CNHC Complementary & Natural Healthcare Council

COMPLAINTS

Detailed procedures for dealing with complaints

Procedures for complaints about CNHC registrants
Version 2, live from November 2026

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professional standards authority accredited register

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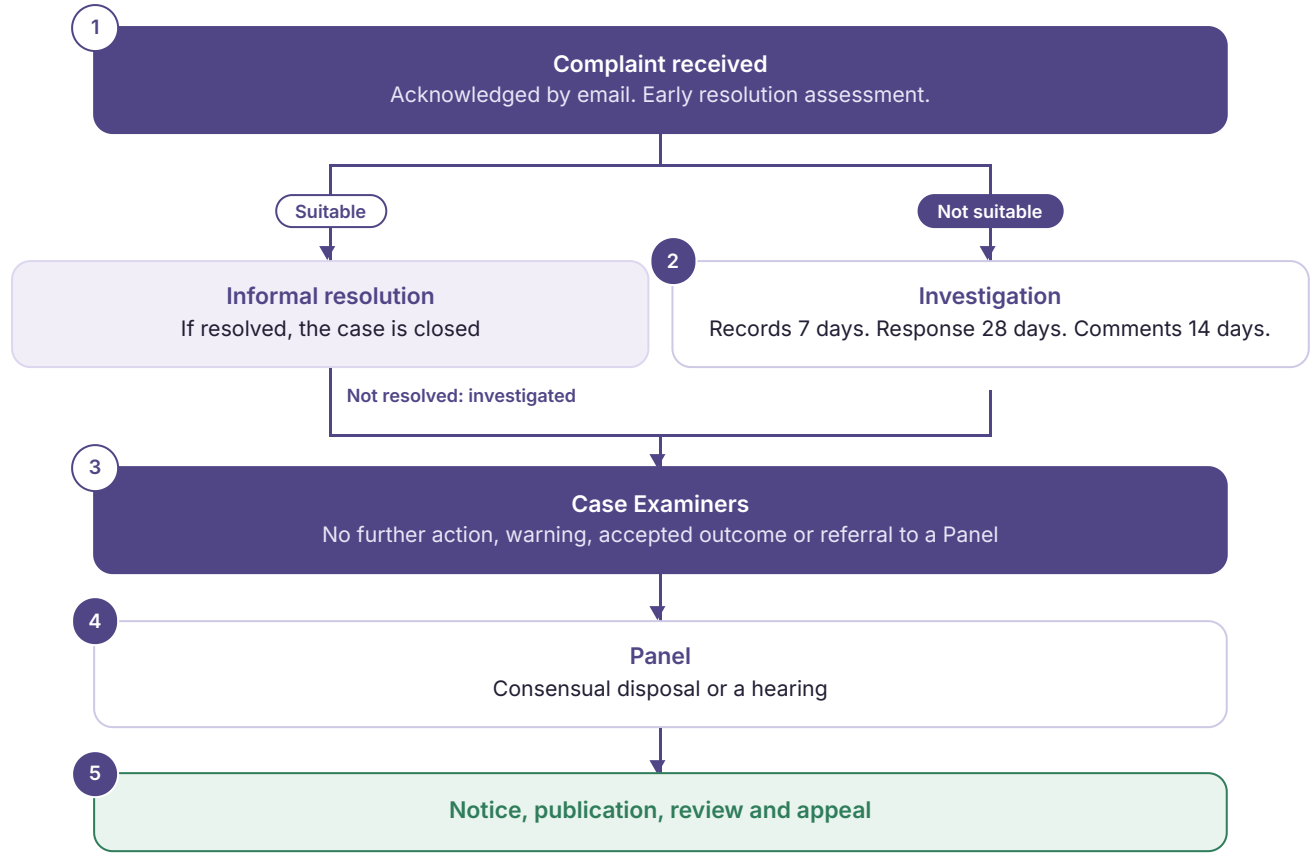
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At a glance

OUR PROCESS AT A GLANCE



Key time limits

Step	Time limit	Paragraph
Registrant sends original client records	7 days	15.1
Registrant sends written response to the Complaint	28 days	15.1
Complainant comments on the Registrant's response	14 days	15.3
Registrant comments on an expert report	14 days	15.5
Informal resolution	normally 4 weeks	Appendix 5
Case Examiner decision, from receiving the complete papers	normally 28 days	16.4
Registrant accepts or declines an accepted outcome	28 days	17.5
Complainant gives views on a proposed accepted outcome	14 days	17.6
Request a review of a Case Examiner decision	28 days	18.2
Registrar's urgent Interim Order	up to 56 days	Appendix 1, 3.4
Notice of an Interim Order hearing	at least 7 days	Appendix 1, 3.3
Interim Order	first order up to 6 months; total up to 2 years	6.1.2 and 6.1.3
Notice of a Panel hearing, and CNHC's disclosure	at least 42 days before	Appendix 2, 3.2 and 6.1
Consensual disposal proposal	normally 28 days before the hearing	Appendix 2, 30.5
Registrant's evidence for the hearing	14 days before	Appendix 2, 6.2
Hearing bundle to the Panel	7 days before	Appendix 2, 6.5
Notice of Decision after a hearing	within 7 days	Appendix 2, 24.1
Panel sanction takes effect	28 days after the Notice of Decision, or after any appeal	Appendix 2, 23.5
Appeal to the Appeals Panel	28 days	Appendix 3, 2.1
Application for restoration after removal	not within 5 years	Appendix 4, 9.1

PART 1

Introduction

What these Procedures cover, the words we use, how we send documents, and when the Procedures apply.

1 Purpose of this document

1.1 These Procedures set out how CNHC deals with Complaints about Registrants. They are the rules we follow. Our policies and guidance explain how we apply them.

1.2 They cover every stage of a Complaint:

- **a.** assessing a Complaint and, where suitable, resolving it informally (paragraph 14 and Appendix 5);
- **b.** investigating a Complaint (paragraph 15);
- **c.** decisions by Case Examiners, including warnings and accepted outcomes (paragraphs 16 to 18);
- **d.** Interim Orders (paragraph 19 and Appendix 1);
- **e.** Panel hearings and consensual disposal (Appendix 2);
- **f.** appeals (Appendix 3) and restoration to the Register (Appendix 4).

1.3 They should be read with the related documents listed below. If anything in a policy or guidance document conflicts with these Procedures, these Procedures apply.

Related document	What it covers	Where it applies
Informal Resolution Framework	How we assess and resolve suitable complaints informally	Appendix 5
Accepted Outcomes Policy	How Case Examiners propose outcomes that the Registrant accepts	Paragraph 17
Consensual Disposal Policy	How a case referred to a Panel can be concluded by agreement	Appendix 2, paragraph 30
Case Examiner Guidance	How Case Examiners apply the realistic prospect test and make decisions	Paragraphs 16 to 18
Panel and Case Examiner Handbook	Training and practice notes for Case Examiners, Committees and Panels	Throughout
Sanctions Guidance	How Case Examiners and Panels decide the right outcome	Part 4
Publication Policy	What we publish about complaint outcomes, and for how long	Part 5

Related document	What it covers	Where it applies
Frequent, Vexatious and Abusive Complaints Policy	How we deal with frequent complaints, vexatious complaints and abusive behaviour	Paragraphs 14.10 and 14.11
How CNHC deals with complaints	Our plain-English leaflet for complainants and Registrants	—
Complaints process flowcharts and letter templates	Staff guide to each step, with standard letters	—

1.4 Our main purpose in dealing with Complaints is to protect the public, maintain confidence in the Register, and uphold proper standards of conduct and practice. We aim to deal with every Complaint fairly, proportionately and without unnecessary delay.

1.5 We will make reasonable adjustments for anyone taking part in this process who needs them, for example because of a disability or accessibility need.

1.6 These Procedures apply to all Complaints from 30 October 2026, including any Complaint received before that date.

1.7 We know that being involved in a Complaint can be stressful. We offer the same support to Complainants and Registrants throughout the process. During informal resolution, the Early Resolution Officer is their point of contact. If a Complaint goes to our formal procedures, each will have a named contact at CNHC who keeps them informed at each stage and explains what decisions mean, but who does not advise on what they should do or on the outcome. Our complaints leaflet, How CNHC deals with complaints (section 13), lists independent organisations that can offer support.

2 Interpretation

2.1 In these Procedures, unless the context requires otherwise:

> **accepted outcome** means a Caution or Restriction of Practice Order proposed by the Case Examiners and accepted in writing by the Registrant under paragraph 17.

> **allegation** means any alleged breach of the Code arising out of a Complaint.

> **Case Examiner** means a member of the pool referred to in paragraph 8.1 (the Professional Committee) who has been invited to consider Complaints under Part 3. Case Examiners are independent lay members.

> **Caution** means a sanction recorded on the Registrant's entry in the Register for a set period of up to two years.

> **CNHC or the Council** means the Complementary and Natural Healthcare Council.

> **the Code** means the CNHC Code of Conduct, Ethics and Performance.

> **Complaint** means any information we receive, whether in a written complaint from a Complainant or in documents or other information from any source, which we consider to be a Complaint by reference to the Code.

> **Complainant** means any person (including an organisation) who makes a Complaint about a Registrant.

the Complaints Procedure means the procedure set out in Part 3 and Appendices 1, 2, 3 and 4.

consensual disposal means the conclusion of a case referred to a Panel by agreement, under Appendix 2, paragraph 30.

day means any day, including weekends, bank holidays and religious holidays.

Early Resolution Officer means the member of CNHC staff appointed to help resolve a Complaint informally under the Informal Resolution Framework.

Formal Allegation means an allegation that a Registrant's fitness to practise is impaired by reason of:

a. misconduct;
b. lack of competence;
c. a conviction or caution in the UK for a criminal offence, or a conviction elsewhere for an offence which, if committed in England and Wales, would be a criminal offence;
d. their physical or mental health;
e. a determination by a UK statutory regulator of health or social care, or an equivalent regulator outside the UK, that their fitness to practise is impaired ("a relevant determination"); or
f. an entry in the Register relating to them that has been fraudulently obtained or incorrectly made ("a false entry").

the Health Procedure means the procedure for the Health Panel set out in Appendix 2.

Interim Order means an Order made by the Registrar, a Committee or a Panel that suspends a Registrant's registration or restricts their practice while a Complaint is dealt with.

Interested Third Party means a person or organisation with a legitimate reason to be told about proceedings, for example a statutory regulator, the police or an employer.

Lay Person means a person who is not, and has not been within three years of appointment, a practitioner of any of the professions registered by CNHC.

Legal Adviser means a barrister or solicitor qualified to practise in the United Kingdom.

Medical Adviser means a registered medical practitioner appointed by CNHC.

misconduct means conduct which calls into question the Registrant's suitability to remain on the Register because it falls below the standards expected in their profession.

the Parties means the Presenter (which may include a CNHC officer instructing the Presenter) and the Registrant (or the Registrant's representative) at a hearing. The Complainant is not a Party.

the Presenter means the person presenting CNHC's case at a hearing. This may be a CNHC officer, or a solicitor or barrister instructed by CNHC.

the Register means the Register kept by CNHC.

Registrant means a person on the Register.

Registrant Adviser means a member of the relevant Profession Specific Board appointed by CNHC to advise a Committee or Panel on questions of practice.

the Registrar means CNHC's Chief Executive and Registrar, or a member of staff the Registrar authorises to act on their behalf.

Removal Order means an Order made by the Conduct and Competence Panel removing the Registrant from the Register.

> **Restriction of Practice Order** means an Order that allows the Registrant to keep practising, subject to restrictions or requirements, for between one and three years.

> **Suspension Order** means an Order made by a Panel suspending the Registrant's registration for up to two years.

> **warning** means a warning issued by the Case Examiners or Investigating Committee under paragraph 16.6, where there is no realistic prospect of a finding of impairment.

3 Service and time limits

3.1 CNHC communicates with Complainants and Registrants by email as the default method. Notices, decisions, evidence and other documents may be sent to the email address the person has given us.

3.2 Where a Complainant or Registrant needs another method of communication as a reasonable adjustment or because of an accessibility need, we will make suitable arrangements and record the method agreed.

3.3 Complainants and Registrants are responsible for making sure we have their current email address, and for telling us promptly of any change.

3.4 Where these Procedures refer to documents being served, sending them by email is service, unless another method has been agreed. A document sent by email is treated as served on the day after it is sent.

3.5 CNHC, or any Committee or Panel, may extend a time limit in these Procedures:

a. with the consent of all the Parties and the agreement of CNHC, the Committee or the Panel; or

b. where CNHC, the Committee or the Panel considers it fair to do so.

3.6 Before deciding whether to extend a time limit, CNHC, the Committee or the Panel will consider any representations made by the Parties.

4 Applicability

4.1 These Procedures apply even if the Formal Allegation is about something that happened outside the United Kingdom, or at a time when the Registrant was not registered.

4.2 Unless we consider there are exceptional circumstances, we will not consider a Complaint under these Procedures if more than two years have passed since the conduct happened, or since the Complainant became aware of it, whichever is later.

4.3 A Registrant cannot bring a Complaint to an end by leaving the Register, or by letting their registration lapse, while the Complaint is being dealt with. The Complaint will continue to a decision, and the outcome will be recorded. Consensual disposal (Appendix 2, paragraph 30) can be used to agree a Removal Order.

PART 2

Committees and Panels

Who makes decisions, how they are appointed, and the advisers who support them.

5 Constitution of Committees and Panels

5.1 CNHC will establish the following five Committees and Panels:

- **a.** Investigating Committee;
- **b.** Conduct and Competence Panel;
- **c.** Health Panel;
- **d.** Appeals Panel;
- **e.** Restoration Committee.

5.2 CNHC will also invite members of the pool in paragraph 8.1 to act as Case Examiners and make decisions under Part 3 (paragraphs 8.9 to 8.11).

6 Function of Committees and Panels

6.1 Investigating Committee

6.1.1 The Investigating Committee will consider any application by CNHC for an Interim Order and decide whether the making of such an Order is:

- **a.** necessary for the protection of members of the public; or
- **b.** otherwise in the public interest; or
- **c.** in the interests of the Registrant concerned.

