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The Institute of Trichologists

SANCTIONS GUIDANCE

Registration Council

Decision Making Guidance

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SECTION A: INTRODUCTION

A1: THE ROLE AND STATUS OF THE SANCTIONS GUIDANCE

1. This guidance has been developed by the IOT for use by the Registration Council (RC) when it is considering what sanction to impose upon a Trichologist following a finding of unacceptable professional conduct, professional incompetence or a criminal conviction, and following a finding that a Trichologist's fitness to practise Trichology is seriously impaired as a result of physical or mental condition. It is also to be used where a Council is reviewing a previously imposed order. It outlines the decision-making process and the factors to be considered.
2. Council members must use their own judgement when making decisions as they are acting in a judicial capacity, but within a framework set by the IOT. This guidance provides the framework and Council members are expected to take full account of it. Where a Council has reason to depart from it, it should clearly explain why in its written determination. Nothing in this guidance is intended to restrict a Council's discretion in any particular case.
3. The sanctions guidance is an important link between two of the IOT's regulatory roles: setting standards of conduct and practice for the profession and dealing with complaints against Trichologists. The RC members must use their own judgement in deciding whether allegations against Trichologists are well- founded. These independent decisions must take account of the requirements of The Code: Standards of conduct, performance and ethics for Trichologists and any other guidance the Council issues to the profession.
4. The sanctions guidance aims to promote consistency and openness in decision making. It ensures that all parties are aware from the outset of the approach to be taken.
5. This guidance comes into effect and will be applied from 1 May 2023. In any case where a Council, had, prior to 1 May 2023, determined that an allegation was well-founded and had heard any submissions about sanction by the parties but had then adjourned the hearing before determining sanction, that Council shall continue to apply the indicative sanctions guidance that was in force at the date it adjourned the hearing. In all other cases, this guidance shall be applied.
6. It is intended that this sanctions guidance is a 'live document' with users having the opportunity to provide comments on its use to the IOT. This will allow changes to be considered on a regular basis. If, having used this guidance, you have some comments to make, please email them to admin@trichologists.org.uk with 'Comments on the sanctions guidance" in the subject line.

A2. THE IOT'S OVER-ARCHING OBJECTIVE

7. The IOT is a statutory regulator of the Trichology profession in the UK.
8. The overarching objective is the protection of patients and the public.
    - To protect, promote and maintain the health, safety and well-being of patients;
    - To promote and maintain public confidence in the profession of Trichology;
    - To promote and maintain proper professional standards and conduct for IOT members of the Trichology profession.

A3. EQUALITY & DIVERSITY STATEMENT

9. The IOT is Council to have due regard to the need to:
    - Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act;
    - Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it;
    - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

A4. WHY ARE SANCTIONS IMPOSED?

10. The main reason for imposing sanctions is to protect patients and the public, which is the IOT's statutory over-arching objective.
11. The over-arching objective codifies the position previously established in case law - that protection of the public is a broad term and includes all three of the objectives set out above in paragraph 9. Each reference to protecting the public in this guidance should be read as including all of these areas of the overarching objective. There may be a public interest in allowing a Trichologist's return to safe practice, and, where appropriate, Council decisions should take account of this. However, Councils should bear in mind that their first concern is the protection of the public in the broad sense set out.
12. The purpose of sanctions is not to punish, but sanctions may have a punitive effect

A5. THE COMMITTEE DECISION-MAKING PROCESS

Nature of Allegations

13. The RC will consider four types of allegation:
    1. The Trichologist has been guilty of conduct which falls short of the standard required of an IOT registered Trichologist (defined as "unacceptable professional conduct" ("UPC")
    2. The Trichologist has been guilty of professional incompetence;
    3. The Trichologist has been convicted (at any time) in the United Kingdom of a criminal offence;
    4. The Trichologist's ability to practise as a Trichologist is seriously impaired because of their physical or mental condition.
14. Where the Registration Council considers one of these allegations and finds that there is a case to answer, it will refer an allegation for a hearing.

The Staged Approach

15. The Council must follow a sequential approach before moving to consider sanction. The approach to be followed depends on the type of allegation.
16. In the case of an allegation concerning either UPC or professional incompetence, the RC has to decide in this order:
    a) Whether the facts as set out in the allegation have been proved according to the "balance of probabilities". If none of the facts have been proved, the allegation is not well-founded;
    b) Whether, if any of the facts have been found to be proved, some or all of these (whether taken individually or collectively) constitute UPC or professional incompetence, as alleged. If the RC finds they do not, the allegation is not well-founded;

c) If the allegation is well-founded, which of the sanctions available to the RC is the minimum necessary to protect the public.

