

Indicative Sanctions Guidance

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Introduction

1. The Human Givens Institute (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 <https://www.hgi.org.uk/about-hgi/organisational-structure/hgi-registration-and-professional-standards-committee-rpsc>
2. This document has been produced to assist panels in achieving a consistent and proportionate approach when determining sanctions. It can also be used to assist appeal panels in deciding whether any sanctions imposed are proportionate and fair. At the same time, Human Givens therapists, and members of the public, may also find this information useful in assessing the gravity of the case.
3. The document is designed to guide panels (hereafter known as the 'panel') and to provide them with a framework, within which, they can make decisions on sanctions. It is not exhaustive, nor intended to restrict the panel from exercising its own judgment. The panel will judge each case on its particular merits and set the sanctions accordingly.
4. The panel will consider any allegation to the effect that a registrant of the Human Givens 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) <https://www.hgi.org.uk/about-hgi/ethics-and-conduct>
 - b) guilty of professional incompetence
 - c) convicted (at any time) in the United Kingdom (UK) (or any other country) of a criminal offence

Provision of advice

If the panel is satisfied that an allegation is 'well founded', the panel may decide to issue advice to the therapist.

Summary of sanctions available to the panel

5. The sanctions outlined below can be applied if a panel determines that the allegation is 'well founded'. It can:
 - a) require the therapist to comply with certain conditions whilst practising as an HG therapist
 - b) suspend the therapist's registration for a specified period
 - c) remove the therapist's name from the register

Findings available to the panel

Unacceptable Professional Conduct

6. Unacceptable professional conduct is defined as conduct which falls short of the standard required of an HG registrant. 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 will be used as a guide by the panel 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 HG therapy. The Code of Ethics and Conduct will be used as a guide by the Panel when determining professional incompetence.

Criminal Offence

9. Convicted (at any time) in the United Kingdom (UK) (or any other country) of a 'criminal offence' refers to a determination by a criminal court in the UK (or elsewhere), as specified. The panel may consider any unspent or, in certain circumstances a spent conviction* that is notified to it, even if the offence did not relate to the therapist's practice.

*A spent conviction may have implications for a therapist's practice if it is of a serious criminal nature.

10. The purpose of considering an unspent or even a spent conviction is not to punish the therapist for a second time. The panel 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 in a formal procedure is in three parts (for complaints addressed by mediation, see separate guidance):
 - a) **Fact-finding** - The complainant will supply evidence of their case, with supporting evidence, to the RPSC. The therapist will submit an evidence pack, which will include a point-by-point response to the key aspects of the complaint, with any relevant supporting documentation.
 - b) **Hearing** - A hearing will be held after the panel has received the therapist's submission.
 - c) **Adjudication of the case by the panel** - If a 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 and/or professional incompetence, or whether a criminal conviction is material to the practise of HG therapy. This is a matter for the panel's judgement based upon the balance of probabilities.

If the panel finds that the facts amount to unacceptable professional conduct and/or professional incompetence, or that a criminal conviction (or caution) is material to the practise of Human Givens therapy, it will consider any additional circumstances leading up to the allegations and the previous history and character of the therapist, together with any mitigating factors. The panel will then determine the appropriate sanction. The panel will deliberate in private and then communicate its decision on allegation and sanction to all parties.

Decision-making considerations

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

Individual case

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

Proportionality

15. In deciding if a measure and/or what sanctions will be imposed, the panel must apply the principle of proportionality; weighing the interests of the public with those of the therapist. The panel should consider the sanctions available, starting with provision of advice and choose the most appropriate sanction that will adequately deal with the issues in the case, including the pattern, nature and severity of the facts proved.

Public interest

16. The remit of the panel 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 therapist to receive a fair and impartial consideration of the relevant evidence pertaining to the case, including a hearing by the panel
- b) in appropriate cases, to be given the opportunity to return to safe and competent practice

Mitigation

17. The panel will need to consider any mitigation put forward by the therapist. The extent to which it should influence the panel's judgement on the measure and/or sanction to be imposed, 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
- f) evidence of steps taken to avoid repetition

References and testimonials

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

Reasons for decisions

19. The panel will always give reasons for its decisions. Its decisions must be written in a way that allows all concerned to understand the decision and the reasons for it. In addition, the complainant or therapist's right of appeal will be reduced if they do not know the basis for the decision. The panel will explain its reasons in such detail that allows the relevant parties and, where appropriate, an appeal panel, to understand why the panel reached its decision.

20. Before considering the imposition of a measure and/or sanctions, the panel will already have made findings of fact and decided that the therapist's conduct amounted to unacceptable professional conduct or professional incompetence, or that a criminal conviction or caution was materially relevant to the therapist's fitness to practise. The panel will give reasons for its decision on these matters.

21. After the panel has heard mitigation and the parties' submissions on the measure and/or sanctions, it will consider which advice to provide and/or 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

Measure/sanctions

22. The purpose of the measure and/or 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 protecting members of the public, maintaining public confidence in the profession

and upholding proper standards of conduct and competence.

23. The panel 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 HG therapy.
24. The sanction must be proportionate and address the particular deficiencies identified in the case.
25. When determining an appropriate sanction, the panel should consider each sanction in turn, beginning with the least severe and continuing to the most. The order it should consider the sanctions in are as follows: advice, 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 the one selected.

