
Council resolutions outside of meeting

Executive Summary

Council Standing Order 19 allows for the Council to pass resolutions outside of a meeting. This paper notes any such resolutions made by the Council since its last meeting (1 July 2021) these are:

1. Amendment of the HCPC FtP Publication Policy
2. Approval of a new Practice Note which covers allegations relating to registrants' state of mind in FtP cases.

The relevant supporting documents provided to members when proposing the resolution are appended.

Previous consideration	Considered by Council by correspondence
Decision	To note. The Council passed the resolutions by correspondence.
Next steps	Implementation of the revised Publication Policy and Practice Note has taken place.
Strategic priority	Priority 5 - Build a resilient, healthy, capable and sustainable organisation
Financial and resource implications	None as a result of these decisions.
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Council resolutions without meeting

Council Standing Order 19 allows for the Council to pass resolutions outside of a meeting. For a resolution to be valid the following conditions must be met:

- the Chairs consent must be given to circulate the resolution; and
- at least three quarters of the Council must state their agreement to pass the resolution.

Resolutions passed without meeting are recorded by the Secretary to Council and must be reported at the next meeting of the Council.

Requested by	Laura Coffey, Head of FtP
Resolution	
<p>The Council are asked to amend the FtP Publication Policy to remove paragraph 31 which relates to the issuing of press releases.</p> <p>Press releases are no longer issued, however signposting is provided to fulfil the HCPC's legislative obligation to publish hearing decisions and the reasons for them</p>	
Date passed	

Amendment to the FTP publication policy

Executive Summary

The attached marked up document shows the proposed amendments to the FTP Publication Policy. The reason for this proposed change is that our Communications Department no longer issue press releases to the media or on the HCPTS website and therefore the changes relate to the removal of paragraph 31 ‘Press releases’ as this is no longer applicable.

Formerly, the HCPC issued the press release ‘HCPTS Hearings Digest’, which contained information on hearings where registrants have been suspended or struck off, and the ‘Media schedule of FTP hearings’ which provided an update on upcoming final hearings for the week ahead. These are no longer issued to relevant media or published on the HCPC and HCPTS websites. This is because the information is already on the HCPTS website and we wanted to avoid unnecessary duplication and use of resources.

We continue to fulfil our legislative obligation to publish hearing decisions and the reasons for them, and now signpost journalists to this information via the HCPTS homepage, ‘FAQs for journalists’ page and the ‘Media enquiries for FTP hearings’ section of the HCPC website. A summary of all HCPTS hearings is published a week in advance on the upcoming hearings page on the HCPTS website. Press are provided with contact information for the HCPC press office if they require any further information.

Previous consideration	N/A
Decision	Council is asked to approve the suggested amendments to the FTP Publication Policy
Next steps	If Council approve the policy the revised version will be uploaded to the HCPTS website
Strategic priority	The Policy aligns with the following strategic priorities: <ol style="list-style-type: none"> 1. Continuously improve and innovate 2. Develop insight and exert influence 3. Promoting the value of regulation
Risk	Strategic risk 1-2 Regulatory quality – open; Communication and profile – seeks; Financial and value for money – measured.
	Risk appetite consideration:

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- Regulatory quality - It is **essential** that mitigations to ensure ongoing public protection are in place as a foundation of taking risks to improve our regulatory quality.
 - Communication and profile - We are eager to be innovative in content and method in order to communicate more effectively, despite greater inherent risk.
 - Financial and value for money - Value for money is our primary concern in financial expenditure but we are willing to consider other benefits or constraints.

Financial and
resource
implications

None

Author

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Publication Policy: Fitness to Practise Proceedings