17. The first two decisions are taken together; after the Council has considered all the evidence presented to it and has asked any questions for clarification. Decision-making about sanction takes place only once the RC has decided that the allegation is well-founded.
18. The standard required of a registered Trichologist is set out in the 'Code Of Professional Practice And Ethics' (the Code), bearing that where a Trichologist is alleged and found to have breached any provision within the Code, this shall not be taken, of itself, to constitute UPC. However, any breach will be taken into account in any proceedings.
19. In the case of an allegation concerning a conviction, the RC has to decide in this order:
    a) Whether the fact of the conviction is proven. The process to be followed by the RC in such cases is set out in more detail at paragraphs 52-57. If the fact of the conviction is not proven, the allegation is not well-founded. If the fact of the conviction is proven, the matter is well-founded;
    b) If the allegation is well-founded, whether the criminal offence has any material relevance to the fitness of the trichologist to practise trichology. If it has no material relevance, the PCC may take no further action;
    c) If the criminal offence has material relevance, which of the sanctions available to the RC is the minimum necessary to protect patients and the public.
20. In the case of an allegation concerning impairment of fitness to practise due to a physical or mental condition, the RC should usually approach its decision-making in this order:
    a) Whether the IOT has proved, on the balance of probabilities, that the suffers from the physical or mental condition as alleged. If the RC finds that this is not proved, the allegation is not well-founded;
    b) Whether, if the IOT has proved that the Trichologist suffers from the physical or mental condition as alleged, the Trichologist's ability to practise as a Trichologist is seriously impaired as a result. If the RC finds that it is not, the allegation is not well-founded;
    c) If the allegation is well-founded, which of the sanctions available to the RC is the minimum necessary to protect the public.
21. Where a Council finds that an allegation is not well-founded, no action is taken and the Trichologist is informed of this outcome. The council must give full reasons for these decisions in its written determination.

The sanction options

22. There are four sanctions available to the RC:
    - Written Warning
    - Conditions of Practice Order;
    - Suspension Order;
    - Removal from the register.
23. There are two sanctions available to the RC if it decides that an allegation against a Trichologist that their ability to practise is seriously impaired because of a physical or mental condition is well founded:
    - Conditions of Practice Order;
    - Suspension Order.

24. When considering the appropriate sanction to impose, the Council should consider carefully the matters covered in section B of this document.
25. Both the IOT and the Trichologist may make submissions about the appropriate sanction to impose, and the Council should take account of those submissions. In practice the IOT does not generally make the case for a particular sanction to be imposed in its submissions when acting in its prosecuting role, but may draw the Council's attention to relevant parts of this guidance.
26. The Council must give reasons in its written determination for the particular sanction that it has decided to impose. The reasons must summarise the Council's findings on the principal important issues, in order to enable the trichologist and the public to understand:
    a) Why a particular sanction has been chosen;
    b) How it protects patients and the public;
    c) Why it is the minimum sanction that is necessary

A6. PROPORTIONALITY

27. In deciding what sanction to impose, the Council must consider the principle of proportionality. This means that when considering what sanction to impose in order to fulfil the statutory overarching objective, the Council must take into consideration the interests of the Trichologist. The Council should consider the sanctions available, starting with the least restrictive sanction available, judging whether that sanction will be sufficient to achieve the over-arching objective, and if it will not, moving on to consider the next least restrictive sanction. It is good practice for the Council to provide reasons for its conclusions about each sanction option considered.
28. Once the Council has determined that a particular sanction is necessary to protect the public, that sanction must be imposed, even where that may have a negative impact on the practitioner. This is necessary to fulfil the statutory overarching objective.
29. The Trichologist may have been made subject to an interim order suspending their registration during the IOTs investigation. There is no principle that (as in criminal proceedings if an individual is remanded in custody) time spent suspended under an interim suspension order must be deducted from the length of any suspension then imposed by the RC at a hearing. However, the Council should take account of the interim order and its effect on the registrant when deciding whether a sanction is proportionate. Having considered that issue, the Council is entitled to conclude that the interim order does not affect the substantive order.