6.1.2 Where the Investigating Committee decides that it should impose an Interim Order on a Registrant's registration, the initial duration of such an Order will not exceed six months.

6.1.3 Where the Investigating Committee decides to impose a further Interim Order the total period of the order will not exceed a period of two years.

6.1.4 The Investigating Committee will also make decisions under paragraphs 16 and 17 where the two Case Examiners cannot agree (paragraph 16.3).

6.2 Conduct and Competence Panel

6.2.1 The Conduct and Competence Panel will consider any Formal Allegation against a Registrant referred to it by the Case Examiners, the Investigating Committee or a reviewer (under paragraphs 16.10 and 18.3) and decide:

- **a.** whether the facts are proven;
- **b.** by virtue of the proven facts, whether the Registrant has committed misconduct, lacks competence, has been convicted or cautioned, is the subject of a relevant determination or has made a false entry;

c. whether the Registrant's fitness to practise is impaired as a result;

d. where it is decided that the Registrant's fitness to practise is impaired, what sanction (if any) should be imposed upon the Registrant

6.2.2 The Conduct and Competence Panel will consider any application by CNHC for an Interim Order and decide whether the making of such an Order is:

a. necessary for the protection of members of the public; or

b. otherwise in the public interest; or

c. in the interests of the Registrant concerned.

6.2.3 Where the Conduct and Competence Panel decides that it should impose an Interim Order on a Registrant's registration, the initial duration of such an Order will not exceed six months.

6.2.4 Where the Conduct and Competence Panel decides to impose a further Interim Order the total period of the order will not exceed a period of two years.

6.3 Health Panel

6.3.1 The Health Panel will consider any Formal Allegation that a Registrant's fitness to practise is impaired by reason of their ill health, referred to it under paragraph 16.11, and decide:

a. whether the Registrant is physically or mentally unwell;

b. whether the Registrant's fitness to practise is impaired by reason of their physical or mental ill health;

c. where it is decided that the Registrant's fitness to practise is impaired, what sanction (if any) should be imposed upon the Registrant.

6.3.2 The Health Panel will consider any other Formal Allegation referred to it under paragraph 16.11, or by the Conduct and Competence Panel under Appendix 2, paragraph 7.2, and decide:

a. whether the facts are proven;

b. by virtue of the proven facts, whether the Registrant has either: committed misconduct; lacks competence; has been convicted or cautioned; is the subject of a relevant determination; has made a false entry;

c. whether the Registrant's fitness to practise is impaired as a result;

d. where it is decided that the Registrant's fitness to practise is impaired, what sanction (if any) should be imposed upon the Registrant

6.3.3 In making the decisions in 6.3.1 above, the Panel will take into account the Registrant's ill health.

6.3.4 The Health Panel will consider any application by CNHC for an Interim Order and decide whether the making of such an Order is:

a. necessary for the protection of members of the public; or

b. otherwise in the public interest; or

c. in the interests of the Registrant concerned.

6.3.5 Where the Health Panel decides that it should impose an Interim Order on a Registrant's registration, the initial duration of such an Order will not exceed six months.

6.3.6 Where the Health Panel decides to impose a further Interim Order the total period of the order will not exceed a period of two years.

6.4 Appeals Panel

6.4.1 The Appeals Panel will consider an appeal by the Registrant of:

- **a.** the imposition of an Interim Order by the Investigating Committee, Conduct and Competence Panel or Health Panel;
- **b.** any Order made by a Conduct and Competence Panel, Health Panel or Restoration Committee;
- **c.** any sanction imposed by a Conduct and Competence Panel or Health Panel.

6.4.2 The Appeals Panel will consider an appeal by CNHC of any sanction imposed by a Conduct and Competence Panel or Health Panel.

6.4.3 In an appeal under paragraph 6.4.1 or 6.4.2 above, the Appeals Panel:

- **a.** will review all the documentation before the original Panel or Committee;
- **b.** may consider any fresh evidence;
- **c.** will hear submissions from the Parties;
- **d.** will decide whether the Appeal is upheld or dismissed;
- **e.** may decide whether the Order or sanction should be altered;
- **f.** may remit the matter to the original Panel or Committee for a re-hearing.

6.4.4 The Appeals Panel does not hear appeals against accepted outcomes, warnings or other Case Examiner decisions. These can be reviewed under paragraph 18.

6.5 Restoration Committee

6.5.1 The Restoration Committee will consider any application for restoration to the Register referred to it and decide:

- **a.** whether, in all the circumstances of the case, the Registrant should be restored to the Register; and
- **b.** where the Registrant is to be restored, whether conditions should be placed on the Registrant's registration.

6.5.2 The Restoration Committee will consider any application by a Registrant to review the conditions imposed upon their registration in accordance with 6.5.1b above and will review the conditions before they expire.

7 Procedure of Committees and Panels

7.1 The Investigating Committee will follow the procedure set out in Appendix 1.

7.2 The Conduct and Competence Panel will follow the procedure set out in Appendix 2.

7.3 The Health Panel will follow the procedure set out in Appendix 2.

7.4 The Appeals Panel will follow the procedure set out in Appendix 3.

7.5 The Restoration Committee will follow the procedure set out in Appendix 4.

8 Membership and quorum of Committees and Panels

8.1 CNHC will maintain a pool of people from which Committee and Panel members hearing a particular case will be appointed.

8.2 Each Committee or Panel will consist of up to five members, appointed by CNHC.

8.3 The quorum of each Committee or Panel will be three, and each Committee or Panel will sit with either three or five members present.

8.4 CNHC will appoint a Chair of each Committee and Panel.

8.5 CNHC will ensure that a member is appointed to the Committee or Panel who has experience or an understanding of the area of the case which is under consideration i.e. what is commonly known as 'due regard'.

8.6 CNHC will ensure that Conduct and Competence and Health Panels contain a lay member.

8.7 Members of each Committee will be appointed for a period not exceeding three years and will be eligible for re-appointment for a further period not exceeding three years.

8.8 No member of any Committee or Panel will sit on the hearing of a Registrant's case, if that member has previously been concerned with the case.

8.9 The pool in paragraph 8.1 is CNHC's Professional Committee, a pool of independent lay members. Case Examiners are drawn from it and are invited to consider Complaints when required. Each Complaint is considered by two Case Examiners (paragraph 16.1).

8.10 Members of the pool are recruited by CNHC against published competencies. Case Examiners must complete induction training before taking part in decisions, and take part in refresher training and a performance review each year.

8.11 Case Examiners must declare any interests on appointment and before each case. A Case Examiner with a conflict of interest will take no part in the case.

9 Voting of Committees and Panels

9.1 Decisions of all Committees and Panels will be taken by simple majority.

9.2 The Chair of any Committee or Panel may exercise a casting vote.

9.3 Any abstention will be deemed to be a vote in favour of the Registrant.

10 Legal Adviser

10.1 Any Committee or Panel may appoint a Legal Adviser to assist them in procedural or legal matters. Where a Legal Adviser is appointed, paragraphs 10.2 to 10.6 apply.

10.2 The role of the Legal Adviser will be to advise the Committee or Panel on questions of law and to ensure that the proceedings before the Committee or Panel are conducted fairly. To this end, the Legal Adviser will inform a Committee immediately of any irregularity in the conduct of the proceedings.

10.3 The advice of the Legal Adviser will be given in the presence of the Parties. Advice given by the Legal Adviser during the private deliberations of the Committee or Panel will subsequently be repeated before the Parties.

10.4 The Parties will have the opportunity to make representations on the contents of the advice given by the Legal Adviser before any decision has been taken by the Committee or Panel.

10.5 The Legal Adviser will not be entitled to vote.

10.6 The Legal Adviser may also advise a Committee or Panel in relation to the drafting of the reasons for any findings, determinations or decisions of that Committee or Panel.

11 Medical Adviser

11.1 CNHC may appoint a Medical Adviser to advise the Health Panel whenever they hold a hearing to reach a determination in relation to a Registrant.

11.2 In circumstances other than in 11.1 above, any Panel or Committee of CNHC may appoint a Medical Adviser to advise them whenever they hold a hearing to reach a determination in relation to a Registrant.

11.3 Where the Registrant or former Registrant is not present during the proceedings of a Committee or Panel, the Committee or Panel will maintain a record of any advice given by the Medical Adviser.

11.4 Where the Parties are present during the proceedings, the advice of the Medical Adviser will be given in the presence of the Parties. Any advice given by the Medical Adviser during the private deliberations of the Committee will subsequently be repeated before the Parties.

11.5 The Parties will have the opportunity to make representations on the contents of the advice given by the Medical Adviser.

11.6 The Medical Adviser will not be entitled to vote.

12 Registrant Adviser

12.1 Any Committee or Panel may appoint a Registrant Adviser, who will be a member of the relevant Profession Specific Board, to assist them in matters relating to the Registrant's practice. Where a Registrant Adviser is appointed, paragraphs 12.2 to 12.5 apply.

12.2 The role of the Registrant Adviser will be to advise the Committee or Panel on questions of practice relevant to the Formal Allegation(s).

12.3 The advice of the Registrant Adviser will be given in the presence of the Parties. Advice given by the Registrant Adviser during the private deliberations of the Committee or Panel will subsequently be repeated before the Parties.

12.4 The Parties will have the opportunity to make representations on the contents of the advice given by the Registrant Adviser before any decision has been taken by the Committee or Panel.

12.5 The Registrant Adviser will not be entitled to vote.

13 The clerk to Committees and Panels

13.1 Each Committee and Panel will be assisted by a clerk who will be responsible for the administrative arrangements for the hearing.

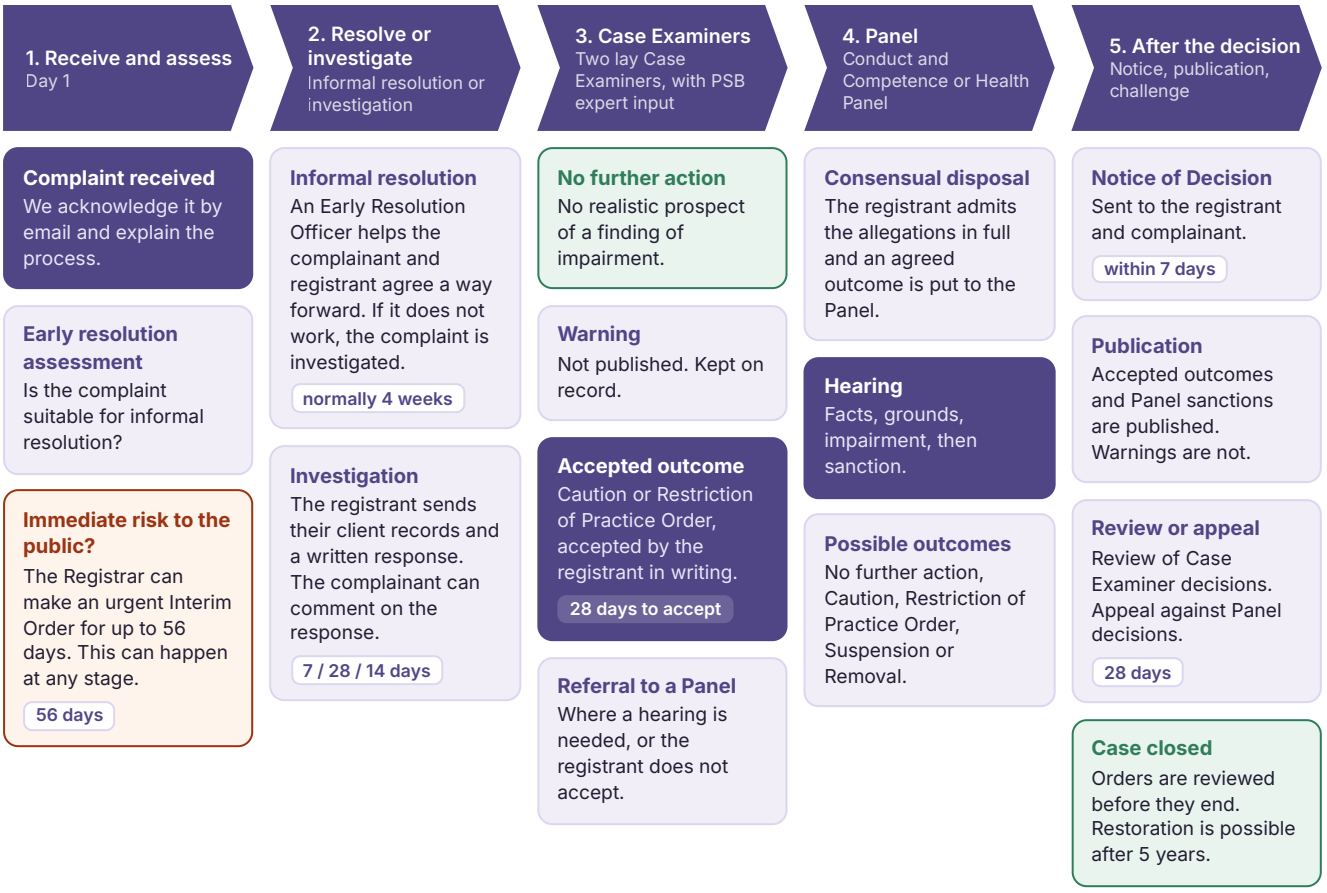
13.2 The clerk to the Committee or Panel will not participate in the decision making of the Committee.

PART 3

Complaints

From receiving a Complaint, through investigation, to the Case Examiners' decision, accepted outcomes and reviews.

HOW A COMPLAINT MOVES THROUGH OUR PROCESS



14 Receiving a Complaint

14.1 We ask Complainants to use our complaint form. We acknowledge each Complaint by email and explain the process. If writing the Complaint down would be difficult, we will help the Complainant to make it.

14.2 We first check that the Complaint is about a Registrant, is within the time limit in paragraph 4.2, and raises a possible breach of the Code.

14.3 We then carry out an early resolution assessment to decide whether the Complaint is suitable for informal resolution, using the criteria in Appendix 5 and our Informal Resolution Framework. If it is suitable and the Complaint is resolved, it is closed. If it is not suitable, or informal resolution is not successful, the Complaint is investigated under paragraph 15.