Introduction

1. The Health and Care Professions Council (**HCPC**) and its adjudication service, the Health and Care Professions Tribunal Service (the **Tribunal**)¹, seek to perform their functions in an open, transparent and proportionate manner. The circumstances and outcome of fitness to practise (**FTP**) proceedings are matters of legitimate public interest and most FTP decisions is published on the Tribunal's website and included in the online register on the HCPC website.
2. Article 22(9) of the Health Professions Order 2001 (the **Order**) imposes a statutory duty on the HCPC to publish particulars of certain orders and decisions made by the Tribunal. That Article also gives the HCPC discretion to disclose any information about a person's fitness to practise where it considers that disclosure is in the public interest. The General Data Protection Regulation 2018 and the Freedom of Information Act 2000 also impose specific duties on the HCPC (including the Tribunal) in respect of the disclosure of information.
3. The publication of FTP decisions provides valuable information about the standards expected of registrants, assists service users to make informed choices and helps to maintain public confidence in the professions. It is consistent with the HCPC's statutory function of setting and maintaining standards for those professions, with the over-arching objective of protecting the public. However a balance must be struck. Whilst the publication of FTP decisions will generally be in the public interest, the HCPC must take account of the rights of registrants and others involved in proceedings and the risk of harm that may arise from the disclosure or non-disclosure of information.
4. What is published must be accurate, relevant and proportionate. Furthermore, the level of detail published and the length of time it remains publicly available must be proportionate, striking a reasonable balance between the public interest and fairness to all participants involved in the process. For that reason, FTP decisions that are published on the HCPC or Tribunal websites will normally be removed from the website within the timescales set out below. The published versions of FTP decisions are also likely to be redacted or contain anonymised information. For example, witnesses are normally not identified by name in FTP decisions.

Fitness to Practise Allegations

¹ The Health and Care Professions Tribunal is the collective name for the HCPC Practice Committees. The Tribunal is part of, but operates at arm's length from, the HCPC.

5. If an Investigating Panel determines that there is a 'case to answer'² in relation to an allegation, the HCPC will issue a notice of allegation to the registrant concerned.
6. The HCPC does not publish the details of allegations at the 'case to answer' stage but, in order to give public notice of forthcoming hearings, the Tribunal will publish allegations on its website 28 days before the date on which the hearing is due to take place. The website listing will include the date, time and venue of the hearing.
7. Sometimes it may be necessary for an allegation to be amended after it has been referred for hearing. Any amendment would need to be approved by the Panel hearing the case and, if that approval is not given until the day of the hearing, the allegation published on the Tribunal website will be the original, rather than the amended, allegation.
8. In order to ensure that an allegation is sufficiently specific, it is often necessary to include information about the registrant's interaction with service users. In such cases, the published allegation will be anonymised so that the identity of service users is not disclosed. Allegations may also be redacted to remove the identity of complainants, colleagues or other parties involved in the case.

Concluded cases

9. In cases where a registrant's fitness to practise is found to be impaired, the Panel's decision and any sanction it imposed will be published on the Tribunal website once the proceedings have concluded. That decision will provide details of the background to the case, the evidence that was heard, any order which the Panel made and the reasons for its decision.
10. If a Panel decides that an allegation is not well founded, the outcome will not be published on the Tribunal website unless the registrant concerned requests that the information is published. In the absence of such a request, any information about the hearing on the Tribunal website will be removed from that website once the proceedings have concluded.
11. In cases where the Panel finds fitness to practise is impaired but decides to take no further action, the decision will remain on the Tribunal website for one year from the date that the decision takes effect.
12. In cases where the Panel imposes a caution, the published decision will remain on the Tribunal website for one year from the date that the order takes effect, regardless of the length of the caution period. However, if the caution is for more than one year, details of the caution will remain available as part of the online register on the HCPC website for the duration of the sanction (see below).
13. In cases where a conditions of practice order or suspension order are imposed, the published decision will remain on the Tribunal website for so long as the order

² for more information please see the HCPTS Practice Note on case to answer determinations

has effect. Where such an order is reviewed and extended (or varied or replaced with another conditions of practice order or suspension order), the original decision and any subsequent review decisions will be published on the Tribunal website for so long as an order remains in effect.

14. In cases where a striking off order is imposed, the published decision will remain on the Tribunal website for a period of five years from the date that the order takes effect. This includes striking off orders that are imposed at a review hearing to replace a conditions of practice order or suspension order. The name of a person who has been struck off will not appear in the online register on the HCPC website.

The online register

15. The register entries of registrants who are subject to caution orders, conditions of practice orders or suspension orders will include that information for so long as an order has effect, and the register annotation will include a link to the relevant decision and order. Where a conditions of practice or suspension order has been reviewed and varied or replaced, the annotation will include information about both the original decision and order and any decision and order made following a review. Annotations and associated links will be removed from the online register when an order expires or is revoked.

