistance of one or more further assessors, who appear to the Chair to have knowledge or experience which would be relevant in assisting the Appeal Panel to determine the appeal.
34. The legal assessor and any further assessor(s) shall not form part of the Appeal Panel and it shall be for the Appeal Panel alone to determine the issues in the appeal.

Directions for the appeal

35. Before the hearing the Chair may give such directions to the appellant as she considers proper for the clarification of the issues before the Appeal Panel and generally for the just and expeditious conduct of the proceedings.
36. The directions referred to in Regulation 35 may particularly concern the supply by the appellant of such further written information and documents and copies thereof relating to the appeal as the Chair thinks fit.
37. The Chair may at any stage in the proceedings give further directions or take any other steps which she considers necessary for the proper conduct of the proceedings.

Conduct of the appeal

38. The Appeal Panel shall normally conduct the appeal as far as possible on the basis of written submissions without the presence of the appellant or any person other than any appointed assessor(s).
39. The Appeal Panel may request written clarification from the appellant, the RCSLT or any other person in respect of any matter which in its opinion is relevant to the proceedings, provided that the appellant shall be provided with a copy of any document submitted by the RCSLT or any other person, and invited to submit any comment on it within 14 days.

Arrangements for oral hearings

40. If the appellant requests an oral hearing and submits grounds for believing that an oral hearing is necessary which the Chair in her discretion finds convincing, or the Chair of her own motion decides that an oral hearing is necessary, an oral hearing shall be convened.
41. An oral hearing shall be convened by the Chief Executive issuing without delay a convening notice specifying the date, time and place of the hearing, which shall take place not later than three months after the convening notice. Copies of the convening notice shall be given to the appellant and the members of the Appeal Panel.
42. Subject to the discretion of the Chair to appoint otherwise in any particular case, oral hearings shall take place in London.
43. The attention of the appellant shall be drawn in the convening notice to:
 - (a) her right to represent herself or be represented at the hearing and to call witnesses;

- (b) her right (without prejudice to her right to appear and take part in the proceedings) to deliver a written statement, in advance of or at the hearing, if she thinks fit; and
 - (c) the requirements of Regulation 44.
44. Not less than 21 days before the date fixed for the hearing, the appellant shall give notice to the Chief Executive informing her:
- (a) whether the appellant intends to appear or be represented at the hearing, and, if the latter, the identity of the representative; and
 - (b) whether the appellant intends to call any witnesses, and, if so, accompanying the notice with a witness statement signed by each witness stating the principal points of the witness's evidence.
45. All oral hearings shall be heard in public unless the Chair orders otherwise:
- (a) if it appears to the Chair that any person would suffer undue prejudice from a public hearing or that a public hearing is unnecessary or undesirable for any other reason; or
 - (b) if the Chair accepts the application of the appellant or any witness that it would not be in the interests of justice or desirable having regard to the nature of the case or evidence to be given, to have a public hearing.
46. The Chair shall have the power to direct that the public be excluded from the whole or any part of the hearing.
47. There shall be no requirement to give publicity to a public hearing, and the absence of any member of the public from a public hearing shall not invalidate the proceedings at that hearing.
48. Whether or not the hearing is otherwise in private, any person whom the Appeal Panel has requested to attend may be present, and any other person may be present with the leave of the Chair and the consent of the appellant but shall take no part in the proceedings.

Oral hearings by Appeal Panels

49. At the beginning of the hearing the Chair shall explain the order of proceedings which the Appeal Panel proposes to adopt.
50. The Appeal Panel shall conduct the hearing in the manner which it considers most suitable to clarification of the issues before it and generally to fair handling of the proceedings. It shall so far as appropriate seek to avoid formality in the proceedings.

51. The proceedings at oral hearings shall be governed by the rules of natural justice, subject to which the Chair may:
 - (a) admit any evidence, whether oral or written, whether direct or hearsay, and whether or not the same would be admissible in a court of law; and
 - (b) subject to the provisions of these Regulations, give such directions with regard to the conduct of and procedure at the hearing as she considers just.
52. The appellant may address the Appeal Panel, may give evidence, may call witnesses and may put questions directly to any person called by the Appeal Panel under Regulation 54.
53. The appellant may be accompanied at the hearing and may be represented by another person whether legally qualified or not and, for the purposes of the proceedings at any such hearing, any such representative shall have all the rights to which the appellant is entitled.
54. The Appeal Panel may request written or oral clarification from the appellant, the RCSLT or any other person in respect of any matter which in its opinion is relevant to the proceedings and may question any witness called by the appellant.
55. If the appellant fails to appear at the hearing, the Chair may, having regard to all circumstances including any explanation offered for the absence, direct that the Appeal Panel proceed to hear and determine the appeal in the absence of the appellant, or give such directions with a view to the conduct of the proceedings as she may consider proper.

