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## October 2016

Dear Colleagues

### HPCB Survey – Fitness to Practise sanctions across Europe

Healthcare Professionals Crossing Borders (HPCB) invites professional healthcare regulators across Europe to complete a survey on the fitness to practise that are used in your authority. Healthcare regulators are urged to respond to assist HPCB in developing the proactive sharing of information and the implementation of the alert mechanism which was introduced as part of the revised recognition of professional qualifications Directive (2013/55/EU).

Definitions can be found at [Annex A](#).

### Response deadline

The survey will be open until 31 December 2016 and can be downloaded from the HPCB website at [www.hpcb.eu](http://www.hpcb.eu)

The questionnaire can be returned by email to [hpcb@gmc-uk.org](mailto:hpcb@gmc-uk.org)

### Survey results

The HPCB secretariat will consider the outcomes of the survey in early 2017 and the results will inform future HPCB activity. Individual responses to the survey will not be made publicly available and will be entirely anonymised in the survey outcomes.

The results of the survey will be published in the March 2017 HPCB Update.

The HPCB Secretariat would like to thank respondents for their help in completing the survey.

## Your details

Before completing the survey please complete your details below:

Full name: Martha Pawluczyk

Email address: Martha.pawluczyk@pharmacyregulation.org

On behalf of which professional healthcare regulator are you responding?  
 General Pharmaceutical Council

Is your professional healthcare regulator responsible for regulation at:

National level	√
Regional level	
Local level	

Please indicate the geographic area in which you have jurisdiction:  
England, Scotland and Wales

Which healthcare professionals do you regulate? (Please select all that apply)

All healthcare professionals	
Doctors	
Dentists	
Psychologists	
Midwives	
Nurses	
Pharmacists	√
Osteopaths	
Opticians	
Chiropractors	
Arts Therapists	
Paramedics	
Physiotherapists	
Social Workers	
Psychomotor therapists	
Other, please specify	√
Pharmacy Technicians	

For which functions are you the competent authority? (Please select all that apply)

Basic registration	√
Specialist registration	√
Inspection and accreditation	√
Disciplinary procedures	√
Other, please specify	√
See below	

Expanding on above

Basic registration – maintaining a register of pharmacists, pharmacy technicians and pharmacies

Specialist registration – pharmacists with prescribing rights

Accreditation – setting standards for the education and training of pharmacists and pharmacy technicians and approving and accrediting their qualifications and training

Setting the standards of conduct, ethics and performance that pharmacy professionals have to meet throughout their careers

Setting the standards of continuing professional development that pharmacy professionals have to achieve throughout their careers

Disciplinary procedures - investigating concerns that pharmacy professionals are not meeting our standards and taking action to restrict their ability to practice when this is necessary to protect patients and the public

Inspection – setting standards for registered pharmacies which require them to provide a safe and effective service to patients and inspecting registered pharmacies to check if they are meeting our standards

### Fitness to practise sanctions

1. Is your organisation responsible for taking action when a complaint is made about a registered healthcare professional?

Yes	√
No. If no, which organisation is responsible?	

2. Do you take action if you receive a complaint about a registered healthcare professional on the following issues? (Please select all that apply)

Clinical competence	√
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Professional conduct inside work	√
Health	√
Criminal investigation or action	√
Language or communication skills	√
Conduct outside of work	√
Falsified documents	√
Other, please state:	√
See article 51(1) of the Pharmacy Order 2010 below for full list of matters	

Article 51(1) provides for a person's fitness to practice to be regarded as impaired for the purposes of this Order only by reason of

(a) misconduct;

(b) deficient professional performance (which includes competence);

(c) adverse physical or mental health which impairs their ability to practise safely and effectively or which otherwise impairs their ability to carry out the duties of a pharmacist or a pharmacy technician in a safe and effective manner;

(ca) not having the necessary knowledge of English;

(d) failure to comply with a reasonable requirement imposed by an individual assessor or an assessment team in connection with carrying out a professional performance assessment;

(e) a conviction in the British Islands for a criminal offence;

(f) a conviction elsewhere than in the British Islands for an offence which, if committed in England, Wales or Scotland, would constitute a criminal offence;

(g) an order under section 246(2) or (3) of the Criminal Procedure (Scotland) Act 1995(a) discharging the person absolutely (admonition and absolute discharge);

(h) having accepted a conditional offer under section 302 of the Criminal Procedure (Scotland) Act 1995 (fixed penalty: conditional offer by procurator fiscal);