Restoration

16. A person who has been struck off the HCPC register may, after five years have elapsed, apply for 'restoration' in accordance with Article 33 of the Order. Details of restoration hearings (including the date, time and venue) will be published on the Tribunal website 28 days before the hearing is due to take place.
17. All decisions and orders made by Panels under Article 33 will be published on the Tribunal website at the conclusion of the proceedings and, except where the Panel has made a direction under Article 33(9) of the Order (indefinite suspension of a person's right to make further applications) they will remain on the website for a period of five years. In cases where an Article 33(9) direction has been made, the decision will remain on the Tribunal website for so long as such a direction (including any continuation of that direction following a review under Article 33(10) of the Order) has effect.
18. In cases where restoration is granted subject to the imposition of a conditions of practice order under Article 33(7)(b) of the Order, that order will be subject to the same publication requirements that apply to any other conditions of practice order, as set out in paragraphs 13 and 15.

Interim Orders

19. Under Article 31 of the Order an interim conditions of practice order or interim suspension order may be imposed upon a registrant whilst FTP proceedings are pending. A Panel may do so where it is satisfied that, based upon the nature and severity of the allegation, the registrant may pose a risk to the public or to himself

or herself if permitted to remain in unrestricted practice or that, for wider public interest reasons, the registrant's freedom to practise should be restricted.

20. Interim order hearings are usually held in public and the time, date and venue of the hearing will be published on the Tribunal website. Interim order applications (and review applications) are often heard at short notice and details of the hearing will be published as soon as a hearing is arranged. Details of hearings for the periodic review of interim orders will normally be published on the Tribunal website 28 days before the hearing is due to take place.
21. If an interim order is imposed, the terms of the Panel's order will be published on the Tribunal website for so long as the order has effect and will be removed once the case in respect of the allegation to which it relates has been concluded.

Consent Orders

22. The consent process is a means by which the HCPC and a registrant may seek to resolve an allegation without the need for a contested hearing, by agreeing to the imposition of an order of the kind which a Panel would have been likely to make had the matter proceeded to such a hearing.³
23. Cases can only be disposed of in this manner with the agreement of a Panel, which will be sought at a hearing. Consent order hearings are normally held in public and the Tribunal will publish the time, date and venue of a consent hearing on its website, in the same way as any other substantive hearing. The published information will include the allegations to which the consent order relates.
24. If a consent order is approved by a Panel, its decision will be published in the same way as any other fitness to practise decision.

Public and private hearings

25. Most FTP proceedings are conducted in public. This is consistent with the 'open justice' principle and Article 6(1) of the European Convention on Human Rights (ECHR), which restricts the circumstances in which hearings may be held in private. Based upon Article 6(1) ECHR, the Tribunal's procedural rules provide that:

"At any hearing... the proceedings shall be held in public unless the [Panel] is satisfied that, in the interests of justice or for the protection of the private life of the registrant, the complainant, any person giving evidence or of any patient or client, the public should be excluded from all or part of the hearing;..."

26. Although the rules provide Panels with a discretion to hear part or all of a case in private⁴, Article 6(1) requires all decisions "to be pronounced publicly". Consequently, at the conclusion of a case that has been heard wholly or partly in

³ for more information please see the HCPTS Practice Note on consent orders.

⁴ for more information please see the HCPTS Practice Note on conducting hearings in private

private, the Panel will need to consider what, if any, 'public pronouncement' it will make. Clearly, this will also have an impact upon what information the Tribunal publishes about that case.

27. The ECHR case law make clear that the 'public pronouncement' obligation should not be interpreted literally, as doing so may frustrate the purpose of hearing that case in private and undermine the primary aim of Article 6(1), which is to secure a fair hearing.
28. Where a Panel has proper grounds for hearing a case in private, it is not obliged to pronounce its full decision in public, but must consider the extent to which the evidence it has heard, its decision and the reasons for that decision can and should be made public. In doing so, the Panel should take account of:
 - the nature of the case and reasons why it was heard in private;
 - the 'fair administration of justice' objective of Article 6(1); and
 - the HCPC's objective under Article 3(4) the Order to protect the public.
29. If proceedings were held in private in order to protect the identity of, or sensitive information relating to, particular individuals then it may be that the Panel's decision can be delivered and published subject to appropriate redaction or in an anonymised form.
30. In cases where delivery or publication of a redacted or anonymised decision may frustrate the purpose of hearing the case in private, the Panel is expected to deliver a brief decision:
 - stating whether or not any allegation was well founded and the sanction (if any) it has imposed (and directing the Registrar to amend the HCPC register accordingly); and
 - recording that the Panel's decision has been provided to the Registrar who has the discretion to make it available (in an appropriately anonymised or redacted form) to any person who has good grounds for seeking the information.

