



The Human Givens Institute

Indicative Sanctions Guidance

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Introduction

1. The HGI Registration and Professional Standards Committee (RPSC) was established in 2014, replacing the HGI Ethics and Complaints Committee (ECC). The remit of the RPSC can be viewed at <http://www.hgi.org.uk/about-hgi/organisational-structure/hgi-registration-and-professional-standards-committee-rpsc>
2. This document has been produced primarily to assist the RPSC in achieving a consistent and proportionate approach when determining sanctions. It will also assist appeal panels of the HGI to decide whether sanctions imposed by the RPSC are proportionate and fair. At the same time, human givens therapists, and members of the public may also find the information contained in this document useful to assess the gravity to be attached to different types of behaviour.
3. The document is designed to guide the RPSC and to provide it with a framework within which it will make decisions about sanctions. It is not exhaustive, nor intended to restrict the RPSC from exercising its own judgement. The RPSC will judge each case on its particular merits and set sanctions accordingly.
4. The RPSC will consider any allegation to the effect that a Registrant of the Human Givens Institute or Trainee Status Member of the Institute has been:
 - a) guilty of conduct which falls short of the standard required of a human givens practitioner as set out in the HGI Code of Ethics and Conduct (unacceptable professional conduct); <http://www.hgi.org.uk/about-hgi/ethics-and-conduct/ethics-and-conduct-policy>
 - b) guilty of professional incompetence; or
 - c) convicted (at any time) in the United Kingdom (UK), Republic of Ireland, or other country of a criminal offence.

Summary of sanctions available to the RPSC

5. The sanctions outlined below can be applied if the RPSC is satisfied that the allegation is well founded:
 - a) admonish the practitioner;
 - b) require the practitioner to comply with certain conditions while practising as an HG therapist;
 - c) suspend the practitioner's registration or the Trainee Status Member's membership of the HGI for a specified period;
 - d) Remove the practitioner's name from the register or terminate the Trainee Status Member's membership of the HGI.

Findings available to the RPSC

Unacceptable Professional Conduct

6. Unacceptable professional conduct is defined as conduct which falls short of the standard required of an HG Registrant or Trainee Status Member of the HGI. The HGI Code of Ethics and Conduct sets out the standards of conduct and practice expected of an HG practitioner. The HGI Code of Ethics and Conduct outlines the safe, competent and ethical practice of HG therapy and it will be used as a guide by the RPSC when determining unacceptable professional conduct and/or professional incompetence.
7. A breach of the Code of Ethics and Conduct is a starting point but it is not the sole determinant of unacceptable professional conduct. To reach the threshold of unacceptable professional conduct, the unacceptable conduct must be serious.

Professional Incompetence

8. Sections A and B of the HGI Code of Ethics and Conduct set out the standard of proficiency that is required for the competent and safe practice of human givens therapy. The Code of Ethics and Conduct will be used as a guide by the RPSC when determining professional incompetence.

Criminal Offence

9. 'Convicted (at any time) in the United Kingdom (UK), Republic of Ireland, or other country of a criminal offence' refers to a determination by a criminal court in the UK, or elsewhere as specified. The RPSC is able to consider any conviction that is referred to it, even if the offence did not relate to the HG practitioner's practice.

10. The purpose of considering a conviction is not to punish the practitioner for a second time. The RPSC is concerned with protecting the public interest and may find that the criminal offence in question has no material relevance to the fitness of the practitioner concerned to practise human givens therapy. It may, however, find that in order to protect the public interest, it is necessary for a sanction to be imposed.
11. A Caution for a criminal offence may lead to an allegation that the registrant has been guilty of Unacceptable Professional Conduct.

Decision-making process

12. The decision-making process is in two parts:
 - a) **Investigation** of the allegation by an investigation panel of the RPSC and the compilation of an investigation report containing the facts as known, to be passed to an adjudication panel of the RPSC.
 - b) **Adjudication** of the case by an adjudication panel of the RPSC. If the adjudication panel finds any of the facts confirmed on the basis of the available evidence, it must decide whether these facts amount to unacceptable professional conduct or professional incompetence or whether a criminal conviction is material to the practice of human givens therapy. This is a matter for the panel's judgement (on the balance of probabilities), not an issue of proof.