14.4 Where the Registrant is already the subject of an inquiry by the police or another body, or there are ongoing criminal or civil proceedings, we may defer the investigation or referral of the Complaint until the inquiry or proceedings have ended. If we become aware of an allegation of criminal activity, we will report it to the relevant authority, for example the police or Trading Standards.

14.5 Where we receive information other than a written Complaint which suggests that a Registrant has breached the Code, and the matter is not already the subject of an inquiry or proceedings, CNHC may become the Complainant. We will seek the co-operation of anyone affected and any relevant third party.

14.6 If at any stage information suggests there may be an immediate risk to the public, the Registrar will consider an Interim Order under paragraph 19.

14.7 For the purposes of deciding whether information is a Complaint, investigating it, preparing a Formal Allegation or deciding whether to apply for an Interim Order, we may make the inquiries and take the advice we consider necessary. This includes instructing solicitors, and asking the Registrant or an Interested Third Party for further information.

14.8 A Complaint should be in writing, identify the Registrant and the person making it, and be signed by or for that person. A notice or certificate from a court, the police, a law enforcement agency or a regulator showing that the Registrant has been convicted, cautioned or made subject to a determination is treated as a Complaint if it identifies the Registrant.

14.9 We do not normally act on anonymous Complaints, because we must be able to share the Complaint with the Registrant and ask the Complainant for more information. This does not apply where a Complainant has asked us not to share their identity. However, where an anonymous Complaint raises serious and credible concerns about a Registrant's fitness to practise, we will consider what action to take to protect the public.

14.10 The Chief Executive and Registrar may close a Complaint as vexatious under our Frequent, Vexatious and Abusive Complaints Policy. This forms part of the early, informal stage, before the Complaint goes to the Case Examiners. They will not do so where the Complaint raises a genuine concern about the Registrant's fitness to practise or a risk to the public, and a Complaint is not vexatious simply because the person has made other Complaints. The reasons will be recorded and the person told in writing. The Chief Executive and Registrar's decision is final.

14.11 Where a person's frequent complaints are an abuse of our process, we will tell them in writing that any further complaints may still be looked into and resolved informally, without being treated as a Complaint and without us acknowledging them or keeping the person updated. Only where we identify a concern about a Registrant's fitness to practise, or serious harm to the public, will the matter be dealt with as a Complaint under these Procedures and acknowledged. We will record how we assessed each new concern, and why.

15 Investigation

15.1 We will send the Registrant a copy of the Complaint and any supporting evidence, with links to these Procedures and our complaints leaflet. We will ask the Registrant to send us:

a. a copy of their original client records, within **7 days**; and

b. any written response to the Complaint, with any supporting documents, within **28 days** of receiving it.

15.2 We will send the Complainant a copy of the client records for information only.

15.3 We will send the Complainant a copy of the Registrant's response and invite them to comment within **14 days**.

15.4 We will send any comments from the Complainant to the Registrant for information only.

15.5 The Registrar will decide whether an expert report is needed. If it is, we will ask a member of the relevant Profession Specific Board, or, where none can act independently, a member of another Profession Specific Board, to write it. We do not ask other Registrants to act as experts. We follow the expert advice protocol in the Case Examiner Guidance. We will send the expert report to the Registrant, who may comment on it within **14 days**, and the report and any comments will go to the Case Examiners.

15.6 Where the Complainant's health records are relevant, we will ask for their consent before obtaining them.

15.7 We will keep the Complainant and the Registrant informed of progress, and tell them when the Case Examiners will consider the Complaint.

16 Case Examiner decisions

16.1 Each Complaint that is investigated is referred to **two Case Examiners**, drawn from the pool in paragraph 8.1. Case Examiners are independent lay members. Professional input on practice in the discipline comes from a member of the relevant Profession Specific Board, through an expert report (paragraph 15.5) or advice the Case Examiners ask for. We will share any such advice with the Registrant.

16.2 The Case Examiners will consider all the information provided to them, including the Code, and decide whether there is a **realistic prospect** of a finding that the Registrant's fitness to practise is impaired, in relation to each allegation. They apply the realistic prospect test in Note 1 and follow our Case Examiner Guidance.

16.3 If the Case Examiners cannot agree a decision, the Complaint and all the information will be referred to the Investigating Committee, which will make the decision under this paragraph and paragraph 17.

16.4 The Case Examiners will normally make their decision within **28 days** of receiving the complete papers.

No realistic prospect

16.5 If the Case Examiners decide that there is not a realistic prospect of a finding of impairment for an allegation, we will tell the Complainant, the Registrant and any Interested Third Party that no further action will be taken on that allegation, and why.

16.6 Where there is not a realistic prospect of a finding of impairment, the Case Examiners will consider whether to issue a **warning**. In doing so, they will consider whether the matters complained of, if repeated, might meet the realistic prospect test.

16.7 Warnings will be disclosed to the Complainant and any employer, but will not be published. This is because the evidence has not been tested by oral evidence and cross-examination.

16.8 Warnings will be kept on record and may be used to identify patterns of behaviour in any later investigation about the Registrant.

Realistic prospect

16.9 If the Case Examiners decide that there is a realistic prospect of a finding of impairment for an allegation, they will either:

a. propose an accepted outcome under paragraph 17, where it is suitable; or

b. refer the allegation to a Conduct and Competence Panel or a Health Panel.

16.10 Where the Case Examiners refer an allegation to a Panel, we will tell the Complainant, the Registrant and any Interested Third Party, giving the reasons for the decision and saying whether the case has been referred to the Conduct and Competence Panel or the Health Panel, and why. Each allegation referred will be included in a Formal Allegation, which we will prepare and serve on the Registrant and the clerk to the Panel.

16.11 If the Case Examiners consider that the behaviour behind a Formal Allegation may have been caused, or substantially contributed to, by the Registrant's physical or mental ill health, they may refer it to the Health Panel. Where the Formal Allegation is that the Registrant's fitness to practise is impaired by reason of their ill health, they will refer it to the Health Panel.

16.12 Where a case is to follow the Health Procedure, we may appoint a Medical Adviser to advise the Health Panel. We may also invite the Registrant to agree, within 28 days:

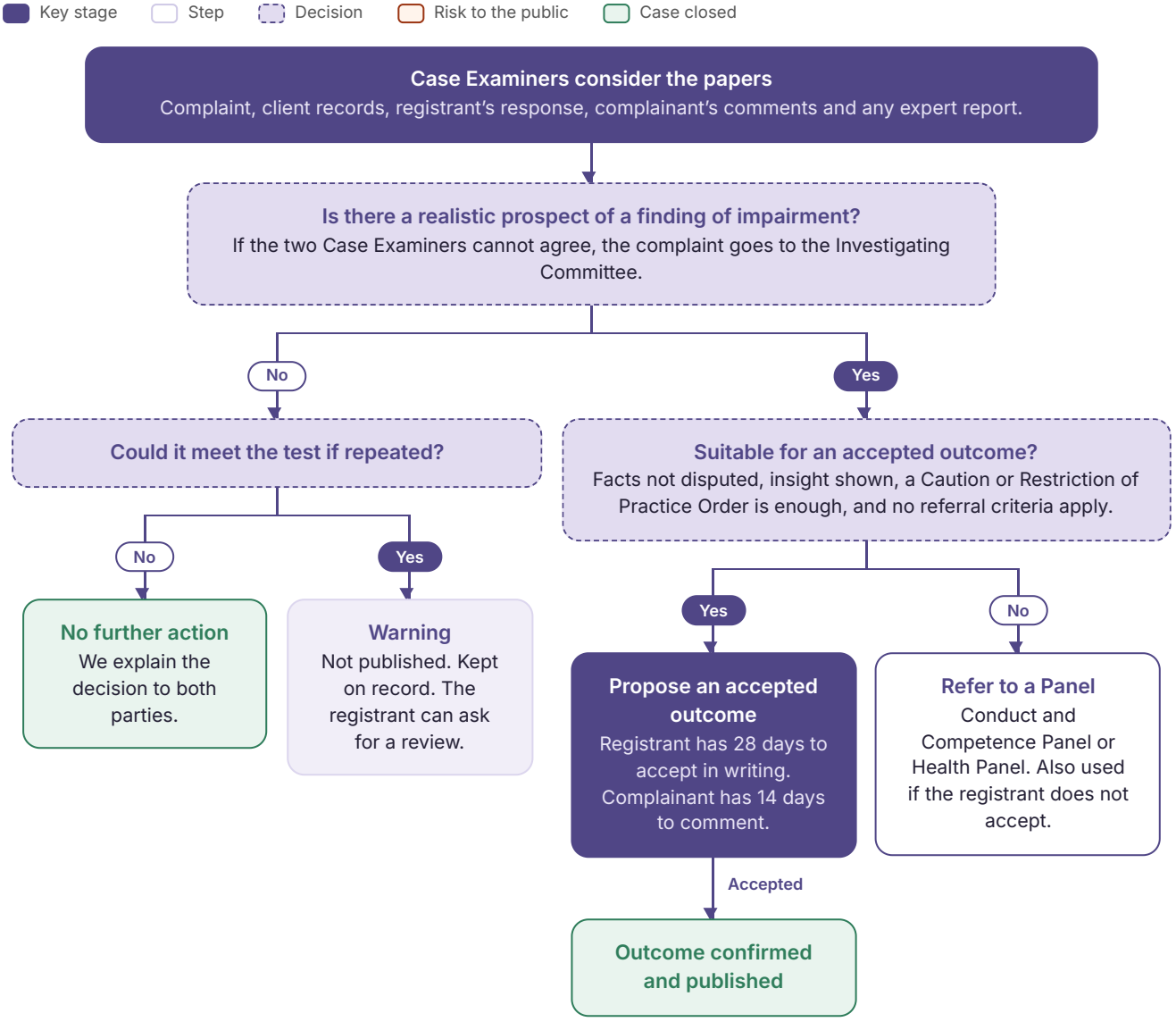
a. to be examined, at CNHC's expense, by a registered medical practitioner nominated by CNHC; and

b. that the medical practitioner may give the Health Panel a report on whether the Registrant's fitness to practise is impaired by reason of their physical or mental ill health.

Recording decisions

16.13 Every Case Examiner decision will be in writing and will set out the allegations, the relevant facts, the Registrant's response, the Case Examiners' assessment of the realistic prospect test and of the Registrant's insight, the decision and the reasons for it.

HOW CASE EXAMINERS DECIDE (PARAGRAPHS 16 AND 17)



17 Accepted outcomes

17.1 Where there is a realistic prospect of a finding of impairment, the Case Examiners may propose an accepted outcome instead of referring the case to a Panel. They may only do so where:

- **a.** the facts are clear and not in dispute;
- **b.** the Registrant has shown insight into the concerns, or there is a realistic prospect that they will;
- **c.** concluding the case without a hearing would protect the public and maintain confidence in the Register; and
- **d.** the right outcome is a Caution or a Restriction of Practice Order.

17.2 The Case Examiners must refer the case to a Panel, and must not propose an accepted outcome, where:

- **a.** the facts are disputed;
- **b.** the likely outcome is suspension or removal;
- **c.** the allegations involve sexual misconduct, dishonesty or serious harm to a client;
- **d.** the case concerns a criminal conviction or caution, or a determination by another regulator;
- **e.** there are serious doubts about the Registrant's insight or attitude;
- **f.** the case is complex or the right outcome is borderline; or
- **g.** there is a pattern of concerns, including previous warnings or sanctions.

17.3 These referral criteria guide the Case Examiners' judgement and are explained in the Case Examiner Guidance. If the Case Examiners decide not to follow them, they must record why.

17.4 An accepted outcome can only be a Caution, for up to two years, or a Restriction of Practice Order, for between one and three years. The Case Examiners will decide the outcome using our Sanctions Guidance, and it must be the least restrictive outcome that protects the public and maintains confidence in the Register.

17.5 We will send the Registrant the Case Examiners' findings, the proposed outcome and the reasons, and tell them they may take independent advice. The Registrant has **28 days** to accept the findings and the outcome in writing, or to decline. We may extend this time on request.

17.6 We will tell the Complainant about the proposal and invite their views within **14 days**. The Case Examiners will consider the Complainant's views before confirming the outcome. If the views raise new and relevant information, the Case Examiners may change the proposal or refer the case to a Panel.

17.7 When the Registrant has accepted, the Case Examiners will confirm the outcome. It takes effect on the date it is confirmed, and has the same effect as the same sanction imposed by a Panel. We will send a notice of the decision to the Registrant, the Complainant and any Interested Third Party within **7 days**, and publish it under Part 5.

17.8 If the Registrant declines, does not respond, or does not accept the outcome as changed under 17.6, the case will be referred to a Conduct and Competence Panel or a Health Panel. The Panel will not be told about the proposal or the Registrant's response. Declining an accepted outcome is never treated as a lack of insight.

17.9 We will monitor a Restriction of Practice Order made as an accepted outcome. Normally at least eight weeks before it expires, the Case Examiners will review the Registrant's compliance on the papers. If the Registrant has complied, the Order will end on its expiry date. If the Registrant has not complied, the case will be referred to a Panel under paragraph 17.11. Any new allegation is investigated as a new Complaint under this Part.

17.10 An accepted outcome cannot be appealed under Appendix 3, because the Registrant has accepted it. It can be reviewed under paragraph 18.