Press Releases

~~31. The HCPC's Media & PR team normally issues a press release when a registrant is suspended or struck off, as part of obligation under Article 22 of the Order to publish orders and decisions made by Practice Committee Panels. Press releases contain information which has been set out in the notice of decision and order document and include a link to that document which is listed on the HCPC website. Press releases are sent out to relevant media and will appear on the HCPC website. The relevant section of the HCPC website is regularly reviewed and press releases are removed in line with the requirements for each sanction as set out above. If journalists attend hearings which are held in public, they may publish reports about hearings over which the HCPC has no control.~~

Deciding not to publish

32. The HCPC's obligation under Article 22 of the Order is to publish "particulars" of the Tribunal's decisions and orders. This provides the HCPC with the discretion to decide exactly what is published and the HCPC will consider exercising that discretion if, in all the circumstances, the impact of publishing certain information would be disproportionate. This may arise where, for example, publication would:

- disclose confidential information about a person's health;
- disclose legally privileged or confidential information;
- create a significant risk of breaching the Article 8 ECHR right to privacy and family life;
- prejudice another investigation or other legal proceedings; or
- disclose information which may hinder the performance of the HCPC's functions.

Internet search engines

33. Information will be removed from the HCPC and Tribunal websites in accordance with this policy. However, many internet search engines, such as Google, manage information by 'caching' webpages (storing a snapshot of them in a database) and periodically refreshing those cached pages. As a result, historic version of pages from the HCPC and Tribunal websites may remain available on internet search engines (over which the HCPC has no control) and which contain information which has been removed from those websites.

~~July 2021~~ December
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Council resolutions without meeting

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- the Chairs consent must be given to circulate the resolution; and
- at least three quarters of the Council must state their agreement to pass the resolution.

Resolutions passed without meeting are recorded by the Secretary to Council and must be reported at the next meeting of the Council.

Requested by	Laura Coffey, Head of FtP
Resolution	
<p>The Council approved a new Practice Note which covers allegations relating to registrants' state of mind.</p> <p>The Practice note was developed in response to concerns raised by the PSA about the handling of this issue by HCPC FtP Panels.</p> <p>Due to importance of this Practice Note for improving the quality of Panel decisions, Council considered the Practice Note outside of their normal meeting.</p>	
Date passed	8 September 2021

New Practice Note on Making decisions on registrants’ state of mind

Executive Summary

Following discussions at our Decision Review Group (DRG) on learning from recent high court appeals and PSA learning points, we have identified inconsistency in how panels approach allegations relating to registrants’ state of mind, especially in relation to allegations of dishonesty and sexual motivation. The DRG felt that a Practice Note on the state of mind test would particularly assist panels and legal assessors in this area, ensuring that panels are applying the correct test and appropriate reasoning to their decisions. The implementation of this practice note is aligned with the aims of the wider FTP Improvement Project to improve the quality and consistency of panel decision making.

The practice note has been initially drafted by BDBP. We have then sought feedback from both members of the DRG, two current legal assessors who sit on our hearings, PSA and Capsticks.

The Tribunal Advisory Committee (TAC) would previously have approved new Practice Notes. Since TAC have been disbanded Council approval for the new practice note is required.

Due to importance of this practice note for improving the quality of panel decisions, we ask Council to consider the practice note outside of their normal meeting.

Previous consideration	N/A
Decision	Council is asked to approve the new practice note on state of mind test
Next steps	Dissemination to our Panel Members and Chairs and publication.
Strategic priority	The Practice Note aligns with the following strategic priorities: 1. Continuously improve and innovate
Risk	Strategic risk 1-2 –Regulatory quality – open; Compliance – Measured. Risk appetite consideration:

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- Regulatory quality - Our focus is on long term and lasting quality in our regulatory delivery
 - Compliance - We are willing to take decisions that could be challenged only where we are confident we would be successful in defending against such challenge, and the adverse consequences of being unsuccessful are minimal; It is **essential** that the long-term achievement of PSA standards is assured.
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Financial and
resource
implications

None

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PRACTICE NOTE

Making decisions on a registrant's state of mind

This Practice Note has been issued by the Council for the guidance of Panels and to assist those appearing before them.