Postponement, adjournment, withdrawal and striking-out of appeals

56. Where the appellant wishes to apply for a hearing to be postponed, she shall do so in writing to the office of the Chief Executive stating the reason for the application and the matter shall be decided by the Chair who shall have discretion to grant or refuse the application, whichever she thinks fit.
57. The Chair may of her own motion or upon the application of the appellant adjourn the hearing upon such terms as she considers proper.
58. The appellant may withdraw her appeal at any time before it is determined, by giving notice of intention to withdraw to the Chief Executive. Once an appellant has withdrawn her appeal, she may not renew it.
59. The Chair shall have discretion of her own motion to strike out any appeal for want of prosecution, including the failure of an appellant to comply with any directions of the Chair, provided that the Chair shall not make such an order before notice has been given to the

appellant giving her a reasonable opportunity to show cause why such an order should not be made.

60. The Chair may, on written application given by the appellant to the Chief Executive within 28 days beginning with the date of an order made under Regulation 59, give leave to reinstate any appeal which has been struck out and, on giving leave, she may make such directions as to the future conduct of the proceedings as she considers proper.

Record of oral hearings

61. Unless the Chair in her discretion decides in any particular case that a record of the proceedings at an oral hearing should be made in any other manner, the Chair shall take a hand-written note of the proceedings.
62. A copy of the Chair's note of the proceedings (or of any other record of the proceedings made in the discretion of the Chair) shall be made available to the appellant if she requests one within 28 days of the date of the hearing and reimburses the cost of supplying the same.

Determination of appeals

63. If the members of the Appeal Panel are not unanimous as to their determination, the determination recorded shall be that decided by the majority.
64. The determination in each case shall:
- (a) be recorded in writing by the Chair and signed by her and each other member of the Appeal Panel;
 - (b) include a statement of the reasons for the determination;
 - (c) have regard to the need to preserve the confidentiality of any evidence heard in private or of other confidential material supplied to the Appeal Panel; and
 - (d) conclude with a finding that the appellant either should or should not be admitted as a de-certified member.
65. As soon as practicable after an appeal has been determined by an Appeal Panel, a copy of the record of the determination made in accordance with this regulation shall be given to the appellant and the Chief Executive, who shall arrange for the Council to make the order recommended by the Appeal Panel at the next convenient meeting of the Council.

Correction of accidental errors in determination

66. On written application by the appellant to the Chief Executive within 28 days beginning with the date the determination was sent to the appellant, accidental errors in the record of the determination may be corrected by the Chair, with notice to the appellant and the Chief Executive.

Setting aside of determination on certain grounds

67. On written application by the appellant to the Chief Executive within 28 days beginning with the date the determination was sent to the appellant, a determination may be set aside by the Chair, in a case where it appears to her just to do so on the grounds that:
- (a) a document relating to the appeal in which the determination was given was not sent to, or was not received at an appropriate time by, the appellant or her representative or was not received at an appropriate time by the Appeal Panel which gave the determination; or
 - (b) the appellant or her representative was not present at a hearing; or
 - (c) the interests of justice so require.
68. Notice in writing of the decision reached on an application to set aside a determination shall be given to the appellant as soon as practicable and the notice shall contain a statement giving the reasons for the decision.

Curing of irregularities connected with appeals

69. Any irregularity resulting from failure to comply with any provision of these regulations before the determination of an appeal shall not of itself render the proceedings void, but the Chair may, and shall if she considers that the appellant may have been prejudiced, take such steps as she thinks fit before the determination of the appeal to cure the irregularity, whether by the amendment of any document, the giving of any notice, the taking of any step or otherwise.

Restoration to the list of members

70. No application by a struck-off member for restoration to the list of members shall be considered before re-admission to the Professional Register has been granted by the HPC under The Health Professions Order 2001, in which event restoration to the list of members shall automatically be granted by the Council.

Governing law and disputes

71. These Regulations shall be governed by and construed in all respects in accordance with the laws of England.
72. If any question or difference shall arise with regard to the interpretation or application of these Regulations, or on any matter whatsoever concerning the conduct of any proceedings under these Regulations, it shall be referred to and settled conclusively by the Chair of Council.