17.11 Where a case is referred because a Registrant has not complied with a Restriction of Practice Order made as an accepted outcome:

a. it will be heard by a Conduct and Competence Panel, or by a Health Panel where the concerns relate to the Registrant's health, constituted under paragraph 8, none of whose members has been involved in the case;

b. the clerk to the Panel will send the Registrant a notice at least **28 days** before the hearing, setting out the alleged non-compliance, the evidence relied on and the Panel's powers;

c. CNHC will serve the evidence of non-compliance with the notice. The Registrant may respond in writing at least 7 days before the hearing, and may attend, be represented and make submissions under Appendix 2, paragraph 9;

d. the Panel will consider the Case Examiners' decision and the findings the Registrant accepted, the evidence of non-compliance and the Registrant's response, following the procedure in Appendix 2, paragraph 28.6;

e. CNHC must prove the non-compliance on the balance of probabilities. The Panel will first decide, with reasons, whether the Registrant has failed to comply with the Order and, if so, whether there is a good reason for it;

f. where the Panel finds non-compliance, it must first consider whether extending or varying the Order would protect the public. It may replace the Order with a Suspension Order, or, for a Conduct and Competence Panel, a Removal Order, only where the non-compliance is serious or persistent, or shows that restrictions cannot protect the public, applying the Sanctions Guidance to the findings the Registrant accepted. The Panel must give reasons for choosing that sanction over a less restrictive one;

g. where the Panel does not find non-compliance, the Order continues, or ends on its expiry date;

h. the Panel considers only non-compliance with the Order. Any new allegation about the Registrant's conduct, competence or health is investigated as a new Complaint under this Part, and is not decided at this hearing; and

i. the Panel's decision is a Panel order: it takes effect under Appendix 2, paragraph 23.5, is published under Part 5 and can be appealed under Appendix 3.

17.12 An accepted Restriction of Practice Order is not extended automatically while a non-compliance hearing is awaited. If non-compliance comes to light shortly before the Order expires, and the Panel cannot decide before then, CNHC may apply for an Interim Order under paragraph 19 if it is necessary to protect the public, is otherwise in the public interest, or is in the Registrant's interests. Any Interim Order must be separately justified, is subject to the limits on length, review and renewal in paragraph 6 and Appendix 1, and ends no later than when the Panel decides.

17.13 Where CNHC has served notice under paragraph 17.11b before the Order expires, the Panel keeps jurisdiction to decide whether the Registrant failed to comply while the Order was in force, even if the Order has since expired. If it finds non-compliance, it has the powers in paragraph 17.11f, applied to the findings the Registrant accepted.

ACCEPTED OUTCOME: STEP BY STEP (PARAGRAPH 17)



18 Review of Case Examiner decisions

18.1 The Registrant, the Complainant or CNHC may ask for a review of a Case Examiner decision. This includes a decision to take no further action, to issue a warning, or to confirm an accepted outcome.

18.2 A request for a review must be made in writing within **28 days** of the notice of the decision, and must say which of the following grounds apply:

a. the procedure was not followed in a way that affected the decision;

b. there is new and relevant information that was not available when the decision was made; or

c. the decision was materially wrong, for example because it does not protect the public.

18.3 A review is decided on the papers by a member of the pool who has not been previously involved in the case. The reviewer may:

a. confirm the decision;

b. ask the Case Examiners to reconsider the decision, with reasons; or

c. refer the case to a Conduct and Competence Panel or a Health Panel.

18.4 We will tell the Registrant and the Complainant the outcome of the review and the reasons. There is no further review of the same decision.

18.5 A warning or an accepted outcome stays in effect while a review is being considered, unless the reviewer decides otherwise.

19 Interim Orders and withdrawal

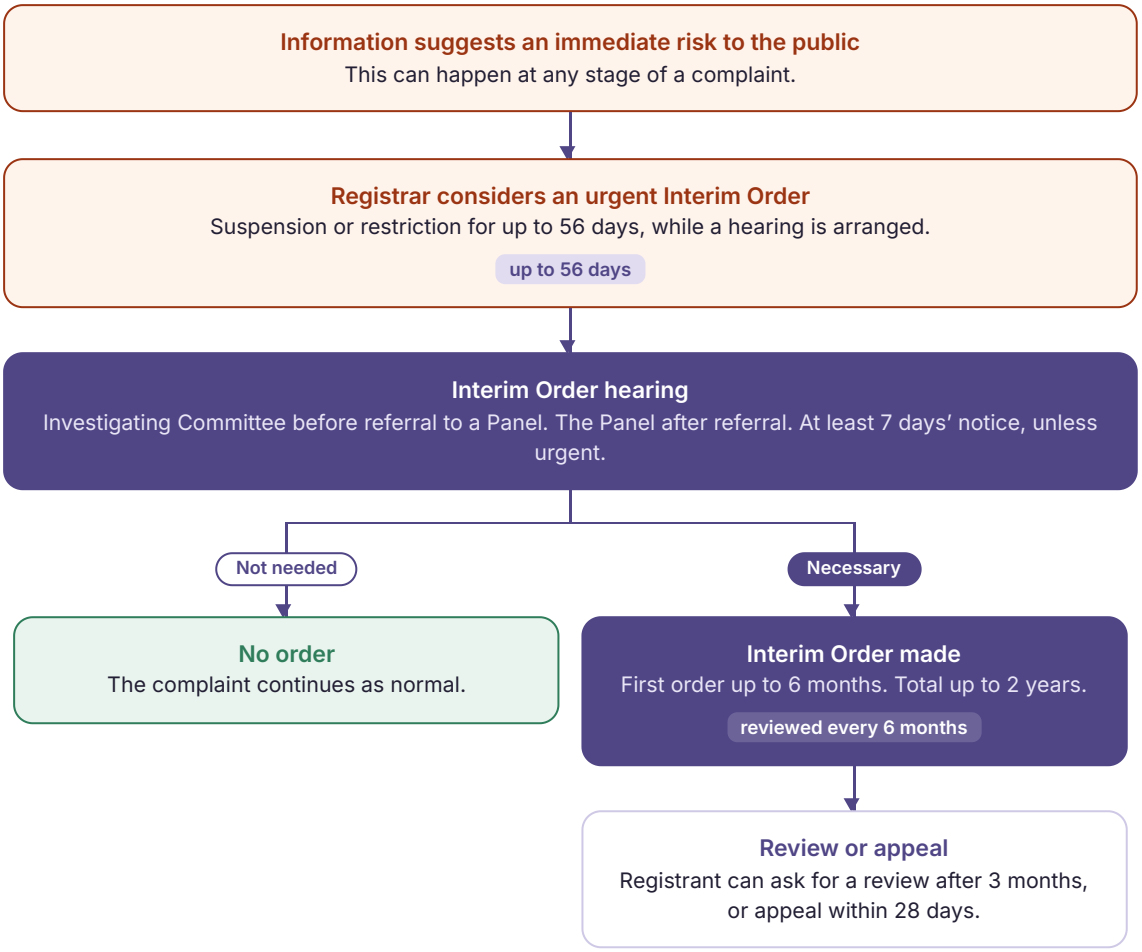
19.1 At any time before a Formal Allegation is referred to a Panel, CNHC may apply to the Investigating Committee for an Interim Order, on the grounds that it is necessary to protect the public, is otherwise in the public interest, or is in the interests of the Registrant. After referral, the application is made to the Panel.

19.2 Where an application is urgent, the Registrar may make an Interim Order for up to **56 days** (Appendix 1, paragraph 3.4).

19.3 Case Examiners cannot make Interim Orders. If they consider there may be an immediate risk to the public, they must tell the Registrar straight away. An Interim Order may remain in force while an accepted outcome is being considered, subject to the applicable limits on its duration, review and renewal. When an accepted outcome takes effect, CNHC will apply to revoke the Interim Order, unless the risk continues. An Interim Order is never used to encourage a Registrant to accept an outcome.

19.4 If, after a Formal Allegation has been served, it appears to CNHC that the matter should no longer go to a hearing, CNHC may apply to the Panel for the Formal Allegation to be withdrawn.

INTERIM ORDERS (PARAGRAPH 19 AND APPENDIX 1)



PART 4

Sanctions, suspension and removal from the Register

The outcomes available, and who can impose them.

20 Sanctions, suspension and removal

20.1 Where a Conduct and Competence Panel finds that a Registrant's fitness to practise is impaired, the Registrant may receive a Caution or a Restriction of Practice Order, or be suspended or removed from the Register.

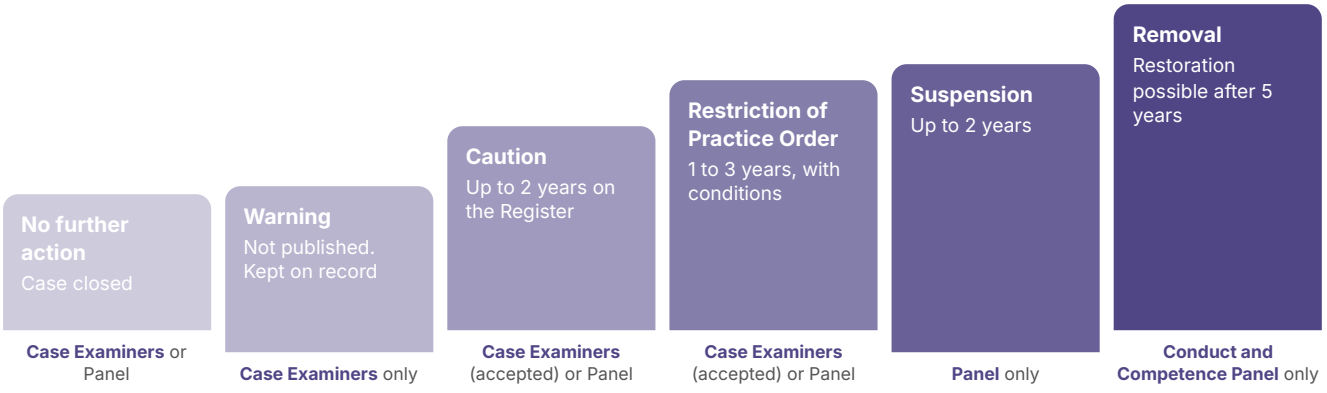
20.2 Where a Health Panel finds that a Registrant's fitness to practise is impaired by reason of their ill health, or the case was referred under paragraph 16.11, the Registrant may receive a Caution or a Restriction of Practice Order, or be suspended from the Register.

20.3 A Health Panel may also refer a case to a Conduct and Competence Panel after a finding of impairment, and that Panel will have the sanctions in 20.1 available to it.

20.4 Case Examiners can only conclude a case with a Caution or a Restriction of Practice Order where the Registrant accepts it (paragraph 17). They cannot suspend or remove a Registrant.

20.5 Case Examiners and Panels will use our Sanctions Guidance when deciding the outcome. The purpose of a sanction is to protect the public, not to punish the Registrant. Where a Panel departs from the Sanctions Guidance, it must give its reasons.

OUTCOMES, FROM LEAST TO MOST SERIOUS, AND WHO CAN DECIDE THEM



PART 5

Publication, records and monitoring

What we publish, what we keep, and how we check our decisions.

21 Publication

21.1 We publish the findings and decision of a Panel that imposes a sanction, and every accepted outcome, on our website and on the Registrant's entry in the Register, for as long as the sanction or outcome is in force. Removal Orders are published on our list of removed practitioners. Our Publication Policy sets out what we publish and for how long.

21.2 We do not publish warnings, decisions to take no further action, the Complainant's name, or details of a Registrant's health.

21.3 We will tell the Registrant and the Complainant what will be published before it appears.

21.4 We may give a copy of any decision to a statutory regulator or Interested Third Party where it is in the interests of justice to do so (Appendix 2, paragraph 27.2).

22 Records and monitoring

22.1 We keep records of every Complaint, decision and the reasons for it, in line with our Record Retention Schedule and data protection law.

22.2 Every three months, the Registrar or a nominated senior member of staff audits a sample of Case Examiner decisions, including all accepted outcomes. Each year, an independent reviewer audits a sample of decisions. We report the findings, and what we have changed as a result, to the Board.

22.3 We monitor outcomes by discipline and, where we have the data, by protected characteristics, to identify any unfair differences.

APPENDIX 1

Procedure of the Investigating Committee concerning Interim Orders

How Interim Orders are applied for, heard and reviewed.

ARRANGEMENT OF PARAGRAPHS

1 Interpretation
2 Private proceedings
3 Application for Interim Orders
4 Interim Order hearings
5 Review of Interim Orders

1 Interpretation

1.1 In this Appendix, the Committee means the Investigating Committee.

2 Private proceedings

2.1 The proceedings of the Committee will be held in private.

3 Application for Interim Orders

3.1 Where CNHC wishes to apply for an Interim Order, it will apply to the clerk to the Committee, providing:

a. details of the allegations upon which the application is based; and

b. a statement setting out why the field of practice of the Registrant should be restricted or registration of the Registrant should be suspended.

3.2 The clerk to the Committee will, upon receipt of an application, fix a date and time for the hearing of the application and write separately to the Parties to:

a. inform the Parties of the right to attend the hearing;

b. inform the Parties of the time and venue for the hearing;

c. inform the Registrant of the right to give evidence in person, to call witnesses and to cross-examine any witnesses called by CNHC;

d. inform the Registrant of the right to make oral submissions to the Committee in person or to be represented by a:

i. solicitor;

ii. barrister;

iii. representative from the Registrant's Professional Body; or

iv. representative from the Registrant's Trade Union;

e. request confirmation as to whether the Registrant intends to:

   i. attend the hearing;

   ii. be represented at the hearing.

f. inform the Registrant that if acting in person, they may be accompanied and advised by some other representative (not listed in (d) above) and that such representative will not be entitled to address the Panel without permission, nor may they be called as a witness at the hearing.

3.3 Subject to 3.4 below, where notice of the hearing is served upon the Registrant, an application for an Interim Order will be heard no earlier than seven days after the date upon which notice of the hearing was served upon the Registrant.

3.4 Where an urgent application for an Interim Order is made by CNHC on the grounds of protection of members of the public, the clerk to the Committee may dispense with the notice period referred to in 3.3 above and the matter will be referred for the urgent attention of the Registrar. The Registrar may issue an Interim Order which will be in force for up to 56 days.

3.5 Where the clerk to the Committee dispenses with the notice period, the Committee will not impose an Interim Order on a Registrant's registration unless the Registrant has been given such notice as is reasonable of the application and the opportunity to make oral submissions and written representations to the Committee.

3.6 The Investigating Committee will not make an Interim Order after a Formal Allegation has been referred to another Committee or Panel.

4 Interim Order hearings

4.1 Where the Committee is considering whether or not to make an Interim Order, the order of proceedings will be as follows:

a. The Presenter will outline the facts of the case and set out the reasons why the Registrant's registration should be made subject to an Interim Order, together with any evidence in support;

b. The Registrant (if present) may set out the reasons why such an application should not be granted by the Committee, together with any evidence in support;

c. The Committee may obtain advice from the Legal, Medical or Registrant Adviser, where one is appointed;

d. The Committee will deliberate in private;

e. The Committee will determine the application and announce its decision and the reasons for that decision, in the presence of the Parties.