A7. MITIGATING FACTORS

30. When deciding on a sanction, the Council will need to consider any evidence presented by way of mitigation by the Trichologist, or which it identifies as being relevant mitigation.
31. The weight, if any, to be placed on any particular mitigation is a matter for the Council's judgement. It must have the over-arching objective in the forefront of its mind when considering the relevance of any mitigation and the weight, if any, to attach to it.
32. There are some cases where, regardless of the mitigation presented, a Trichologist's failings are so serious or persistent that a particular sanction is needed in order to uphold standards and maintain public confidence.
33. Councils will be mindful that, because they are not concerned with matters of punishment, considerations which would normally weigh in mitigation of punishment are likely to have less effect. For example, see paragraph 36(d) below.
34. The following are examples of mitigating factors:

a) Evidence of the extent of the Trichologist's understanding of and insight into the problem and their attempts to address and remediate it. Such evidence could arise from the facts that have been found proved. It could also take the form of any apologies by the Trichologist to the complainant or person in question. A Council may feel able to give more weight to apologies made at the time or close to relevant events, than to those made at or in the run up to the hearing. Insight could also be evidenced by demonstrable efforts to prevent such behaviour happening again or to correct any deficiencies in performance;
b) Evidence of the Trichologist's overall compliance with important principles of good practice (for example, keeping up to date and working within their area of competence);
c) Evidence of mitigating circumstances that contributed to the relevant incidents, for example a lack of training or supervision at work, personal hardship at the time of the relevant events or work-related stress;
d) Any hardship which the Trichologist will face as a result of the sanction imposed. Councils will note, though, that while the personal consequences for the trichologist of a particular sanction being imposed should be taken into account, the essential concern of the Council is to maintain public confidence in the profession even if doing so by imposing a particular sanction entails unfortunate consequences for the individual Trichologist;
e) While not strictly mitigation, Councils will wish to take into account whether or not the Trichologist has previously had a finding made against them by a IOT Council or by any equivalent Council or other regulatory/licensing body.

35. In some cases, the stage of the Trichologist's career may be a mitigating factor - for example because the Trichologist was very inexperienced at the time of relevant events but has subsequently been able to reflect on how they might have done things differently, with the benefit of experience. In other cases, for example those involving predatory behaviour or serious dishonesty, the stage of the Trichologist's career is unlikely to be regarded as mitigation - serious poor practice or UPC is not regarded as being less unacceptable simply because the Trichologist was inexperienced.
36. The principles in the Code emphasise that Trichologists should take a mature and responsible approach to work. The Council is likely to want to see evidence to support a Trichologist's submission that they have taken steps to put things right or to prevent similar problems arising in future.
37. Councils will be mindful that the absence of what would otherwise be an aggravating factor is not to be treated as a mitigating factor

A8. AGGRAVATING FACTORS

38. The Council should consider any aggravating factors presented to it, or which it identifies keeping the over-arching objective in the forefront of its mind.
39. Aggravating factors may include (this is not an exhaustive list):
    - Previous regulatory findings;
    - Abuse of position of trust;
    - Lack of insight;
    - Direct or indirect patient harm (or conduct which could foreseeably cause harm); and
    - A pattern of UPC over time.

A9. CONSIDERING REFERENCES AND TESTIMONIALS

40. Testimonial evidence concerning the Trichologist's propensity to commit the acts alleged may have been presented at the fact-finding stage of the hearing. At the stage when the Council considers sanction, personal mitigation testimonials may also be presented, for example concerning the Trichologist's standing in the community or the profession. The Council should consider the weight to attach to these. The Council should consider who the author of any reference or testimonial is, the nature of their relationship with the Trichologist (for example, if they are a current or former employer), the nature and extent of their experience of the Trichologist when the reference or testimonial was written, how it was solicited, whether the author was aware of the IOT proceedings and the allegations, whether the reference or testimonial appears to be authentic (for example, whether it is signed), and whether the reference or testimonial is relevant to the specific findings made by the Council against the Trichologist. A Council may wish to give more weight to a reference or testimonial if it confirms that the author is willing to attend the proceedings to answer questions.
41. The quantity, quality and spread of references and testimonials will vary from case to case and this will not necessarily depend upon the standing of the Trichologist. A Council should not draw adverse conclusions if no references or testimonials are presented. Councils will be mindful that obtaining references and testimonials may be difficult for Trichologists who have recently qualified or have only recently arrived in the UK.