(i) having agreed to pay a penalty under section 115A of the Social Security Administration Act 1992 (penalty as alternative to prosecution);

(j) a police caution in the British Islands;

(k) having agreed to be bound over to keep the peace by a magistrates' court in England or Wales;

(l) a determination made by a regulatory body in the United Kingdom responsible under any enactment for the regulation of a health or social care profession to the effect that the person's fitness to practise as a member of a profession regulated by that body is

impaired, or a determination by a regulatory body elsewhere to the same effect;

(m) the Disclosure and Barring Service including the person in a barred list (within the meaning of the Safeguarding Vulnerable Groups Act 2006 or the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007); or

(n) the Scottish Ministers including the person in the children’s list or the adults’ list (within the meaning of the Protection of Vulnerable Groups (Scotland) Act 2007).

3. What types of disciplinary sanctions are you able to issue? (Please select all that apply)

Withdrawal of right to practice	√
Temporary suspension	√
Conditions imposed on the professional (i.e. restrictions on practise)	√
Conditions agreed with the professional, for example further training (undertakings)	√
Warnings, admonition, reprimand or equivalent	√
Financial penalty	
Other, please state:	√
See below	

Give advice

Indefinite suspension (after a suspension having been in place for at least 2 years) with a right to review and appeal at intervals

Interim Order – to suspend or restrict practice while the investigation continues and up until a FtPC determination

Interim Measures at the end of a hearing to immediately suspend practice (pending appeal), before the decision to remove or suspend the pharmacy professional comes into effect.

### Administrative sanctions

4. What types of administrative sanctions are you able to issue?

Agree to the professional giving up the right to practise voluntarily	√
Administrative erasure (this could include erasure due to non-payment of any fees, or failing to keep their address up to date)	√
Other, please state:	√
See below	

Administrative removal for failure to comply with continuing professional development.

Administrative removal for practising without having appropriate indemnity arrangements in place.

Administrative removal for fraudulent or incorrect entry.

Administrative removal where the registrant's fitness to practice was impaired at the time they were entered in the register but the registrant did not disclose that matter before registration.

### Sanctions imposed by another country

5. When you receive information that a healthcare professional in your jurisdiction is **being investigated** in another jurisdiction or another country, are you able to take action?

Yes	√
No	
Don't know	

6. When you receive information that a healthcare professional in your jurisdiction has **received a sanction** in another jurisdiction or another country, are you able to take action?

Yes	√
No	
Don't know	

7. If you decide to investigate a healthcare professional for a disciplinary procedure, can evidence you receive from another jurisdiction or country play any part in the procedure?

Yes	√
No	
Don't know	

### Use of IMI alert mechanism

8. Are you registered on the IMI system and able to send alerts under the alert mechanism?

Yes	√
No. If no, who is registered for your country and profession?	
Don't know	

9. Do you proactively share information via the alert mechanism when a healthcare professional's practice has been restricted because of the following reasons? (Please select all that apply)

Clinical competence	√
Professional conduct inside work	√
Health	√
Criminal investigation or action	√
Language or communication skills	√
Conduct outside of work	√
Falsified documents	√
Other, please state:	√
Please see response to Qu 2 for full list of reasons [art 51(1) of the Pharmacy Order]	

10. Do you issue an alert if a healthcare professional has received the following restrictions to practise? (Please select all that apply)

Withdrawal of right to practise	√
Temporary suspension (for example an interim order)	√
Conditions imposed on the professional	√
Conditions agreed with the professional, for example further training (see below)	√
Warnings, admonition, reprimand or equivalent (see below)	
Financial penalty	
Other, please state:	
Conditions agreed & warnings etc only if amounts to a restriction on practice	

11. Do you send an alert before or after a professional can appeal the decision?

After the ruling but before the appeal (see below)	√
Only after the appeal period has expired (see below)	
Other, please state:	

After the ruling but before the appeal - if an interim order/measure has been made – this is because the restriction/ prohibition on practice takes effect immediately.

In all other cases we post the IMI Alert as soon as the Notice of Decision is issued i.e. prior to the appeal period expiry date but we indicate that the start date of the restriction/prohibition is after the appeal expiry period.

12. How long is the appeal period during which the professional can appeal the decision?

28 days from the date of the letter to the registrant enclosing the decision on sanctions

13. Do you have any comments on how the alert mechanism works in practise for your authority and/or any ideas for its improvement?