4.2 Within seven days of the conclusion of the hearing, the clerk to the Committee will send a Notice of Decision

4.3 The Notice of Decision will:

a. record any advice given by the Legal, Medical or Registrant Adviser, where they have been appointed;

b. set out the decision of the Committee;

c. specify the reasons for the Committee's decision;

d. where an Interim Order has been imposed, set out the period of suspension or restriction, beginning on the date on which the Order is made;

e. inform the Registrant of the right of appeal.

5 Review of Interim Orders

5.1 Where an Interim Order has been made:

a. it will be reviewed every six months until it expires; and

b. subject to 5.2 below, CNHC or any person in respect of whom the Order was made may request a review at any other time.

5.2 An Interim Order will not be reviewed until 3 months after it was made unless exceptional circumstances exist.

5.3 A decision whether to grant a request for a review and the conduct of a review will be undertaken by the Investigating Committee if the case has not yet been referred to a Panel and by the Panel which is to hear the Formal Allegation in any other case.

5.4 Where a review is to take place, a Notice of Review will be sent to the Registrant and CNHC.

5.5 The Notice of Review will:

a. inform the Registrant of the right to attend the hearing;

b. inform the Registrant of the time and venue for the hearing;

c. provide the Registrant with:

i. details of the allegations made against the Registrant; and

ii. the reasons for the Interim Order;

d. inform the Registrant of the right to give evidence in person, to call witnesses and to cross-examine any witnesses called by CNHC;

e. inform the Registrant of the right to make oral submissions to the Committee in person or to be represented by a:

i. solicitor;

ii. barrister;

iii. representative from the Registrant's Professional Body or;

iv. representative from the Registrant's Trade Union;

f. request confirmation as to whether the Registrant intends to:

i. attend the hearing;

ii. be represented at the hearing;

g. inform the Registrant that if acting in person, they may be accompanied and advised by some other representative (not listed in (e) above) and that such representative will not be entitled to address the Panel without permission, nor may they be called as a witness at the hearing.

5.6 The procedure at the review hearing will be the same as at the original hearing.

5.7 After reviewing an Interim Order the relevant Panel may:

a. continue the Order;

b. revoke the Order;

c. amend the Order;

d. impose a further Order, to commence upon the expiry of the existing Order.

5.8 Within seven days of the conclusion of the review hearing, the clerk to the Committee will send a Notice of Decision to the Parties and any interested third party.

APPENDIX 2

Procedure of the Conduct and Competence Panel and Health Panel

Notice, disclosure, the hearing itself, sanctions, reviews of Orders, and consensual disposal.

ARRANGEMENT OF PARAGRAPHS

1 Interpretation
2 Joinder
3 Notice of hearing
4 Postponement of the hearing
5 Notice to complainant and interested third parties
6 Disclosure of case and service of documents
7 Procedure at the hearing
8 Private hearings before Conduct and Competence Panels
9 Representation and entitlement to be heard
10 Evidence
11 Burden and standard of proof
12 Adjournment of the hearing
13 Attendance at the hearing
14 Introduction of Panel and reading of the formal allegation
15 Amendment of the formal allegation
16 Admissions
17 Presentation of CNHC's case
18 Witnesses
19 Registrant's evidence
20 Closing Submissions
21 Findings
22 Mitigation
23 Sanctions
24 Notice of Decision
25 Notes and transcript of the proceedings
26 Health Procedure
27 Publication of Notice of Decision
28 Reviews
29 Interim Orders
30 Consensual Disposal

1 Interpretation

1.1 In this Appendix, the Panel means the Conduct and Competence Panel or the Health Panel. None of the Panel members will have had any previous involvement with the case.

2 Joinder

2.1 Any Committee or Panel may determine together two or more Formal Allegations against a Registrant and/or Formal Allegations against two or more Registrants, if they consider it fair to so do.

3 Notice of hearing

3.1 As soon as practicable after the Formal Allegation has been referred to a Conduct and Competence or Health Panel, the clerk to the Panel will send the Registrant and CNHC a Notice of Hearing which will:

a. state the date, time and venue of the hearing;

b. specify the Formal Allegation(s) against the Registrant;

c. state whether the case is to proceed under the Conduct or the Health Procedure;

d. inform the Parties of their respective rights to:

i. attend the hearing;

ii. give evidence to the Panel;

iii. make oral submissions to the Panel either in person or through a representative as set out in paragraph 9 below;

iv. call and cross-examine witnesses;

e. inform the Registrant of the possible sanctions open to the Panel in the event of a finding of impairment;

f. inform the Registrant of the Panel's power to proceed in the absence of the Registrant, or the Registrant's representative, at the hearing;

g. invite the Registrant to state whether the Registrant will be attending the hearing.

3.2 The hearing will not be fixed for any date earlier than **42 days** from the day after the service of the Notice of Hearing, except with the agreement of the Registrant.

3.3 The clerk to the Panel may send with the Notice of Hearing:

a. a copy of these Procedures; and

b. any reports, written statements or other documents which the Panel will have before it.

4 Postponement of the hearing

4.1 Where either Party wishes the hearing to be postponed, such application will be made in writing to the Chair of the Panel.

4.2 The Party making such application will serve a copy of the application on the other Party, together with any supporting documentation.

4.3 The Party served with the application may submit a written response to the Chair of the Panel.

4.4 The application will be considered by the Chair of the Panel who will determine the application, taking into account:

a. the submissions of both Parties;

b. any likely prejudice to either Party;

c. the public interest in the prompt disposal of the case.

4.5 In the event that the application for postponement is granted, or the matter has to be re-scheduled for some other reason, the clerk to the Panel will inform the Parties and the Complainant of the new hearing date as soon as possible.

5 Notice to complainant and interested third parties

5.1 The clerk to the Panel will send a copy of the Notice of Hearing to the Complainant and to any interested third party.

6 Disclosure of case and service of documents

6.1 With the Notice of Hearing, and no later than **42 days** before the hearing, CNHC will serve on the Registrant and the clerk to the Panel copies of all the documents and reports it intends to rely on.

6.2 No later than 14 days before the date of the hearing, the Registrant will:

a. advise CNHC which, if any, of the evidence served by CNHC they agree; and/or

b. serve on CNHC and upon the clerk to the Panel, copies of all documents and reports upon which they intend to rely.

6.3 The Parties will make arrangements for original documents to be inspected no later than seven days before the date of the hearing.

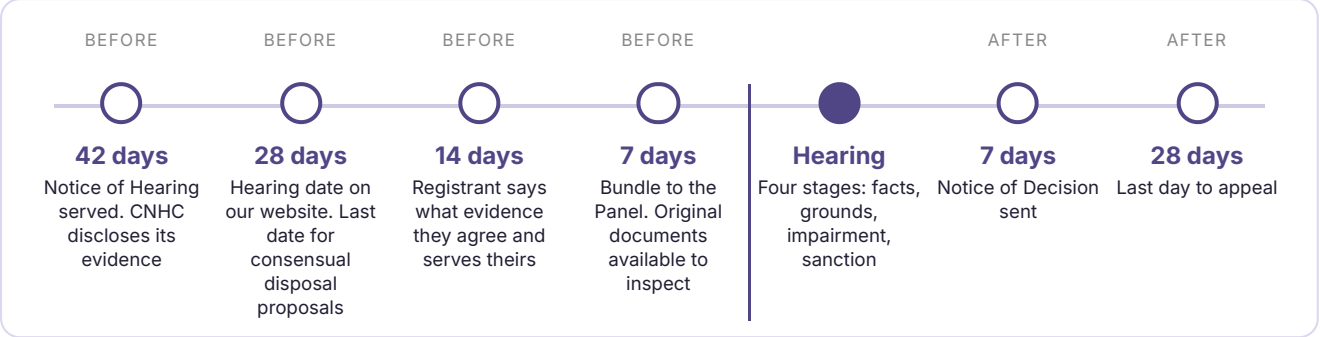
6.4 Upon receipt of the Registrant's case, the Presenter will consider whether there are any further documents in CNHC's possession which may assist the Registrant, and will serve copies of such documents, if any, on the Registrant and on the clerk to the Panel.

6.5 No later than seven days before the hearing, the clerk to the Panel will send the Panel copies of:

a. the Notice of Hearing;

b. any documents or reports provided by the Parties (whether agreed or otherwise).

PREPARING FOR A HEARING (PARAGRAPHS 3 AND 6)



7 Procedure at the hearing

7.1 Subject to the requirements of a fair hearing, the Panel may decide its own procedures generally and may issue directions with regard to the just and prompt determination of the proceedings.

7.2 If at any time during the hearing it appears to the Panel that the alleged impairment has been caused by, or substantially contributed to, by the Registrant's physical or mental ill health, the Panel may adjourn the hearing and refer the case to a Health Panel.

7.3 The hearing will be conducted in four stages as follows:

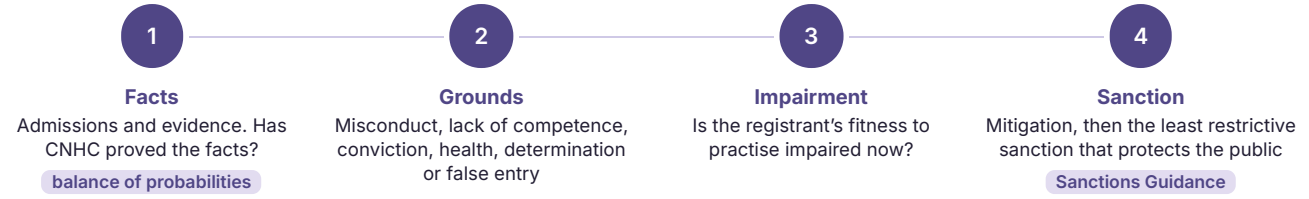
a. preliminaries and findings of fact;

b. findings regarding misconduct, lack of competence, conviction or caution, relevant determination, ill health or false entry;

c. impairment;

d. mitigation and sanction.

THE FOUR STAGES OF A HEARING (PARAGRAPH 7.3)



8 Private hearings before Conduct and Competence Panels

8.1 The hearing will be held in private.

8.2 For the purpose of arriving at any decision in relation to the hearing, the Panel will deliberate in the absence of the parties. However, the Panel will announce any decision in the presence of the parties.

9 Representation and entitlement to be heard

9.1 The Presenter and the Registrant will be entitled to be heard by the Panel.

9.2 The Registrant may be represented by a:

- **a.** barrister;
- **b.** solicitor;
- **c.** representative from the Registrant's Professional Body;
- **d.** representative from the Registrant's Trade Union.

9.3 Where the Registrant is acting in person, they may be accompanied and advised by some other representative (not listed in 9.2 above) but such representative will not be entitled to address the Panel without permission, nor may they be called as a witness at the hearing.

9.4 The Panel may exclude from the whole or part of the hearing any person whose conduct, in the opinion of the Panel, has disrupted or is likely to disrupt the hearing

9.5 Whilst the Panel has no power to compel a witness to attend and give evidence, in exercising its function under paragraph 7.3 above, the Panel may request that the Complainant attend and give evidence where the Parties have not called the Complainant to so do.

9.6 Where the Complainant is to give evidence, the Complainant will not be allowed to attend or watch the proceedings until after they have completed giving evidence to the Panel and been formally released by the Chair of the Panel.

9.7 Where the Complainant has been called as a witness, the Parties will have the opportunity to question the Complainant.

10 Evidence

10.1 Subject to the advice of the Legal Adviser if appointed, the requirements of a fair hearing, and of relevance, the Panel may:

- **a.** admit evidence whether or not it would be admissible in a Court of Law;
- **b.** exclude evidence in order to ensure fairness to the Registrant and between the Parties.

10.2 The Panel may receive oral, documentary or other evidence of any fact or matter which appears to it to be relevant to its consideration of the case.

10.3 Whilst the Panel has no power to compel the attendance of witnesses or the production of documents, it may of its own volition, request the Parties to provide documentation or request any person to give oral evidence, which it considers might assist it in its decision making under paragraph 7.3 above.

10.4 The Panel may admit evidence adduced by a Party notwithstanding that such evidence has not been disclosed to the other side in advance of the hearing:

- **a.** if the Parties consent; or
- **b.** where, after consultation (including with the Legal Adviser if appointed), it is satisfied that:
  - **i.** the admission of such evidence is necessary to ensure the fairness of the proceedings and outweighs any prejudice to the Party which has not previously seen such evidence; and
  - **ii.** there is a good reason why such evidence was not previously disclosed.

10.5 The findings of fact and certification of conviction of any UK Criminal Court or the findings of a Judge in any UK Civil Court will be conclusive proof of the conviction or finding and the underlying facts.

10.6 Any relevant determination and findings of fact by any United Kingdom statutory regulator or an equivalent regulator outside the United Kingdom will be conclusive proof of the determination and the underlying facts.

11 Burden and standard of proof

11.1 The burden of proving the facts alleged in the Formal Allegation will rest upon CNHC.

11.2 The standard of proof will be on the balance of probabilities.

12 Adjournment of the hearing

12.1 Subject to the requirements of a fair hearing and after hearing representations from the Parties, the Panel may, at any stage of the hearing, adjourn the proceedings.

12.2 Where the hearing has been adjourned, the clerk to the Panel will, as soon as practicable, tell the Parties, the Complainant and any Interested Third Parties the date and time fixed for the hearing to resume.

13 Attendance at the hearing

13.1 Where the Registrant fails to attend and is not represented at the hearing, the Chair of the Panel will:

- **a.** require evidence that the Registrant has been served with the Notice of Hearing in accordance with these Procedures and that reasonable efforts have been made to inform the Registrant of the hearing; and
- **b.** inquire whether any reasons for the Registrant's non-attendance have been communicated to the clerk to the Panel or to CNHC.

13.2 Where the Panel is satisfied that the Notice has been duly served on the Registrant, and that reasonable efforts have been made to inform the Registrant of the hearing it may:

a. hear and determine the case in the absence of the Registrant; or

b. adjourn the hearing and give directions.