If the panel finds that the facts amount to unacceptable professional conduct or professional incompetence or that a criminal conviction (or caution) is material to the practice of human givens therapy, it will consider any additional circumstances leading up to the allegations and as to the character and previous history of the practitioner, together with any mitigating factors. The adjudication panel will then decide as to the appropriate sanction. The panel will deliberate the above in private and then communicate its decision on the allegation and sanction to all the parties concerned.

Decision-making considerations

13. In making its decision on individual cases, the RPSC will have regard to the matters set out below:

Individual case

14. Each case that is heard by the RPSC is different and should, therefore, be decided on its facts and merits.

Proportionality

15. In deciding what sanctions to impose, the RPSC must apply the principle of proportionality, weighing the interests of the public with those of the practitioner. The RPSC should consider the sanctions available starting with admonishment and choose the least severe sanction that will adequately deal with the issues in the particular case, including the pattern, nature and severity of the facts found confirmed.

Public interest

16. The remit of the RPSC requires it to act in accordance with the public interest, which includes:
 - a) the protection of clients/patients, colleagues and the wider public from the risk of harm;
 - b) maintaining public confidence in the profession of human givens therapy;
 - c) declaring and upholding appropriate standards of conduct and competence among human givens professionals.

The public interest also requires:

- a) the practitioner to receive a fair and impartial hearing; and
- b) in appropriate cases, to be given the opportunity to return to safe and competent practice.

Mitigation

17. The RPSC will need to consider any mitigation put forward by the practitioner and the extent to which this should influence the RPSC's judgement on the sanction to be imposed, which is dependent on the individual circumstances in each case.

Mitigation may include:

- a) evidence of the circumstances leading up to the incident(s) in question;
- b) evidence of good conduct following the incident(s) in question, particularly any remedial action;
- c) evidence of the practitioner's previous good character;
- d) evidence of remorse shown/insight/apology given;

- e) time elapsed since the incident and absence of any subsequent allegation; or
- f) evidence of steps taken to avoid a repetition.

References and testimonials

18. A practitioner may choose to present references and testimonials to support their standing in the community and/or profession. The weight to be given to such testimonials is a matter for the RPSC. However, the absence of such references or testimonials should not count against the practitioner. When considering such references, the RPSC will consider factors such as how recent they are and whether the writers were aware of the allegations against the practitioner and that their letters would be put to the RPSC in mitigation.

Reasons for decisions

19. The RPSC will always give reasons for its decisions. Its decisions must be written in a way that allows all those concerned to understand the decision and the reasons for it. In addition, the complainant or practitioner's right of appeal will be diminished if they do not know the basis for the decision. The RPSC will explain its reasons in such detail that the relevant parties and, where appropriate an appeal panel, can understand why the RPSC reached its decision.
20. Before considering the imposition of sanctions, the RPSC will already have made findings of fact and decided that the practitioner's conduct amounted to unacceptable professional conduct or professional incompetence, or that a criminal conviction or caution was materially relevant to the practitioner's fitness to practise. The RPSC will give reasons for its decision on these matters.
21. After the RPSC has heard mitigation and the parties' submissions on sanctions, it will consider which sanction to impose. It will also give reasons for this decision, which should include:
- a) the factual basis for the decision, identifying any mitigating or aggravating factors, making reference, where appropriate, to the parties' submissions;
 - b) an explanation of the extent to which this guidance has been taken into account in the decision-making.

Sanctions

22. The purpose of sanctions is not to be punitive, although they may have that effect. Rather, their purpose is to protect clients/patients and the wider public interest, which includes the protecting of members of the

public, maintaining public confidence in the profession and declaring and upholding proper standards of conduct and competence.

