

Stage 2 | Investigation

28. Notification to Reporting Witness of Case Opened. Within five working days of NRCPD accepting a misconduct report and so opening a case file, the assigned Case Officer will contact the person making the report to:

- a. explain the investigation process;
- b. tell them their report and identity will be shared with the Registrant or Trainee, and check consent;
- c. tell them they might need to provide additional information, which will also be shared with the Registrant or Trainee.

29. Notification to Registrant/Trainee of Case Opened. Within five working days of a misconduct report being accepted, the Case Officer assigned to the investigation should contact the Registrant/Trainee to:

- a. tell them someone has made an allegation of misconduct against them;
- b. tell them an investigation into the alleged misconduct has begun;
- c. give them a copy of the misconduct report and any supporting evidence so far available;
- d. summarise the details of the alleged misconduct and how it may be a breach of the Code of Conduct;
- e. provide details of the process to be followed for investigations;
- f. tell them they will have up to two opportunities to make formal responses to the claims;
- g. tell them their response may be shared with the person reporting the alleged misconduct; and
- h. tell them they will have the opportunity to respond to additional evidence or information collected by the NRCPD before any decision is taken.

NRCPD may delay notification of the misconduct investigation to the Registrant/trainee in order to secure sources of evidence and witness statements, if it is assessed that informing the Registrant may compromise other evidence and that any delay is reasonable and proportionate.

30. Initial Investigation. The Case Officer proceeds with investigating the alleged misconduct by making reasonable efforts to gather witness statements and evidence to

support the allegations made in the misconduct report. The case file is made up with a first statement by the Reporting Witness and all relevant evidence from verifiable sources. Evidence may include but is not limited to written statements, video or audio recordings, impact statements, photographs and images, business records, screenshots of online activity.

- a. NRCPD aims to complete this stage within 20 working days of accepting the misconduct report;
- b. The precise timescale will depend on the evidence being received promptly and the scale of evidence being sought. If necessary, the time period will be extended.
- c. Time extensions will be limited to what is reasonable and proportionate given the nature of the allegations, the potential importance of the evidence, and the impact of delay on parties to the case.

31. Registrant/Trainee's First Statement in Response. The collected evidence is then presented to the Registrant/Trainee for their first statement in response. This is a formal request for the Registrant/trainee to provide a statement of whether they contest or admit each of the allegations and to provide evidence to support their case. The Registrant/Trainee's first statement, with their supporting evidence, must be submitted within 20 working days of the request. The Case Officer reviews the Registrant's first statement and in conjunction with the Professional Conduct Manager considers if additional evidence is required and takes reasonable steps to obtain it. Registrants/Trainees may submit further evidence at any stage in the investigation after this first statement is made.

32. Reporting Witness Second Statement. The Registrant's first statement and accompanying evidence, and any further evidence collected by NRCPD, is sent to the person reporting the misconduct for them to provide a second statement. The Reporting Witness's second statement should be produced within a further 10 working days if they wish to make one.

33. Registrant/Trainee's Second Statement. Once received, any such second statement by the Reporting Witness and all new evidence is sent within 5 working days to the Registrant/Trainee for their second statement which should be received by NRCPD within a further 10 working days.

34. Collation of Evidence for Consideration by Case Examiners. Once the above exchange of statements and evidence gathering has concluded the case is prepared for consideration by Case examiners. NRCPD may seek legal advice on any matter relating to the case, may seek further evidence, may add additional allegations of breaches of the Code of Conduct as supported by evidence (to which the Registrant will have a further 10 working days to respond) or may strike out others if evidence is insufficient, or take any other steps to ensure the case is progressed efficiently and fairly. NRCPD will aim to complete this stage within 10 working days.
35. Interim Suspension or Restriction. At any point after the receipt of a misconduct report, the Registrar may decide the nature of the allegations and the available evidence suggests the Registrant/Trainee's practice is still a risk to the public. If so, the Registrant/Trainee may be temporarily suspended from the registers pending the outcome of the case – this is an Interim Suspension. Alternatively, the NRCPD may impose temporary practice restrictions – this is an Interim Restriction.
- a. The aim of an Interim Suspension or Interim Restriction is to minimise the risk of harm to the public and is consistent with NRCPD's public protection responsibilities. When considering either measure, NRCPD will assess whether the misconduct alleged presents the potential of significant current risk to the public, and whether an interim suspension, or practice restriction is a proportionate measure in the circumstances to reduce that risk. The decision and reasons for it must be recorded.
 - b. The Registrant or Trainee may appeal the decision to impose an interim suspension or restriction on the grounds of new, substantial and relevant information. They may appeal to the Professional Conduct Manager in writing setting out the new evidence and explaining why the suspension or restriction should be lifted.
 - c. The appeal will be considered by a panel of two retained legal and/or standards professionals, who have had no prior knowledge of the misconduct reported and no significant prior knowledge of anyone involved. The appeal will be considered against the same factors under which the suspension or restriction was first applied and whether the risk to the public has changed as a result of the appeal presented.

- d. If the Registrant/Trainee's appeal is denied they may submit another appeal after 20 working days if further new, substantial and relevant evidence is available.
- e. If an interim suspension is still in place after six months the Professional Conduct Manager must refer it to a retained legal professional for a mandatory review, and every six months thereafter.

36. Reasonable adjustments. Anyone who is part of a case, whether having reported misconduct or provided a witness statement or as the Registrant/Trainee, may make requests for reasonable adjustments to the procedure to enable them to engage effectively, if otherwise they would find it substantially more difficult to do so by reason of health, disability, communication preference, personal circumstances or other relevant factors. Such a request must be supported by sufficient disclosure of circumstances and relevant evidence for NRCPD to consider it. NRCPD will regularly ask parties to a case if reasonable adjustments are to be requested.

37. Delay. NRCPD will always try to avoid delay and adhere to the timeline guides set out above and elsewhere in this procedure. However, delay is often introduced where the number of allegations and misconduct reports and the volume, complexity and difficulty of securing evidence makes delay unavoidable or even necessary. The above timeline guides (around 90 working days or 18 weeks) are indicative for simple cases based on one misconduct report generating a small number of allegations and a limited volume of evidence. Complex cases may take considerably longer. The Registrant/Trainee and Reporting Witness will be kept informed of any delay and the reasons for it.

38. Time Extensions. In exceptional circumstances, parties to a case may request time extensions for their responses. Deadlines may be extended by NRCPD in the interests of fairness, to allow parties sufficient time to consider complex evidence submitted against them, and also sufficient time to obtain and submit evidence upon which they intend to rely. Any extension will be limited to what is reasonable and proportionate having regard to the need to be fair and to avoid delay. Time extensions may also be requested as a reasonable adjustment.

39. Admission of Facts. A Registrant/Trainee subject to allegations of breaches of the Code

of Conduct may in honesty and good faith recognise that their conduct did amount to a breach of the Code and may decide to admit some or all of the facts. Such an Admission of Facts will significantly reduce the time and stress of the investigation, and the insight shown will be a positive mitigating factor in deliberations by Case Examiners or by a Professional Conduct Committee if referred. The Registrant/Trainee will be advised of the opportunity to admit some or all of the facts when asked for their first statement, their second statement and if their case is referred to the Professional Conduct Committee.

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