14 Introduction of Panel and reading of the formal allegation

14.1 At the opening of the hearing, the Chair of the Panel will introduce the members of the Panel and the Parties.

14.2 The Chair of the Panel will ask the Registrant to confirm their name and registration number.

14.3 The Presenter will then read out the Formal Allegation against the Registrant.

15 Amendment of the formal allegation

15.1 Subject to the requirements of a fair hearing, the Panel may amend the Formal Allegation at any stage prior to the finding of impairment.

15.2 The Panel will first hear representations from the Parties, and take advice from the Legal Adviser if appointed, before deciding whether or not the Formal Allegation should be amended.

16 Admissions

16.1 After the Formal Allegation has been read, the Chair of the Panel will ask the Registrant whether any facts or convictions, cautions, relevant determinations, health issues or false entries (hereinafter "relevant facts") alleged in the Formal Allegation are admitted and whether there is an agreed statement of facts.

16.2 Where any relevant facts are admitted, the Chair of the Panel will announce that such relevant facts have been found proved.

17 Presentation of CNHC's case

17.1 Where no admissions are made, or some relevant facts remain disputed, the Presenter will present the case against the Registrant to the Panel, make an opening submission and adduce evidence in support of those relevant facts which are not admitted.

18 Witnesses

18.1 Witnesses will be examined by the Party calling them and may then be cross-examined by the opposing Party. The Party calling the witness may then re-examine the witness.

18.2 Witnesses may then be questioned by the Panel (or by the Legal, Medical or Registrant Adviser, if appointed, with the leave of the Chair of the Panel).

18.3 The Parties may then question the witnesses on matters arising out of the Panel's questions. The Party calling the witness will question the witness last.

18.4 Any further questioning of witnesses will be at the discretion of the Panel.

18.5 Witnesses will not be allowed to attend or watch the proceedings until after they have completed giving evidence to the Panel and been formally released by the Chair of the Panel.

19 Registrant's evidence

19.1 At the end of the evidence presented by the Presenter, the Registrant may adduce evidence and witnesses in their support.

20 Closing Submissions

20.1 The Presenter and then the Registrant may make closing submissions to the Panel.

21 Findings

21.1 The Panel will then consider in private

a. whether the relevant facts in the Formal Allegation have been proved on the balance of probabilities;

b. if the Formal Allegation is one of misconduct or a lack of competence whether, on the facts found proved, the Registrant has committed misconduct or lacks competence;

c. in all cases, whether the Registrant's fitness to practise is impaired.

21.2 In deciding upon the issues in 21.1b and 21.1c above, the Panel will have regard to the Code of Conduct, Ethics and Performance issued by CNHC.

21.3 The Panel will announce its findings in the presence of the Parties and give reasons for its findings.

21.4 If no relevant facts have been proved or (where appropriate) there is no finding of misconduct or lack of competence, or there is no finding that the Registrant's fitness to practise is impaired, the Formal Allegation will be dismissed.

22 Mitigation

22.1 Where the Panel finds that the Registrant's fitness to practise is impaired, the Presenter will provide the Panel with details of the Registrant's previous disciplinary record with CNHC, if any, and may adduce evidence and make submissions in relation to the appropriate sanction, if any, to be made by the Panel.

22.2 The Registrant may then address the Panel in mitigation and may adduce references and testimonials, and may call character witnesses in support.

22.3 Where character witnesses are called, they may be questioned by the Presenter and the Panel.

22.4 Where the Registrant has chosen not to attend the hearing, the Registrant may provide details of mitigation in writing, in advance, to the clerk to the Panel. The clerk to the Panel will provide such mitigation documents to the Panel at this stage.

22.5 After hearing the Registrant, the Panel will decide, in private, what sanction if any it should impose.

23 Sanctions

23.1 Upon a finding of impairment, the Conduct and Competence Panel will:

- **a.** decide to take no further action; or
- **b.** caution the Registrant and direct that a record of the Caution be placed on the Registrant's entry in the Register, for a period of up to two years; or
- **c.** issue a Restriction of Practice order, for a period of not less than one year and not more than three years; or
- **d.** make an Order suspending the Registrant's registration for a period not exceeding two years ('a Suspension Order'); or
- **e.** make an Order for removal of the Registrant's name from the Register ('a Removal Order'); and/or
- **f.** revoke any Interim Order.

23.2 Upon a finding of impairment, the Health Panel will:

- **a.** decide to take no further action; or
- **b.** caution the Registrant and direct that a record of the Caution be placed on the Registrant's entry in the Register for a period of up to two years; or
- **c.** issue a Restriction of Practice order, for a period of not less than one year and not more than three years; or
- **d.** make an Order suspending the Registrant's registration for a period not exceeding two years ('a Suspension Order'); and/or
- **e.** revoke any Interim Order; and/or
- **f.** refer the matter to the Conduct and Competence Panel to consider the question of sanction, taking into account the factors mentioned in 23.3 below.

23.3 In making the decisions in 23.1 and 23.2 above, the Panel will take into account:

- **a.** the seriousness of the Registrant's conduct;
- **b.** the protection of the public;
- **c.** the public interest in maintaining confidence in complementary healthcare;
- **d.** the issue of proportionality; and
- **e.** our Sanctions Guidance.

23.4 The Panel will announce its decision on sanctions in the presence of the Parties, and will give reasons for its decision.

23.5 A sanction takes effect **28 days** after the Notice of Decision is served on the Registrant or, if the Registrant appeals, when the appeal is decided or withdrawn. Where the Panel imposes a Restriction of Practice Order, Suspension Order or Removal Order, it may also make an Interim Order to cover that period, if it is satisfied this is necessary to protect the public, after hearing from the Parties (paragraph 29).

24 Notice of Decision

24.1 Within seven days, after the conclusion of the hearing, the clerk to the Panel will send a Notice of Decision to:

a. the Registrant;
b. CNHC;
c. the Complainant; and
d. interested third parties, if any.

24.2 The Notice of Decision will:

a. record any advice given by the Legal, Medical or Registrant Adviser if appointed;
b. set out the Panel's findings of fact, its decisions on misconduct or lack of competence (where appropriate), impairment and sanction;
c. specify the reasons for the Panel's decisions;
d. where a Suspension Order or Restriction of Practice Order has been imposed, set out the period of suspension or restriction;
e. inform the Registrant of the right of appeal;
f. inform the Registrant when any sanction will take effect, and of any Interim Order made to cover the appeal period.

25 Notes and transcript of the proceedings

25.1 A person will be appointed by CNHC to take a verbatim note of the proceedings before the Panel.

25.2 Upon application, the clerk to the Panel will send the Registrant and the Complainant a transcript of the verbatim note, of any part of the proceedings at which the Registrant or, as the case may be, the Complainant was entitled to be present.

26 Health Procedure

26.1 Subject to the following provisions, the Health Procedure will be the same as the Conduct and Competence Procedure.

26.2 The Panel will sit in private.

26.3 Subject to paragraph 26.4 below, in making any determination in relation to a Registrant, the Health Panel will consider any medical reports or other medical evidence.

26.4 The Panel will not receive medical reports or other medical evidence unless the Registrant has consented to be examined and to allow such reports and evidence to be provided to the Panel.

26.5 In determining the issue of impairment, the Panel may take into account a Registrant's refusal to be examined or to consent to reports on the Registrant's fitness to practise being provided to the Panel.

26.6 If at any time during the hearing it appears to the Panel that the alleged impairment may not have been caused, or substantially contributed to, by the Registrant's physical or mental ill health, the Panel may cease to consider the allegation following the Health Procedure and instead adjourn the hearing and refer the case to a Conduct and Competence Panel.

27 Publication of Notice of Decision

27.1 CNHC will publish the Panel's findings of fact and determination as soon as reasonably practicable, in line with Part 5 and our Publication Policy.

27.2 CNHC may also at any time provide a copy of the Panel's findings of fact and the Panel's determination, to any of the statutory regulatory bodies or interested third parties if it is in the interests of justice to so do.

28 Reviews

28.1 Where a Health Panel has imposed a Suspension Order, it will be reviewed every six months.

28.2 Where a Conduct and Competence Panel has imposed a Suspension Order, it will be reviewed before it expires.

28.3 Where a Panel has imposed a Restriction of Practice Order, it will be reviewed before it expires.

28.4 In addition to the mandatory reviews envisaged in paragraphs 28.1 – 28.3 above, a Panel may, at the request of the Registrant or CNHC, review the Order before the end of the period for which the suspension or restriction has been ordered provided that there has been a material change of circumstances since the Order was imposed.

28.5 A decision whether to grant a request for a review and the conduct of any review held in accordance with 28.1-28.4 above, will be undertaken by the Panel that imposed the Order.

28.6 The procedure at a review hearing held in accordance with 28.1 - 28.5 above will be as follows:

- **a.** the Presenter may address the Panel in relation to the relevant history of the case and make any submissions or observations in relation to the decision that the Panel have to make;
- **b.** the Registrant may address the Panel, make submissions in relation to the Order and may adduce documents and call witnesses in support.

28.7 Where the Order was imposed following the Health Procedure, the Panel may require the Registrant to provide up-to-date medical reports from a registered medical practitioner nominated by CNHC, at the Registrant's own expense.

28.8 Where the Order was imposed following the Health Procedure, the resumed hearing will be held under the Health Procedure.

28.9 The Panel may, after reviewing a Suspension Order or Restriction of Practice Order, revoke, vary or amend that Order. The Panel may also impose a further Suspension or Restriction of Practice Order, to commence upon the expiry of the existing Order.

28.10 At the conclusion of the resumed hearing, the Panel will announce its decision and the reasons for its decision, in the presence of the Parties.

28.11 Within seven days of the conclusion of the hearing, the clerk to the Panel will send a Notice of Decision, containing the reasons for the Panel's decision to:

- **a.** the Registrant;
- **b.** CNHC;
- **c.** the Complainant;
- **d.** interested third party, if any.

28.12 Save in exceptional circumstances, the Panel will not be obliged to review a Suspension Order or Restriction of Practice Order until 3 months after the date on which the Order was made.

29 Interim Orders

29.1 The Conduct and Competence Panel and the Health Panel will consider any application by CNHC for an Interim Suspension or Interim Restriction of Practice Order.

29.2 In deciding whether to impose an Interim Order, the Panel will follow the procedure in Appendix 1, paragraph 4 above.

29.3 An application for an Interim Order cannot be made by CNHC unless the Registrant had been given reasonable notice of such an application.

30 Consensual Disposal

30.1 Disposing of cases by consent is an effective way of managing cases and reduces the number of contested hearings. A Panel cannot simply agree to resolve a case by consent without having regard to its wider obligations to protect the public and maintain confidence in the Register.

30.2 CNHC will only consider proposing consensual disposal:

a. where the registrant is willing to admit the allegations in full, and

b. where the outcome proposed is consistent with the expected outcome if the case went to a contested hearing.

30.3 Disposal by consent does not affect the range of sanctions available to the Panel.

30.4 The Panel may reject a proposal for disposing of a case by consent and a full hearing will then take place before an entirely different Panel which will not be made aware of the proposal unless the registrant chooses to bring the proposal to its attention.

30.5 Proposals should normally be made at least **28 days** before the hearing. We will ask the Complainant for their views on any proposal, and the Panel will take them into account.

30.6 Our Consensual Disposal Policy sets out how proposals are made, reviewed and decided. An agreed outcome has the same effect as a decision after a contested hearing and is published in the same way.

30.7 Where the Panel would accept a proposal only with a different outcome, it will say so and give its reasons. The Registrant then has **14 days** to agree. Where the proposed change is material, CNHC will tell the Complainant and invite their views within 14 days, and the Panel will consider them before making its final decision. If the Registrant does not agree within 14 days, the proposal is treated as rejected under paragraph 30.4.

30.8 A decision made through consensual disposal is a Panel decision and is subject to the appeal provisions in Appendix 3. The Registrant's admissions and agreement to the proposed outcome will be relevant to the consideration of any appeal, but do not remove the rights provided by those provisions. This is different from an accepted outcome under Part 3, which cannot be appealed.

APPENDIX 3

Procedure of the Appeals Panel

How a Registrant, or CNHC, can appeal against a Panel or Committee decision.

ARRANGEMENT OF PARAGRAPHS

1 Interpretation
2 Time limit for Appeal
3 Notice of Hearing
4 Postponement of the hearing
5 Notice to any interested third parties
6 Disclosure of case and service of documents
7 Procedure at the hearing
8 Private hearings
9 Representation and entitlement to be heard
10 Evidence
11 The nature of the Appeal
12 Adjournment of the hearing
13 Attendance at the hearing
14 Order of Proceedings
15 Witnesses
16 Appeal against an Interim Order
17 Appeal against the Order of the Conduct and Competence Panel or Health Panel
18 Appeal against sanction
19 Appeal against an Order of the Restoration Committee
20 Notice of Decision
21 Notes and transcript of the proceedings
22 Health Procedure Appeals
23 Publication of Notice of Decision

WHO CAN CHALLENGE A DECISION, AND HOW

Review of a Case Examiner decision

For no further action, a warning or an accepted outcome (paragraph 18.1).

Who: the registrant, the complainant or CNHC.

Decided by: a member of the pool not involved in the case.

Ask within 28 days

Appeal to the Appeals Panel

For Panel findings and sanctions, Interim Orders and Restoration Committee decisions.

Who: the registrant. CNHC can appeal a sanction.

An accepted outcome cannot be appealed.

Appeal within 28 days

Reviews of orders and restoration

Suspension and Restriction of Practice Orders are reviewed before they end, or earlier if circumstances change.

A removed registrant can apply for restoration after 5 years.

Restoration Committee: Appendix 4

1 Interpretation

1.1 In this Appendix:

> **the Appeal** means means an appeal held in accordance with this Appendix.

> **The Order** means means a determination that a Registrant's fitness to practise is impaired, made by a Committee or Panel.

> **the Panel** means means the Appeals Panel, none of whom will have had any previous involvement with the case.

> **the Appellant** means means the Party that is appealing the Order or sanction.