23. The RPSC will impose a sanction when it finds unacceptable professional conduct, professional incompetence or that a criminal conviction or caution is material to the practitioner's practice of Human givens therapy.
24. The sanction must be proportionate and address the particular deficiencies highlighted by the case. For example, whilst an admonishment might address certain unacceptable professional conduct, where the practitioner has shown insight and is unlikely to repeat it, it is unlikely to address a finding of professional incompetence.
25. When determining an appropriate sanction, the RPSC should consider each sanction in turn, beginning with the least severe and continuing in order of least severity, namely, admonishment, conditions relating to the practice of the therapist, suspension, and removal from the register. The least severe sanction that deals adequately with the identified issues should be chosen.

Admonish the practitioner

26. An admonishment is the lowest sanction that can be applied and may, therefore, be appropriate where the failing or conduct is at the lower end of the spectrum. An admonishment has no direct effect on a practitioner's practice and should only be issued if he or she is fit to continue practising without any restrictions. An admonishment will remain on the practitioner's record (held by the Human Givens Institute) for a set period of time, to be determined by the RPSC.
27. An admonishment may be appropriate when most of the following factors are present (this list is not exhaustive):
 - a) There is no evidence to suggest that the practitioner poses any danger to the public.
 - b) The practitioner has shown insight into their failing(s).
 - c) The behaviour was an isolated incident.
 - d) The behaviour was not deliberate.
 - e) There has been no repetition of the behaviour since the incident was complained about.
 - f) The practitioner acted under duress.
 - g) The practitioner has genuinely expressed remorse.

- h) There is evidence that the practitioner has taken rehabilitative/ corrective steps.
 - i) The practitioner has previous good history.
28. The decision to admonish a practitioner will take effect in 30 working days, beginning from the date on which notification of the decision is served on the practitioner.

Conditions Relating to the Practice of Registrants and Trainee Status Members

29. Requiring the practitioner to adhere to certain conditions allows them to continue practising whilst providing protection for the public and clients/ patients. This sanction will affect the practitioner's practice and may be appropriate when most of the following factors are apparent (this list is not exhaustive):
- a) It is possible to identify discrete aspects of the practitioner's practice that are problematic.
 - b) Any incompetence found is not to such a degree that clients/ patients will be put at risk directly or indirectly as a result of continued registration or membership with conditions.
 - c) There is no evidence of harmful, deep-seated personality or attitudinal problems.
 - d) The practitioner has shown insight into their failings and there is evidence of a willingness to respond positively to conditions.
 - e) The practitioner has shown willingness to be open and honest with clients/patients if things go wrong.
 - f) The conditions will protect the public during the period they are in force.
 - g) It is possible to formulate appropriate and practical conditions that can be easily verified and monitored.
30. The conditions may prevent the practitioner from practising in a certain way or on a particular category of patient. The practitioner may be required to undertake additional training on specific areas of his or her practice and/or be required undertake additional supervision relating to the matter in question, to be followed by a supervisor's report specifying whether or not appropriate learnings have been made.
31. The objectives of the conditions should be made sufficiently clear for the practitioner. The RPSC should identify each of the shortcomings in turn and explain how the conditions are intended to address them. The RPSC

should also explain any proposals for future reviews of the matter. The conditions should be:

- a) necessary in order to protect the public
 - b) relevant to the shortcomings;
 - c) proportionate to the shortcomings;
 - d) workable;
 - e) measurable;
 - f) capable of being monitored.
31. The RPSC must specify the period for which the conditions are to have effect. Any set period should be the minimum that the RPSC considers necessary for the protection of the public and it should not exceed three years.
32. Conditions will take effect in 30 working days, beginning from the date on which notification of the decision is served on the practitioner
33. Details of conditions will be displayed on the HGI website and will remain in place until the HGI is satisfied that the practitioner has met the relevant requirement(s).
34. At any time while conditions are in force, the RPSC may:
- a) extend the period for which the conditions have effect;
 - b) vary any of the conditions;
 - c) reduce the period for which the conditions have effect; or
 - e) revoke the conditions.

Suspend the practitioner's registration or the Trainee Status Member's membership of the HGI

34. Suspension will prevent the practitioner from practising as a human givens therapist for a specified duration. This sanction is appropriate for more serious offences and when some or all of the following factors are apparent (this list is not exhaustive):
- a) There has been a serious breach of the HGI Code of Ethics and Conduct.
 - b) Complete removal of the practitioner from the Register would not be in the public interest, but any sanction lower than a suspension would not be sufficient to protect the public interest.