A10. EXPRESSIONS OF REGRET AND APOLOGY, AND DEMONSTRATING INSIGHT

42. Demonstrating insight is different from expressing remorse. A Trichologist is likely to have demonstrated they have some insight if they: accept they should have behaved differently; take timely steps to remediate; apologise sufficiently in advance of the hearing; and demonstrate the development of insight during the investigation and hearing.
43. There is an expectation within the Code that a Trichologist will: think about and learn from events; recognise when things have not gone well; be open and honest and apologise to the patient(s) concerned; and provide redress if appropriate. The Code requires (2) " Members of the Institute of Trichologists shall conduct themselves at all times with dignity and behave in an honourable manner in their relations with patients, the general public, other members of the Institute, members of other professional bodies and other practitioners".
44. Evidence of the Trichologist's actions since the relevant events and during the hearing may assist the Council to assess the extent to which any remorse and/or insight has been demonstrated. The Council may wish to have regard to whether the Trichologist has denied the allegation, has been equivocal or ambivalent (perhaps by not acting to improve the position, or by saying they will do so, but then taking no action), has made admissions at the outset of the hearing or late in the day when they think it will then help their case, or has given untruthful evidence to the Council or falsified documents.
45. Councils should be aware that different practitioners may express insight and/or remorse in different ways. Cross-cultural communication studies show that there are significant differences in the way that people from different cultures and language groups use language and non-verbal signals both to understand what is being said and to express themselves. This is particularly the case when individuals are using a second language. Councils should also have regard to any independent expert evidence presented by a practitioner that establishes that they have a particular health condition

that impacts on the way in which they express remorse. Awareness of and sensitivity to these issues are important in considering and assessing the degree of insight or remorse shown.

SECTION B: THE SANCTIONS

B1. OVERVIEW

46. There is a range of sanction options available to the RC (each of these sanctions is addressed individually later in this section) and will require the Council to vote on the issue of sanction. No member of the Council can abstain.
47. Before the Council moves to a vote it must make sure that it fully discusses the case, any submissions about the appropriate sanction, and is fully aware of all the options available to it. The Council alone makes the final decision on the appropriate sanction, working within the relevant guidelines and having regard to the framework set out by this guidance. The Council must keep the statutory over-arching objective in the forefront of its mind at all times.
48. The Council's written determination on the sanction must make it clear that it has considered the available sanctions in ascending order, starting with the least restrictive option, moving upwards if that option was thought to be insufficient, and stopping when it reached the least restrictive sanction necessary to achieve the statutory over-arching objective. The Council's written determination must provide clear and cogent reasons for imposing a particular sanction, including explaining the relevance of any mitigating and aggravating factors. This is especially important if the sanction is lower, or higher, than that suggested by this guidance or where it differs from the sanction the Trichologist has submitted that the Council should select. The written determination should also include a clear explanation of why a particular period of sanction has been considered necessary (if the Council selects a sanction that will remain in place for a fixed period). The written determination must set out whether the Council considered imposing a more restrictive sanction and provide reasons for any conclusion that a more restrictive sanction was unnecessary.
49. The Trichologist has the right to appeal to the Council within 28 days against any decision of the RC to impose a sanction. The sanction does not take effect during these 28 days nor; if an appeal is lodged, until that appeal has been disposed of. During this time, the Trichologist's registration remains fully effective unless the Council also orders an interim suspension (see section C).

B2. GENERAL ISSUES RELEVANT TO SANCTION

50. The Code requires that (6) "a Member must be honest, uphold the honour and dignity of the profession, act with integrity and not engage in any activity which may bring the profession into disrepute" and (12) "all Members must maintain exemplary standards of professional conduct. As a professional you are personally accountable for your actions in your practice. You must always act within the law whether those laws relate to your practice or your personal life. All practices within the UK must adhere to The Health & Safety at Work Act 1974, those registered members outside of the UK must adhere to the relevant Health and Safety Legislation for their country or location."
51. Certain cases are particularly serious for all aspects of the statutory over-arching objective. Some particular considerations which may arise for Councils in such cases are set out in the following paragraphs.