> **the Respondent** means means the Party who is not appealing.

1.2 This Appendix does not apply to accepted outcomes, warnings or other Case Examiner decisions, which can be reviewed under Part 3, paragraph 18.

2 Time limit for Appeal

2.1 An Appeal under this Appendix must be made within 28 days from the day on which the Order or sanction was made.

2.2 Appeals must be made on an Appeals Form which will be provided by the Registrar at the request of the party which wishes to lodge an Appeal.

3 Notice of Hearing

3.1 As soon as practicable after the Appeals Form has been referred to the Panel, the clerk to the Panel will send the Appellant and the Respondent a Notice of Hearing which will

a. state the date, time and venue of the hearing;

b. specify the grounds of the Appeal;

c. inform the Parties of their respective rights to:

i. attend the hearing;

ii. make oral submissions to the Panel either in person or through a representative as set out in paragraph 9.2 below;

iii. call fresh evidence at the discretion of the Panel;

d. inform the Parties of the possible options open to the Panel in the event of an appeal being allowed or dismissed.

3.2 The hearing will not be fixed for any date earlier than 28 days from the day after the service of the Notice of Hearing except with the agreement of the Registrant.

3.3 The clerk to the Panel may send with the Notice of Hearing:

a. a copy of these Procedures; and

b. any reports, written statements or other documents which the Panel will have before it.

4 Postponement of the hearing

4.1 Where either Party wishes the hearing to be postponed, such application will be made in writing, to the Chair of the Panel.

4.2 The Party making such application will serve a copy of the application on the other Party, together with any supporting documentation.

4.3 The Party served with the application may submit a written response to the Chair of the Panel.

4.4 The application will be considered by the Chair of the Panel who will determine the application, taking into account:

a. the submissions of both Parties;

b. any likely prejudice to either Party;

c. the public interest in the prompt disposal of the case.

4.5 In the event that the application for postponement is granted, or the matter has to be re-scheduled for some other reason, the clerk to the Panel will inform the Parties of the new hearing date as soon as possible.

5 Notice to any interested third parties

5.1 The clerk to the Panel will send a copy of the Notice of Hearing to any interested third party.

6 Disclosure of case and service of documents

6.1 No later than 28 days before the date of the hearing, the Appellant will serve on the Respondent and upon the clerk to the Panel, copies of any written submissions upon which they rely and any fresh evidence (where appropriate).

6.2 No later than 14 days before the date of the hearing, the Respondent will serve on the Appellant and upon the clerk to the Panel, copies of any written submissions upon which they intend to rely and any fresh evidence (where appropriate).

6.3 If the Appellant is the Registrant, upon receipt of the Appellant's submissions, CNHC will consider whether there are any further documents in CNHC's possession which may assist the Appellant, and will serve copies of such documents, if any, on the Appellant and to the clerk to the Panel.

6.4 No later than seven days before the hearing, the clerk to the Panel will send the Panel, copies of:

a. the Appeal Form;

b. Notice of Hearing;

c. any written submissions provided by the Parties;

d. any fresh evidence upon which the Parties propose to rely;

e. all the material and written evidence that was before the previous Committee or Panel;

f. a transcript of the proceedings to which the Appeal relates;

g. a copy of the Order to which the Appeal relates.

7 Procedure at the hearing

7.1 Subject to the requirements of a fair hearing, the Panel may decide its own procedures generally and may issue directions with regard to the just and prompt determination of the proceedings.

7.2 The appeal hearing will be conducted by the Panel in 3 stages as follows:

a. subject to 10.1-10.5 below, it will consider the information provided under 6.4 above and it will hear submissions from the Parties;

b. it will make a decision on whether the Appeal is allowed or dismissed;

c. in the event that it allows the Appeal, it will make a decision on whether to vary the Order, remit the case for a re-hearing or amend or vary the sanction.

8 Private hearings

8.1 The hearing will be held in private.

8.2 For the purpose of arriving at any decision in relation to the hearing, the Panel will deliberate in the absence of the Parties. However, the Panel will announce any decision in the presence of the Parties.

9 Representation and entitlement to be heard

9.1 The Appellant and the Respondent will be entitled to be heard by the Panel.

9.2 The Registrant (whether appearing as an Appellant or Respondent) may be represented by

- **a.** a barrister;
- **b.** solicitor;
- **c.** representative from the Registrant's Professional Body;
- **d.** representative from the Registrant's Trade Union.

9.3 Where the Registrant is acting in person, they may be accompanied and advised by some other representative (not listed in 9.2), but such representative will not be entitled to address the Panel without permission and may not be entitled to be called as a witness at the hearing.

9.4 The Panel may exclude from the whole or part of the hearing, any person whose conduct, in the opinion of the Panel, has disrupted or is likely to disrupt the hearing.

10 Evidence

10.1 Subject to the advice of the Legal Adviser if appointed, the requirements of a fair hearing, and of relevance, the Panel may:

- **a.** admit evidence that was not available or not known to the Appellant at the time of the original hearing ("fresh evidence");
- **b.** exclude evidence in order to ensure fairness to the Appellant and the Respondent.

10.2 When making the decision in 10.1 above, the Panel may admit evidence adduced by a Party notwithstanding that such evidence has not been disclosed to the other side in advance of the hearing:

- **a.** if the Parties consent; or
- **b.** where, after consultation (including with the Legal Adviser if appointed), it is satisfied that:
  - **i.** the evidence is fresh evidence;
  - **ii.** the admission of such evidence is necessary to ensure the fairness of the proceedings and outweighs any prejudice to the Party which has not previously seen such evidence; and
  - **iii.** there is a good reason why such evidence was not previously disclosed.

10.3 Whilst the Panel has no power to compel a witness to attend and give evidence, in exercising its function under paragraph 11 below, the Panel may of its own volition request the Parties to provide documentation or request any person to give oral evidence which it considers might assist it in its determination of the Appeal.

10.4 The findings of fact and certification of conviction of any UK Criminal Court or the findings of a Judge in any UK Civil Court will be conclusive proof of the conviction or finding and the underlying facts.

10.5 Any relevant determination and findings of fact by any statutory regulator or any equivalent regulator outside the United Kingdom will be conclusive proof of the determination and the underlying facts.

11 The nature of the Appeal

11.1 An appeal will be limited to a review of the decision of the original Committee or Panel and consideration of any fresh evidence.

11.2 The Panel will allow an appeal:

- **a.** in cases where no fresh evidence is admitted, if they decide that the original Committee or Panel ought to have reached a different decision on the material before it;
- **b.** in cases where fresh evidence is admitted, if:
  - **i.** in the light of that evidence, the original Committee or Panel would have reached a different decision;
  - **ii.** notwithstanding that evidence, the original Panel ought to have reached a different decision on the material before it.

12 Adjournment of the hearing

12.1 Subject to the requirements of a fair hearing, and after hearing representations from the Parties, the Panel may, at any stage of hearing, adjourn the proceedings.

12.2 Where the hearing has been adjourned, the clerk to the Panel will, as soon as practicable, notify the Parties and interested third parties if any, of the time or date fixed for the hearing to be resumed.

13 Attendance at the hearing

13.1 Where the Registrant, if they are the Respondent, fails to attend and is not represented at the hearing, the Chair of the Panel will:

- **a.** require evidence that the Registrant has been served with the Notice of Hearing in accordance with these Procedures and that reasonable efforts have been made to inform them of the hearing; and
- **b.** inquire whether any reasons for the Registrant's non-attendance have been communicated to the clerk to the Panel or CNHC.

13.2 Where the Panel is satisfied that the Notice has been duly served on the Parties, and that reasonable efforts have been made to inform the Registrant of the hearing it may:

- **a.** hear and determine the case in the absence of the Appellant or Registrant if they are not the Appellant; or
- **b.** adjourn the hearing and give directions;
- **c.** dismiss the Appeal without a determination of its merits.

14 Order of Proceedings

14.1 At the opening of the hearing, the Chair of the Panel will introduce the members of the Panel and the Parties.

14.2 The Chair of the Panel will ask the Appellant, if they are the Registrant, to confirm their name and their registration number.

14.3 The clerk to the Panel will then read out the reason(s) for the Appeal (if provided) and state which Party is appealing and the nature of the decision appealed.

14.4 The Chair of the Panel will ask the Appellant to make oral submissions in support of their appeal.

14.5 Any application to adduce fresh evidence will be made and the Panel will rule in accordance with paragraphs 10.1 and 10.2 above.

14.6 At the end of the case presented by the Appellant, the Respondent may make submissions in support of their case.

14.7 The Panel will then consider in private whether the Appeal is upheld or dismissed in accordance with paragraph 11 above.

14.8 The Panel will announce its decision in the presence of the Parties and give reasons for its findings.

15 Witnesses

15.1 Should the Panel rule that fresh evidence can be admitted and that evidence involves the calling of a witness, the provisions in 15.2 -15.7 below will apply.

15.2 Witnesses will be examined by the Party calling them and may then be cross-examined by the opposing Party. The Party calling the witness may then re-examine the witness.

15.3 Witnesses may then be questioned by the Panel (or by the Legal, Medical or Registrant Adviser if appointed, with the leave of the Chair of the Panel).

15.4 The Parties may then question the witnesses on matters arising out of the Panel's questions. The Party calling the witness will question the witness last.

15.5 Any further questioning of witnesses will be at the discretion of the Panel.

15.6 Witnesses will not be allowed to attend or watch the proceedings until after they have completed giving evidence to the Panel and been formally released by the Chair of the Panel.

16 Appeal against an Interim Order

16.1 Where the Registrant is appealing against an Interim Order, the Panel must consider the Appeal in accordance with paragraph 11 above and must:

- **a.** allow the Appeal and remit the matter to the Conduct and Competence Panel, the Health Panel or the Investigating Committee (whichever made the decision) for a re-hearing; or
- **b.** allow the Appeal and amend, vary or revoke the Interim Order imposed; or
- **c.** allow the Appeal and, if an Interim Suspension Order was imposed, impose an Interim Restrictions of Practice Order instead; or

d. dismiss the Appeal, in which case, the Interim Order will continue.

17 Appeal against the Order of the Conduct and Competence Panel or Health Panel

17.1 Where the Registrant is appealing against the Order of the Conduct and Competence Panel or Health Panel, the Panel must determine the Appeal in accordance with paragraph 11 above and must:

a. allow the Appeal; or

b. dismiss the Appeal

17.2 If the Panel allow the Appeal they must either:

a. quash the Order and dismiss the Formal Allegation(s);

b. quash the Order and substitute any decision that the original Panel could have made; or

c. remit the matter to the original Panel for a re-hearing.

17.3 Where a Registrant appeals the Order and the sanction made by the Conduct and Competence Panel or Health Panel, the Panel will:

a. consider the Appeal against the Order first;

b. consider the Appeal against the sanction thereafter.

17.4 In considering the Appeal against the sanction, the Panel will proceed in accordance with paragraph 18 below.

18 Appeal against sanction

18.1 Where the Appeal relates to the imposition of a sanction, the Panel must consider the Appeal in accordance with paragraph 11 above and must:

a. allow the Appeal; or

b. dismiss the Appeal.

18.2 The powers of the Panel in an appeal against sanction are as follows:

a. they may revoke, amend, vary or extend the sanction imposed; or

b. remit the matter to the original Panel for a re-consideration.

18.3 In deciding upon the issue of the sanction, the Panel will have regard to the Code of Conduct, Ethics and Performance issued by CNHC and the Standards of Proficiency.

18.4 The sanctions available to the Panel are those that were available to the Panel at the original hearing.

19 Appeal against an Order of the Restoration Committee

19.1 Where the Registrant is appealing against the Order of the Restoration Committee, the Panel must determine the Appeal in accordance with paragraph 11 above and must:

a. allow the Appeal and restore the Registrant to the register; or

b. allow the Appeal and vary, amend or remove the Conditions of Registration imposed;

c. dismiss the Appeal.

19.2 In making this decision, the Panel will have regard to the provisions of Appendix 4, paragraph 7.

20 Notice of Decision

20.1 Within seven days, after the conclusion of the hearing, the clerk to the Panel will send a Notice of Decision to:

a. the Appellant and the Respondent;

b. the Complainant; and

c. interested third parties, if any.

20.2 The Notice of Decision will:

a. record any advice given by the Legal, Medical or Registrant Adviser, if appointed;

b. set out the Panel's decision on the Appeal;

c. specify the reasons for the Panel's decision;

d. where an Order has been imposed, set out the nature of the Order;

e. inform the Registrant that any further sanction imposed by the Panel took effect from the date on which it was made.

21 Notes and transcript of the proceedings

21.1 A person will be appointed by CNHC to take a verbatim note of the proceedings before the Panel.

21.2 Upon application, the clerk to the Panel will send the Registrant a transcript of the verbatim note, of any part of the proceedings at which the Registrant was entitled to be present.

22 Health Procedure Appeals

22.1 If the Order or sanction appealed was made by the Health Panel, subject to the following provisions, the procedure adopted by the Appeal Panel will be the same as the Conduct and Competence Procedure.

22.2 The Panel will sit in private.

22.3 In determining the issues in relation to the Appeal, the Panel may take into account a Registrant's refusal to be examined or to consent to reports on the Registrant's fitness to practise being provided to the Panel.

23 Publication of Notice of Decision

23.1 CNHC will publish the Panel's determination, by such means as it considers appropriate, as soon as is reasonably practicable following any such determination.

23.2 CNHC may also at any time provide a copy of the Panel's determination, to any of the statutory regulatory bodies or interested third parties if it is in the interests of justice to so do.

APPENDIX 4

Procedure of the Restoration Committee

How a removed practitioner can apply to return to the Register.

ARRANGEMENT OF PARAGRAPHS

1 Interpretation
2 Documents to be provided to CNHC
3 Documents to be provided to the Applicant
4 Notice of Restoration Hearing
5 Documents to be provided to the Committee
6 Procedure at a restoration hearing
7 Decision of the Committee
8 Notice of Decision
9 Time limits for application
10 Barring Order
11 Review of conditions imposed by the Committee
12 Notice of Review Hearing

1 Interpretation

1.1 In this Appendix:

> **Applicant** means means a former Registrant applying for restoration to the Register, following a Removal Order imposed by a Conduct and Competence Panel.