1. Introduction

This note provides guidance on how Panels should approach decisions that require findings about a registrant's state of mind or motivation at the time of alleged conduct. This most commonly arises in relation to alleged dishonesty or sexually motivated conduct.

Allegations of dishonesty or sexual motivation must be expressly set out in the allegation if justified on the facts.¹ If the Panel considers that dishonesty or sexual motivation may form part of the case to be considered, and this has not been alleged, the Panel should consider whether there is a risk of under prosecution. If so, the Panel may invite submissions from both parties on amending the allegation.

Panels should make findings of fact before determining the registrant's state of mind or motivation at the time of the behaviour in question, as the findings of fact that are made will form an important part of the evidence to be examined when determining the registrant's motivation.

2. Evidence and the standard of proof

Panels must decide state of mind cases on the usual civil standard of proof (the balance of probabilities).

The state of a person's mind, whether in relation to an alleged sexual motivation or in relation to belief or knowledge of facts, is not something that can be proved by direct observation but can only be proved by inference or deduction from the surrounding evidence.²

Panels must examine all the evidence and the circumstances, including the facts, the history, the registrant's explanation and any evidence as to character³, and then consider whether the alleged state of mind can reasonably be inferred from the evidence.

¹ *Slah v GMC* [2003] UKPC 80, para 14

² *Basson v GMC* [2018] EWHC 505 (Admin), para 17

³ *Arunkalaivanan v GMC* [2014] EWHC 873 (Admin), paras 52, 62

3. Dishonesty

When making decisions involving alleged dishonesty, Panels will need to determine whether the registrant acted as an honest person would have acted in the circumstances.

This means asking two questions⁴:

(1) What did the registrant know or believe as to the facts and circumstances in which the alleged dishonesty arose?

Although this list is not exhaustive, this will include an assessment of the following factors:

- What the registrant knew or believed about what they were doing;
- Any evidence relating to what was expected of the registrant in the particular circumstances;
- Any evidence relating to the registrant's understanding of the wider context, e.g. any rules or practices in the workplace, requirements of the patient and so on;
- Whether the registrant has put forward any alternative motivations; and
- The credibility of any alternative motivations put forward by the registrant.

When assessing the registrant's understanding of the circumstances, evidence of good character, including testimonials, can be considered.⁵

(2) In the context of the registrant's knowledge and belief of the circumstances they were in, was the registrant's conduct dishonest by the standards of an "ordinary decent person"?

Panels should ask themselves whether, taking account of the registrant's understanding of the circumstances, an ordinary decent person would find the conduct to be dishonest. This is *purely* an objective test. The registrant's own standards of honesty are irrelevant here; they are held to the standards of society in general.

4. Dishonesty during investigations into a registrant's conduct

Registrants have a duty of candour; that is to say, a professional responsibility to be open and honest with service users, employers and their regulator.

The registrant's initial response to investigations will be relevant at impairment stage to the question of whether they have shown insight into their actions. Lack of insight suggests there is an increased risk of repetition of the conduct.

Where a registrant is less than candid in their response to investigations, this will also be relevant at facts stage – if it is clear that a registrant has sought to mislead

⁴ Ivey v Genting Casinos (UK) Ltd [2017] UKSC 67, para 74; Raychaudhuri v GMC [2018] EWCA Civ 2027, para 54

⁵ Bryant and Bench v SRA [2007] EWHC 3043, paras 159-162

investigators in order to downplay their culpability the Panel should consider inviting submissions from both parties on amending the allegation to include this as a factual allegation.⁶

5. Sexual Motivation

In determining sexual motivation, Panels must decide whether the conduct was done either in pursuit of **sexual gratification** or in pursuit of a **future sexual relationship**.⁷

Although this list is not exhaustive, in determining sexual motivation, Panels should consider the following factors:

- The character of the conduct (i.e. is it overtly sexual, e.g. the touching of sexual organs);
- The clinical appropriateness of the conduct;
- The clinical justification or lack thereof;
- Any evidence regarding consent; and
- The plausibility of any alternative explanation for the conduct.