Convictions

52. 'Convictions' mean findings of guilt by a criminal or county court in the United Kingdom (UK). A conviction by itself constitutes sufficient basis for the Council to impose a sanction, regardless of whether the criminal offence occurred in the trichologist's professional or private life.
53. Should the sentence imposed by the criminal or county court be a conditional discharge, that does not constitute a "conviction" under English law. Nor do cautions or penalty notices administered by the police or other enforcement authorities constitute "convictions". They may however amount to UPC.
54. If the Council receives in evidence a signed certificate of the conviction, then it must accept the certificate as conclusive evidence of the offence having been committed, unless it also receives evidence to the effect that the trichologist is not the person referred to in the conviction. In these cases the purpose and focus of the proceedings is to:
    a) Establish whether the conviction has material relevance to the fitness of the trichologist to practise trichology;
    b) Consider the gravity of the offence; and
    c) Take due account of any mitigating and aggravating circumstances. At the hearing the Council may decide to take no further action in respect of a conviction if it considers that the conviction has no material relevance to the fitness of the trichologist concerned to practise trichology. However the Council may decide to impose a sanction even where the conviction occurred in the trichologist's private life, rather than in the course of their professional practice.
55. The Council cannot seek to 'go behind' the conviction or reach another conclusion about the matters that led to it being issued. In a hearing about a conviction, the IOT case presenter will be invited to put forward evidence about the circumstances leading up to the conviction and the character and previous history of the respondent trichologist. The Trichologist will then have the opportunity to address the Council by way of mitigation and present any evidence about this.
56. Councils should bear in mind that the sentence imposed by the criminal court in relation to the conviction is not always a definitive guide to the seriousness of the offence. There may have been specific personal mitigation which led the court to its decision on sentence which, in the regulatory context, carries less weight, because of the different purpose of regulatory proceedings and the public interest considerations that apply (as reflected in the over-arching objective). The classic explanation of this principle comes from the statement of Sir Thomas Bingham MR in Bolton v Law Society that "the reputation of the profession is more important than the fortunes of any individual member. Membership of a profession brings many benefits but that is part of the price", "because of these considerations, the seriousness of the criminal offence, as measured by the sentence imposed by the Crown Court, is not necessarily a reliable guide to its gravity in terms of maintaining public confidence in the profession."
57. As a general principle, when a trichologist has been convicted of a serious criminal offence, they should not be allowed to return to unrestricted practice until they have completed their criminal sentence.

Sexual misconduct

58. Sexual misconduct takes in a wide range of behaviour, from criminal convictions for sexual assault and sexual abuse of children (including child pornography) to sexual misconduct with patients, patients' relatives or colleagues.
59. The Council should take account of the principles set out in the Code, requiring Trichologists to "establish and maintain clearly defined professional boundaries between yourself and your patients to avoid confusion or harm and to protect the welfare and safety of patients and those who care for them. The Council for Healthcare Regulatory Excellence (CHRE) produced guidance for fitness to practise panels (such as the RC) on clear sexual boundaries.
    Councils should have regard to that guidance where relevant.
60. Abuse of a position of trust (such as the relationship between a Trichologist and their patient) in order to initiate or pursue a sexual relationship is likely to be considered to be an aggravating factor. It is the Trichologist's responsibility to prevent sexual boundaries being crossed, not the patient's.
61. Sexual offences include accessing, viewing or other involvement in child pornography, which involves the abuse or exploitation of a child. These types of offences are likely gravely to undermine patients' and the public' trust in the profession and seriously undermine its reputation.
62. The criminal courts identify degrees of seriousness in relation to child pornography offences. However, Councils will usually regard any Trichologist's conviction for child pornography as potentially being a matter of very serious concern, because of the likelihood that it will damage the public's confidence in the profession as a whole. Councils should be mindful that where someone is convicted of or receives a police caution for certain sexual offences they will also be registered on the Sex Offenders' Register. Any conviction relating to child pornography will lead to registration as a sex offender and possible inclusion on the Children's Barred List by the Disclosure and Barring Service. Councils are likely to consider such registration to be a marker of seriousness.
63. The Council is likely to consider that no Trichologist registered as a sex offender following a conviction or caution for a sexual offence should have unrestricted registration. In such cases, if the Council imposes conditions or suspension, it is likely to wish to order a review hearing to be held before expiry of the period of suspension/conditions.
64. If the Council has any significant doubt about whether a Trichologist who is no longer required to register as a sex offender should be permitted to resume unrestricted practice, it should give very careful consideration to all aspects of the over-arching objective, including the need to maintain public confidence in the profession, before deciding whether or not to impose a further sanction.
65. In all cases of serious sexual misconduct it will be highly likely that the only proportionate sanction will be removal from the register. If a Council decides to impose a lesser sanction in such a case, it will need to be particularly careful in explaining its reasons, so that those reasons can be clearly understood by those who did not hear the evidence in the case.