> **the Committee** means means the Restoration Committee.

> **Registration Conditions** means are any conditions imposed by the Restoration Committee on a Registrant's registration following a successful restoration application.

1.2 An application for restoration will be deemed to be an initial application for registration and should comply with the provisions of CNHC's Registration criteria.

2 Documents to be provided to CNHC

2.1 In addition to the documents specified for an application for admission to the Register, the Applicant may send to CNHC any report, statement or other document which, in the Applicant's opinion, supports the application for restoration.

3 Documents to be provided to the Applicant

3.1 As soon as practicable after receipt of a completed application for restoration to the Register, the clerk to the Committee will send the Applicant notice of the hearing, including:

a. a copy of the transcript of the Conduct and Competence Panel hearing at which the Order for removal from the Register was made;

b. a copy of the decision and Order made by the Conduct and Competence Panel that made the Removal Order;

c. any documents to be relied on by CNHC; and

d. a copy of these Procedures.

4 Notice of Restoration Hearing

4.1 The notice of the hearing will:

a. state the date, time and venue of the hearing;

b. inform the Applicant of the right to attend the hearing and make oral submissions to the Committee or to be represented by a:

i. solicitor;

ii. barrister;

iii. representative from the Applicant's Professional Body;

iv. representative from the Applicant's Trade Union.

4.2 Where the Applicant is acting in person, they may be accompanied and advised by another person, but that person will not be entitled to address the Committee without permission.

4.3 The hearing will not be fixed for any date earlier than 28 days from the day after the service of the notice of the hearing, except with the agreement of the Applicant.

4.4 A copy of the Notice of Restoration Hearing will be provided to CNHC by the clerk to the Committee.

5 Documents to be provided to the Committee

5.1 No less than seven days before the hearing, the clerk to the Committee will send to the Committee, copies of:

a. the Notice of Restoration Hearing;

b. the application for restoration and any documents provided by the Applicant in support of the application;

c. a copy of the decision and Order made by the Conduct and Competence Panel that made the Removal Order;

d. any documents relied on by CNHC.

6 Procedure at a restoration hearing

6.1 Proceedings of the Committee will be held in private.

6.2 The Presenter will outline the history of the Registrant's case and the circumstances in which the Order for removal of the Registrant's registration was made.

6.3 The Presenter may adduce to the Committee any documents which were exhibited to the Conduct and Competence Panel which made the Removal Order and any documents which have since come into the possession of CNHC and which relate to the Applicant's good character, conduct, competence or health and may call witnesses to give evidence on these issues.

6.4 The Applicant or the Applicant's representative may then address the Committee as to the reasons why an Order for restoration should be made.

6.5 The Applicant may adduce evidence and call witnesses in support of the application for restoration.

6.6 Witnesses will be examined by the Party calling them, and may be questioned by the other Party, by the Committee, and by the Legal, Medical or Registrant Adviser if appointed.

7 Decision of the Committee

7.1 The Committee will determine an application for restoration in two stages.

7.2 The Committee will first consider whether the Applicant should be restored to the Register, having regard to:

- **a.** the reasons why the Applicant was removed from the Register;
- **b.** evidence as to the Applicant's current good character, competence or health;
- **c.** evidence as to the Applicant's conduct since removal from the Register;
- **d.** the protection of the public; and
- **e.** the public interest in maintaining confidence in complementary healthcare.

7.3 Where the Committee is minded to restore an Applicant's registration, it will then consider whether the Applicant's registration should be made subject to conditions ("Registration Conditions") for a specified period not exceeding three years.

7.4 Where the Committee is minded to impose Registration Conditions on the Applicant's registration, it will invite specific representations from the Applicant before making its decision.

7.5 In deciding whether to restore an Applicant's registration, and if so, whether an Applicant's registration should be made subject to Registration Conditions, the Committee will take into account the principle of proportionality.

7.6 The Committee will give reasons for its decision.

8 Notice of Decision

8.1 Within seven days of the conclusion of the proceedings, the clerk to the Committee will send a Notice of Decision to the Applicant and to CNHC

8.2 The Notice of Decision will:

- **a.** record any advice given by the Legal, Medical or Registrant Adviser if appointed;
- **b.** set out the Committee's decision;
- **c.** specify the reasons for the Committee's decision;
- **d.** clearly set out any Registration Conditions imposed on the Applicant's registration;
- **e.** set out the Applicant's right of appeal.

9 Time limits for application

9.1 No application for restoration to the Register under this rule will be made to the Committee:

- **a.** within five years from the date of removal; or
- **b.** in any period of 12 months in which an application for restoration has already been made by or on behalf of the person who has been removed.

10 Barring Order

10.1 Where an Applicant has made a previous unsuccessful application for restoration and the Committee have refused the current application for restoration, the Committee may Order that the Applicant's right to make any further restoration applications be suspended indefinitely ('a Barring Order').

10.2 The Committee will not make a Barring Order until it has heard representations on this issue from the Applicant.

10.3 In deciding whether or not to make a Barring Order, the Committee will take into account the principle of proportionality.

10.4 Where a Barring Order has been made, the Applicant may apply to the Committee, in writing, for permission to make any further applications for restoration and the Committee will grant such an application if the Applicant provides evidence to the Committee demonstrating that there has been a change in the circumstances which led to the decision to remove the Applicant from the Register such that the Committee, acting reasonably, should consider the application for restoration.

11 Review of conditions imposed by the Committee

11.1 Where Registration Conditions have been imposed on a Registrant's registration:

- **a.** they will be reviewed before they expire; and
- **b.** subject to 11.2 and 11.3 CNHC or any person in respect of whom the Conditions were made may request a review at any other time.

11.2 The Committee will not review any Registration Conditions before they are due to expire unless there has been a material change of circumstances since they were imposed.

11.3 A decision whether to grant a request for a review and the conduct of a review will be undertaken by the Restoration Committee.

11.4 The procedure at a review hearing held in accordance with 11.1 above will be as follows:

- **a.** the Presenter will outline the facts of the case and the circumstances in which the Registration Conditions were imposed;
- **b.** the Registrant or CNHC, may then make submissions as to why the Registration Conditions should be revoked, varied or amended and may adduce documents and call witnesses in support.

11.5 Where the Registration Conditions were imposed following the Health Procedure, the Committee may require the Registrant to provide up-to-date medical reports from a registered medical practitioner nominated by CNHC, at the Registrant's own expense.

11.6 Where the Registration Conditions were imposed following the Health Procedure, the review hearing will be held under the Health Procedure.

11.7 The Committee may, after reviewing the Registration Conditions, revoke, vary or amend them. It may also impose further Registration Conditions to begin when the existing ones expire.

11.8 The powers of the Committee at a review are the same as those it had when it imposed the Registration Conditions.

11.9 At the end of the review hearing, the Committee will announce its decision and the reasons for it, in the presence of the Parties.

11.10 Within seven days of the end of the hearing, the clerk to the Committee will send a Notice of Decision, with the reasons for the Committee's decision, to:

a. the Registrant;
b. CNHC;
c. the Complainant;
d. interested third party, if any.

12 Notice of Review Hearing

12.1 As soon as practicable after the Registrant or CNHC has asked for a review of the Registration Conditions, or a review becomes necessary under 11.1a, the clerk to the Committee will send the Registrant and CNHC a Notice of Review which will:

a. inform the Registrant of the right to attend the hearing;
b. state the date, time and venue of the hearing;
c. specify the grounds of the review (if applicable);
d. provide the Registrant with:
    i. the notice of decision made by the Panel that made the Removal Order;
    ii. the notice of decision made by the Panel that made the Registration Conditions;
    iii. a copy of the transcript of the hearing of the Panel that made the Removal Order;
    iv. a copy of the transcript of the hearing of the Committee that made the Restoration Conditions;
e. inform the Registrant of the right to give evidence in person, to call witnesses and to cross-examine any witnesses called by CNHC;
f. inform the Registrant of the right to make oral submissions to the Committee in person or to be represented by a:
    i. solicitor;
    ii. barrister;
    iii. representative from the Registrant's Professional Body or;
    iv. representative from the Registrant's Trade Union;
g. request confirmation as to whether the Registrant intends to:
    i. attend the hearing;
    ii. be represented at the hearing;
h. inform the Registrant that if acting in person, they may be accompanied and advised by some other representative (not listed in (f) above) and that such representative will not be entitled to address the Committee without permission, nor may they be called as a witness at the hearing.

12.2 The hearing will not be fixed for any date earlier than 28 days from the day after the service of the Notice of Review Hearing except with the agreement of the Registrant.

12.3 The clerk to the Committee may send with the Notice of Review Hearing:

a. a copy of these Procedures; and
b. any reports, written statements or other documents which the Committee will have before it.

APPENDIX 5

Criteria and process for informal resolution

A summary of the Informal Resolution Framework, which sets out the full process.

1 When informal resolution can be used

1.1 Informal resolution is for Complaints that do not raise a risk to the public and can be resolved through explanation, apology, learning or corrective action. Our Informal Resolution Framework sets out the process in full.

1.2 A Complaint is **not suitable** for informal resolution where it involves:

Generally suitable	Not suitable
Communication concerns, or delays in responding to clients	Serious harm, or a risk of harm, to a client
Administrative errors	Safeguarding concerns
Record-keeping concerns that do not present a safety risk	Sexual misconduct, abuse of trust or boundary violations, or predatory or manipulative behaviour
Website or advertising concerns	Dishonesty, fraud or other criminal acts
Dissatisfaction arising from a misunderstanding	Lapses in professional competence, or other serious breaches of the Code
Isolated concerns where learning can be shown	Findings by a statutory regulator
	Serious concerns about the Registrant's health, or alcohol or substance misuse
	A pattern of complaints, including more than two similar complaints resolved informally

2 How it works

2.1 Where the Complaint is made by a client of the Registrant, or someone acting for a client, we will ask for the Complainant's agreement before offering informal resolution to the Registrant. Where the Complainant is another practitioner or a member of the public with no personal experience of the Registrant, we do not need their agreement, and they cannot ask for this decision to be reviewed.

2.2 An Early Resolution Officer will work with both parties. Resolution may include further information or explanation from the Registrant, an apology, corrective action such as changing website content or completing CPD, or a facilitated discussion. An apology is not an admission of misconduct.

2.3 We normally expect informal resolution to be completed within **four weeks** of both parties agreeing to it. We will record what was agreed and may ask for evidence that any corrective action has been completed.

2.4 If the Complainant or the Registrant does not agree to informal resolution, if it is not successful, or if information emerges that changes the nature of the Complaint, we will investigate it under paragraph 15.

INFORMAL RESOLUTION: STEP BY STEP



NOTE 1

The realistic prospect test

The test Case Examiners and the Investigating Committee apply when deciding whether a case should go further.

1 The test

1.1 When the Case Examiners, or the Investigating Committee, consider a Complaint, they must decide whether there is a **realistic prospect** that CNHC will be able to establish that the Registrant's fitness to practise is impaired.

1.2 The test is widely used because it is easy to understand and apply. In *Swain v Hillman* [2001], Lord Woolf said that the word "real" distinguishes fanciful prospects of success: the question is whether there is a "realistic" as opposed to a "fanciful" prospect.

1.3 The test applies to the whole allegation, that is:

a. the facts set out in the allegation;

b. whether those facts would amount to the ground of the allegation, for example misconduct or lack of competence; and

c. as a result, whether the Registrant's fitness to practise is impaired.

2 Applying the test

2.1 In most cases the evidence will relate to the facts. It will be rare for separate evidence to be provided on the ground or on impairment, and these will largely be a matter of inference. For example, the evidence may suggest that the care provided fell below the standard expected of a reasonably competent practitioner, or that the Registrant's actions would be misconduct when judged against the standards of the profession. In reaching their decision, the Case Examiners should have regard to the Code and our Standards of Proficiency.

2.2 The test does not require a detailed inquiry. The Case Examiners only need to be satisfied that there is a realistic, as opposed to a remote or fanciful, prospect that CNHC will be able to establish its case. They:

a. must recognise that they are carrying out a limited exercise on the papers, and should not make findings of fact on the substantive issues; and

b. may assess the overall weight of the evidence, but should not try to resolve substantial conflicts of evidence. These can only be properly assessed at a hearing, where CNHC must prove its case.

2.3 Registrants do not have to provide evidence, but many will, and any evidence provided must be considered. The Case Examiners may decide that the matter cannot be resolved on the papers because there is a conflict of evidence that needs to be tested at a hearing.

2.4 A decision that there is no realistic prospect should only be made where there is no realistic prospect of CNHC proving its case, for example because there is not enough evidence to support the allegation, or the evidence is clearly unreliable or discredited. In all other cases, there is a realistic prospect.

2.5 An accepted outcome under paragraph 17 can only be proposed where the realistic prospect test is met. It is not a way of concluding cases where the evidence is weak.

2.6 The Case Examiner Guidance lists the kinds of concern where the Case Examiners should normally find a realistic prospect, such as harm or risk of harm, sexual misconduct, dishonesty and exploitation of a vulnerable person. Minor or isolated lapses will not usually meet the test. The Case Examiners must apply the test objectively to the evidence. Where important evidence is missing, they should ask for it before deciding. A cautious approach is appropriate, but it operates within the test: uncertainty on its own does not justify referral. Where the evidence is capable of supporting the allegation and the remaining conflicts can only be resolved by testing the evidence at a hearing, that points to a realistic prospect. The Case Examiners must explain why, on the evidence, the prospect is realistic rather than remote or fanciful, or why it is not.

Document control

Version	2
Status	Live from November 2026
Replaces	Detailed Procedures for Dealing with Complaints, 2017 (as updated).
Owner	Head of Operations and Governance
Approved by	The Head of Operations and Governance and the Chief Executive (shared with the Board for information). Changes to Part 3 are notified to the Professional Standards Authority.
Classification	Public
Date approved	October 2026
Effective from	November 2026
Next review	October 2028, or sooner if the PSA's Standards or guidance change

Questions about this document: email **complaints@cnhc.org.uk** (our main contact method) or telephone 020 3327 2720.