- c) There is a risk to patient safety if the practitioner's registration were not suspended.
 - d) The practitioner has demonstrated the potential for remediation or retraining.
 - e) The practitioner has shown insufficient insight to merit the imposition of conditions or conditions would be unworkable.
 - f) There has been failure to engage with the fitness to practise process.
35. The RPSC should specify the duration of the suspension, which cannot exceed three years.
36. At any time while a suspension is in force, the RPSC may:
- a) extend, or further extend, the period of suspension; or
 - b) specify conditions with which the practitioner must comply if they resume the practice of human givens therapy after the end of their period of suspension.
37. Suspension will take effect in 30 working days, beginning from the date on which notification of the decision is served on the practitioner. The RPSC should, therefore, consider whether, in order to protect clients/patients and members of the public, it is also necessary to impose an interim suspension order during this 30-day period.

Removing the practitioner's name from the Register, or terminating a Trainee Status Member's tenure as a trainee of the HGI

38. Removal from the Register is the most severe sanction that can be applied and should be used where there is no other means of protecting the public and/or maintaining confidence in the profession. A comparable degree of seriousness also applies to terminating a Trainee Status Member's tenure as a trainee of the HGI. These sanctions are likely to be appropriate when the behaviour is fundamentally incompatible with registration or training as a human givens practitioner and involves any of the following (this list is not exhaustive):
- a) A reckless disregard for the principles set out in the HGI Code of Ethics and Conduct for patient safety.
 - b) A serious departure from the relevant professional standards outlined in the HGI Code of Ethics and Conduct.
 - c) The practitioner poses a risk of harm to others (clients/patients or otherwise), either deliberately or through incompetence and particularly where there is a continuing risk to clients/patients.

- d) Serious abuse of position/trust (particularly involving vulnerable clients/patients) or serious violation of the rights of patients.
- e) Convictions or cautions for sexual offences, including involvement in any form of child pornography, or findings of sexual misconduct.
- f) A serious level of dishonesty (especially where persistent or covered up).
- g) Persistent lack of insight into seriousness of actions or consequences.
- h) A serious lack of competence and no evidence of improvement following a period of continuous suspension or conditions of practice.
- i) A failure to engage in the fitness to practise process.

Note: In the case of Registrants and Trainee Status Members who are found to have exhibited any or all of the above behaviours, the RPSC will revoke their membership of the HGI.

- 39. An order to remove a practitioner's name from the Register, or revoke the membership of a trainee member, will take effect in 30 working days, beginning from the date on which notification of the decision is served on the practitioner. The RPSC should, therefore, consider whether, in order to protect clients/ patients and members of the public, it is also necessary to impose an interim suspension order during this 30-day period.
- 40. A practitioner may apply for restoration to the Register after a period of five years from the date of removal of their name from the Register.
- 41. When determining an application for restoration to the Register, the RPSC will need to be satisfied that the applicant:
 - a) has paid the prescribed fee;
 - b) is in good health, both physically and mentally;
 - c) is of good character; and
 - d) having regard to the circumstances which led to their removal, is a fit and proper person to practise the profession of human givens practitioner.
- 42. On granting an application for restoration to the Register, the RPSC may specify conditions of practice.