**Certificate of good standing/current professional status**

13. Are you responsible for issuing certificates of good standing/current professional status?

Yes	√
No. If no, who is responsible?	
Don't know	

14. Is a certificate issued in the following circumstances? (Please select all that apply)

If there is disciplinary action under investigation or pending	√
If there is a restriction on registration/practice	√
Only if the professional is in good standing	
Other, please state:	
See below	

We send out certificates of current professional status and fitness to practice history (CCPS). Further information is available on our website

<http://www.pharmacyregulation.org/registration/working-abroad>

Before sending the CCPS to the competent authority in the jurisdiction where the registrant wishes to practice – we provide the registrant with the extract of the fitness to practice section of the CCPS. This is to inform the registrant of what we intend to disclose and for the registrant to confirm that the matters disclosed in this section relate to him and are accurate. It is up to the registrant to decide whether or not they wish to continue with their decision to move to work

elsewhere based on the information that would be disclosed in the CCPS. On very rare occasions a registrant is unaware that he is currently under investigation and in those cases we will liaise with colleagues in the fitness to practice teams. It would be up to them to first inform the registrant of the investigation at the appropriate stage.

15. If you issue a certificate when there is an investigation for a restriction, does the certificate include details of these restrictions or pending action? (Please select all that apply)

Current restrictions	<input checked="" type="checkbox"/>
Previous restrictions	<input checked="" type="checkbox"/>
Pending disciplinary action (see below)	<input checked="" type="checkbox"/>
Ongoing investigations (see below)	<input checked="" type="checkbox"/>
No details of restrictions are listed	<input type="checkbox"/>
Other, please state:	<input type="checkbox"/>
	<input type="checkbox"/>

The fitness to practice section of the CCPS will include the fact that an investigation or disciplinary action is pending, along with a brief summary of the allegation(s) being investigated. Again this section of the CCPS is sent first to the registrant to inform him and for him to confirm that the matters do relate to him and are accurate (but again only if registrant already aware of the investigation)

The CCPS also includes information as to whether or not the individual remains registered and entitled to practise as a pharmacy professional.

16. If the certificate cannot be issued, do you inform the requestor of the following circumstances? (Please select all that apply)

Investigations or disciplinary action underway	<input type="checkbox"/>
The outcome of an investigation once a final decision has been reached	<input type="checkbox"/>
No further information	<input type="checkbox"/>
Other, please state:	<input type="checkbox"/>
See answers to questions 14 & 15 above	<input type="checkbox"/>

17. Do you use the certificate template as agreed in Appendix II of the Healthcare Professionals Crossing Borders [Edinburgh agreement](#)?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>
Don't know	<input type="checkbox"/>

## Registration of professionals

19. How long is registration for your profession in your country or region?

Life	
Time-limited period, if so how long?	√
See below	

Registration is for a full calendar year and has to be renewed annually. Pharmacy professionals are only entitled to be registered or renew their registration if they have an intention to practise as a pharmacist or pharmacy technician. To register or renew applicants need to make a number of declarations including fitness to practice declarations, declaration that they undertake and will continue to undertake CPD, and meet our standards for pharmacy professionals.

20. Do you currently have, or have any plans to introduce, a system of making registration renewal dependent on a successful, regular assessment such as revalidation or re-licensure or evidence of continuous professional development?

Yes, please provide details	√
Currently reviewing CPD and introducing continuing fitness to practise	
No	
Don't know	

**Thank you for completing the survey!**

## Annex A

### DEFINITION OF TERMS

Fitness to practise	'Fitness to practise' refers to the judgement made by a competent authority that there are no health, competence, conduct or criminal convictions that should restrict or stop a professional practising in general or in their particular speciality
Sanction	A penalty for disobeying a law or rule
Warning	A warning may not prevent a doctor from holding a licence to practise and may not place any restrictions on their registration
Undertaking	Undertakings are an agreement between the competent authority and a doctor about the doctor's future practice. Undertakings may include restrictions on a doctor's practice or a commitment to practise under medical supervision or to undergo retraining
Condition	A condition can be placed on a doctor's practise which might mean the doctor is only allowed to do medical work under supervision or restrict him/her to certain areas of practice
Interim order	An interim order can suspend or restrict a doctor from practising while the investigation continues
Suspension	To suspend the doctor's name from the medical register so that he/she cannot practise during the period of suspension
Erasure	To remove the doctor from the medical register so that he/she will not be able to work as a doctor. This may be for life or for a time limited period