The best evidence of a registrant's motivation is their behaviour.⁸ If the conduct is **overtly sexual in nature**, the absence of a plausible, innocent explanation for the conduct will invariably result in a finding of sexual motivation.⁹

Panels must take a broad view by putting all of the circumstances into the balance and then coming to a conclusion, on the balance of probabilities, as to whether the registrant had the alleged motivation.¹⁰ Panels should nonetheless be careful as to what weight, if any, to give to the existence or otherwise of factors such as:

- that there were lots of patients waiting to see the registrant at the time of the conduct;
- that the room where the alleged conduct took place was not locked;
- that the registrant did not ask the patient to undress;
- that no complaint was made about the registrant;
- that the registrant did not suggest they were sexually attracted to the patient, and so on.

For example, while locking a treatment room door might provide additional evidence in support of a finding of sexual misconduct, its absence does not necessarily negate such a finding.¹¹

⁶ PSA v HCPC and Wood [2019] EWHC 2819 (Admin), para 73

⁷ Basson v GMC [2018] EWHC 505 (Admin), para 14

⁸ Haris v GMC [2021] EWCA Civ 763, para 37

⁹ Haris v GMC [2021] EWCA Civ 763, paras 51, 58

¹⁰ Arunkalaivanan v GMC [2014] EWHC 873 (Admin), para 66

¹¹ Raza v GMC [2011] EWHC 790 (Admin), para 34

Consideration should be given to the vulnerability of the patient or victim and whether the registrant was aware of the vulnerability. If a Panel considers that a victim's vulnerability may have formed part of the registrant's motivation for the alleged conduct (i.e. they may have been targeted *because* they were vulnerable) it should invite submissions from both parties on amending the allegation to include this as a factual allegation.¹²

6. Setting out decisions in state of mind cases

Once a Panel is satisfied that the facts alleged are found proved, it will need to establish whether the registrant had the alleged state of mind.

Panels should set out their reasoning in a clear and logical manner as follows:

Facts stage:

- State the test to be applied – e.g. *Ivey* (dishonesty); *Basson/Haris* (sexual motivation);
- State the conclusion for each limb of the relevant test; and
- Explain the reasoning for those conclusions, including a brief analysis of the most relevant facts.

Misconduct

- State whether the allegations amount to misconduct;
- Explain the reasoning for those conclusions, e.g. if the allegations relate to behaviour occurring during clinical practice, explain how the registrant's actions fell short of what would be expected in the circumstances; if the allegations relate to behaviour outside of clinical practice, explain how the registrant's actions would bring disrepute on the profession.

Impairment:

- Panels should follow the usual process of assessing impairment taking into account the personal and public components and the current risk of harm to service users (see Practice Note on Fitness to Practice Impairment).

Sanction:

- Consider any mitigating factors. Panels should be mindful that in regulatory proceedings the overarching concern is the protection of the public and not the punishment of the registrant. Therefore, matters of mitigation will be of significance only to the extent that they indicate that the registrant poses a reduced risk in the future.¹³

¹² PSA v HCPC and Wood [2019] EWHC 2819 (Admin), para 64

¹³ Sanctions Policy, para 25

- Consider any aggravating factors. Panels should consider any factors which make the misconduct more serious and indicate that the registrant poses an increased risk in the future.¹⁴
- The written decision should clearly explain why the chosen sanction was necessary to protect the public and why a lesser sanction was insufficient to do so.
- Given the seriousness of cases involving sexual misconduct, Panels will be more likely to impose a serious sanction – and should give clear reasons for deviating from this approach.¹⁵
- Likewise, given the seriousness of dishonesty, Panels will be more likely to impose a serious sanction.¹⁶ Panels will need to set out the reasoning for the sanction given, noting factors such as: the duration of any dishonesty; the registrant’s role and the registrant’s response to investigation.

Panels should have regard to the Sanctions Policy¹⁷, including, where relevant, the following sections:

- Dishonesty – paragraphs 56-58
- Abuse of Professional Position – paragraphs 67-75 (see sections relating to Predatory Behaviour pp71-72 and Vulnerability pp73-75)
- Sexual Misconduct – paragraphs 76-79

¹⁴ Sanctions Policy, para 42

¹⁵ Sanctions Policy, para 77

¹⁶ Sanctions Policy, para 57

¹⁷ As updated