The provision of advice to the practitioner

26. The provision of advice is a measure that can be applied and may therefore be appropriate where the failing or conduct is at the lower end of the scale. The provision of advice has no direct effect on a practitioner's practice and should only be used if they are fit to continue practising, without restrictions. The provision of advice will remain on the therapist's record (held by the HGI) for a set period of time, as determined by the RPSC.
27. The provision of providing advice 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 therapist poses any danger to the public
 - b) the therapist has shown an 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 first complained about
 - f) the therapist acted under duress
 - g) the therapist has expressed genuine remorse
 - h) there is evidence that the therapist has taken rehabilitative/corrective steps
 - i) the therapist has a previous good history

28. The decision to provide advice to a therapist will take effect in 28 working days, beginning from the date on which notification of the panel's decision is served on the practitioner.

Conditions Relating to the Practise of Registrants

29. Requiring the therapist to adhere to certain conditions allows them to continue practising, whilst providing protection for the public and clients/patients. This sanction will affect the therapist's practice and therefore may be appropriate when most of the following factors apply (this list is not exhaustive):
- a) it is possible to identify discrete aspects of the therapist'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 therapist has shown insight into their failings and there is evidence of a willingness to respond positively to conditions
 - e) the therapist 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 applied may prevent the therapist from practising in a certain way or on a particular category of patient. The therapist may be required to undertake additional training on specific areas of their practice and/or may be required to undertake additional supervision relating to the matter in question. This will be followed up by a supervisor, reporting on whether or not the appropriate learning has taken place.
31. The objectives of the conditions should be made sufficiently clear for the therapist. The panel should identify each of the shortcomings in turn and explain how the conditions are intended to address them. The panel 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 of the therapist

- c) proportionate to the shortcomings of the therapist
 - d) workable
 - e) measurable
 - f) capable of being monitored
31. The panel must specify the period for which the conditions are to have effect. Any set period should be the minimum amount of time that the panel considers necessary for the protection of the public. This should not exceed three years.
32. Conditions will take effect in 30 working days, beginning from the date on which notification of the judgment is served on the therapist.
33. Details of conditions will be displayed on the HGI website and will remain in place until the HGI is satisfied that the therapist 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, only after having spoken with and listened to the Therapist first
 - c) reduce the period for which the conditions have effect, only after having spoken with and received representations from the therapist first
 - d) revoke the conditions

Suspend the therapist's registration

35. Suspension will prevent the therapist from practising as a Human Givens therapist for a specified duration. This sanction is appropriate for more serious offences when some or all of the following factors are relevant (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 therapist 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 therapist's registration were not suspended
 - d) the therapist has demonstrated the potential for remediation or retraining

- e) the therapist 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
36. The panel should specify the duration of the suspension, which cannot exceed three years.
37. At any time whilst a suspension is in force, the RPSC may, only after having spoken with and received representations from the therapist first:
- a) extend or further extend the period of suspension
 - b) specify conditions with which the practitioner must comply if they resume the practise of Human Givens therapy after the end of their period of suspension.
38. Suspension will take effect in 30 working days, beginning from the date on which notification of the decision is served on the practitioner. The panel 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

39. 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. These sanctions are likely to be appropriate when the behaviour is fundamentally incompatible with registration 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 therapist poses a risk of harm to others (clients/patients or otherwise), either deliberately or through incompetence, 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 awareness of the seriousness of their actions or consequences of it
- h) a serious lack of competence and no evidence of improvement following a period of continuous suspension or conditions of practise
- i) a failure to engage in the fitness to practise process

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

- 40. An order to remove a therapist's name from the register will take effect in 30 working days, beginning from the date on which notification of the judgment is served on the therapist. The panel 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.
- 41. A therapist may apply for restoration to the register after a period of five years from the date of removal of their name from the register.
- 42. 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
 - 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.
- 43. Decisions regarding readmission to the register will be made by a specially convened panel (see separate guidance)
<https://www.hgi.org.uk/about-hgi/become-member/re-admittance-members>
On granting an application for readmission to the register, the RPSC may specify conditions of practise.

Additional Points

- 44. In relation to upheld complaints that meet the criteria set out at points 35 and 39 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 from the register, details of sanctions will be displayed for a period of five years from the point of removal. In cases where a registrant has been suspended, sanctions and conditions will be displayed for the period of the suspension, at which

point it is for the RPSC to determine whether to cancel or extend the suspension, dependent upon the therapist's conforming to the required condition e.g. any corrective action, learning and evidence of contrition.

45. 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.
46. If a therapist resigns from the HGI during the course of the investigation, adjudication or appeal stage of a complaint, the complaint process will continue until an adjudication, based on the available evidence, is reached. If at that stage it is decided that removal from the HGI register is the appropriate sanction in the circumstances, a notice to the effect that the therapist 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 but excluding the provision of advice, 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 procedure is being concluded, a notice to the effect that the therapist 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 adjudged that there is 'no case to answer', the notice will be removed.
 - b) If a therapist resigns from the HGI having appealed unsuccessfully against the decision of an adjudication panel 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, based in the UK, 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 that member's registration. A similar procedure will also apply with regard to registers in other jurisdictions. 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. The registrant's membership of the HGI will also be revoked.

48. Where the RPSC has seen fit to remove a registrant from the HGI register, 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

49. If it emerges at the outset of a complaint, or subsequently, that an HGI registrant 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. This interim suspension order will be reviewed, as soon as is practicable, by any convened panel. The therapist concerned has a right to appeal its imposition (see paragraph 4). 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 panel

50. As set out in [How the HGI deals with complaints](#)*, members of the HGI have a right of appeal against decisions of the panel in relation to upheld complaints. Where a therapist appeals against a decision to remove them from the HGI register or suspend them from practising, the RPSC shall, if it considers that the therapist 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>