Additional Points

43. In relation to upheld complaints that meet the criteria set out at points 34 and 38 of these guidelines, details of sanctions applied will be displayed on the Current Upheld Complaints page of the HGI website. In cases where a Registrant has been removed or a member's trainee status has been revoked, details of sanctions will be displayed for a period of five years from the point of removal. In cases where a Registrant or trainee has been suspended, sanctions and conditions will be displayed for the period of the suspension, at which point the RPSC will decide whether to cancel or extend the suspension depending on the practitioner's conformity to the required conditions, any corrective action, the learnings made and evidence of contrition.
44. If a Registrant fails to cooperate with the investigation (or subsequent stages) of a complaint without sound reason, they will be removed from the Register and a notice specifying their failure to cooperate will be displayed on the Current Upheld Complaints page of the HGI website. This will be displayed on the website for a period of five years. The RPSC will also revoke their membership of the HGI.
45. If a Trainee Status Member fails to cooperate with the investigation (or subsequent stages) of a complaint without sound reason, their trainee status will be revoked and a notice specifying their failure to cooperate will be displayed on the Current Upheld Complaints page of the HGI website. This will be displayed on the website for a period of five years. The RPSC will also revoke their membership of the HGI.
46. If a practitioner resigns from the HGI during the course of the investigation, adjudication or appeal stages of a complaint, the complaint process will continue until a conclusion based on the available evidence is reached. If at that stage it is decided that removal from the HGI Register, or termination of a member's trainee status, is the appropriate sanction in the circumstances, a notice to the effect that the practitioner has been removed will be displayed on the Current Upheld Complaints Page of the HGI website and will remain in place for a period of five years. Where a lesser sanction, such as a period of suspension, is deemed appropriate, details of this, together with a note explaining that the practitioner resigned before the sanction could be applied, will be displayed on the HGI website for an appropriate period.

Notes:

- a) Whilst the complaint or appeal process is being concluded, a notice to the effect that the practitioner has resigned during the course of a complaint will be displayed on the HGI website. At the conclusion of the process, the notice will be amended to reflect the decision reached. If it is concluded that there is no case to answer, the notice will be removed;

- b) If a practitioner resigns from the HGI having appealed unsuccessfully against the decision of an adjudication panel to the effect that they be removed from the HGI Register, a notice stating that they have been removed will be displayed on the Current Upheld Complaints page of the HGI website and will remain in place for a period of five years.
47. If it comes to the notice of the HGI that a Registrant has been struck off a statutory register or a register accredited by the Professional Standards Authority for Health and Social Care (PSA), the RPSC will revoke the member's registration. Where a member has been removed from the HGI Register for the above reason, a notice to this effect will be displayed on the Current Upheld Complaints page of the HGI website and will remain in place for a period of five years. Their membership of the HGI will also be revoked.
48. If it comes to the notice of the HGI that a Trainee Status Member has been struck off a statutory register or a register accredited by the Professional Standards Authority for Health and Social Care (PSA), the RPSC will revoke their trainee status. Where a member's trainee status has been revoked for the above reason, a notice to this effect will be displayed on the Current Upheld Complaints page of the HGI website and will remain in place for a period of five years. Their membership of the HGI will also be revoked.
49. Where the RPSC has seen fit to remove a Registrant from the HGI Register, or revoke a member's trainee status, steps will be taken to inform any statutory or other accredited register to which the individual belongs of the action taken, and where necessary, their employer or other relevant agency.

Urgent Protection Procedure

50. If it emerges at the outset of a complaint, or subsequently, that an HGI Registrant or trainee status member appears to pose a risk to clients or other members of the public, the RPSC shall suspend them from practising. This will involve the use of an interim suspension order for 30 days whilst the matter is investigated, with the option to extend this beyond 30 days, as necessary. Note: Please see the HGI Urgent Protection Policy for further details:
<https://www.hgi.org.uk/sites/default/files/hgi/Urgent-Protection-Policy-IT.pdf>

Appeals against decisions of the RPSC

51. As set out in [How the HGI deals with complaints](https://www.hgi.org.uk/sites/default/files/hgi/How-the-HGI-deals-with-complaints.pdf)^{*}, members of the HGI have a right of appeal against decisions of the RPSC in relation to upheld complaints. Where a Registrant appeals against a decision to remove them from the HGI Register or suspend them from practising, or where a trainee member appeals against a decision to revoke their trainee status, or suspend them from practising, the RPSC shall, if it considers that the practitioner poses a risk to clients or members of the public, suspend them from practising for the duration of the appeal process. This will involve the use of an interim suspension order for 30 days whilst their appeal is being considered, with the option to extend this beyond 30 days, as necessary.

^{*} <https://www.hgi.org.uk/sites/default/files/hgi/How-the-HGI-deals-with-complaints.pdf>