Dishonesty

66. Dishonesty, even when it does not result in direct harm to patients, is particularly serious because it can undermine the trust the public places in the profession. This includes

dishonesty that occurs entirely outside the Trichologist-patient relationship (for example giving false statements or making fraudulent claims for money).

67. The Code requires Trichologists to act with honesty and integrity and maintain the highest standards of professional and personal conduct, (47) " as a member, you are expected to: (a) Maintain the highest possible standard of integrity in all your business relationships, both inside and outside the organisation in which you work (b) Reject any business practice which might reasonably be deemed improper (including improper practices which might benefit the Institute) (c) Never use your authority or position for personal gain (d) At all times, act with impartiality, independence and integrity (e) Avoid being, or giving the appearance of being, in a position which may result in an actual or perceived detriment to the Institute's reputation and/or interests.
68. The Code requires that (39) "advertising must not mislead the general public in any way, all benefits and services offered, and products referred to must be supported by medical or scientific research, avoid placing any undue financial pressure on a patient to commit to any long term treatment that is not justified".
69. Examples of dishonesty in professional practice could include:
    a) Defrauding a partner in the practice;
    b) Falsifying or improperly amending patient records;
    c) Submitting or providing false references, or inaccurate or misleading information on a CV;
    d) Failing to take reasonable steps to ensure that statements made in formal documents are accurate.
70. Research misconduct is particularly serious as it has the potential to have far-reaching consequences. Research misconduct ranges from presenting misleading information in publications through to dishonesty in clinical trials. This behaviour undermines the trust that both the public and the profession have in trichology as a science, whether or not this leads to direct harm to individual patients.
71. In all cases of dishonesty, especially when it is denied or persistent or covered up, Councils are likely to wish to consider whether any sanction less than removal is appropriate, given the impact of dishonesty on public confidence in the profession.

Failing to provide an acceptable level of treatment or care

72. The Code requires (1) "a Member's prime concern must be for the welfare of the patient and the safety of the general public". Councils are likely to find particularly serious any case where the Trichologist shows a reckless disregard for patient safety or where there is a breach of the fundamental duty of Trichologists to protect the patient from harm.
73. A particularly important consideration in such cases is whether or not a Trichologist has, or has the potential, to develop insight into these failures. If this is not evident, it is likely that conditions of practice or suspension may not be appropriate or sufficient.

B3. THE SANCTIONS

74. There are four sanctions available to the RC:
    a) Written Warning; Minor
    b) Conditions of Practice Order; Moderate
    c) Suspension Order; Major
    d) Removal from the register; Extreme

75. There are two sanctions available to the RC when an allegation against a Trichologist that their ability to practise is seriously impaired because of a physical or mental condition is well founded:
    a) Conditions of Practice Order;
    b) Suspension Order.

B4. WRITTEN WARNING

76. The least restrictive sanction that can be applied by the RC is a written warning, which does not directly restrict a Trichologist's ability to practise. An admonishment may be appropriate if the allegation is at the lower end of the spectrum of unacceptable professional conduct, professional incompetence or criminal conviction, and the Council wants to mark that the behaviour of the Trichologist was unacceptable and must not happen again.
77. Written warnings may be considered when most of the following factors are present in the case (this is not a complete list):
    a) Evidence that the behaviour did not and would not have caused direct or indirect patient harm;
    b) Evidence of sufficient insight into the matters found proved;
    c) The behaviour was an isolated incident, which was not deliberate;
    d) A genuine expression of regret or apologies;
    e) The Trichologist was acting under duress;
    f) Previous good history;
    g) No repetition of the behaviour since the incident;
    h) Evidence that effective rehabilitative or corrective steps have been take.
78. The committee will wish to consider whether it is sufficient to conclude the case with a written warning, given:
    a) The over-arching objective;
    b) While imposing a sanction may have a punitive effect, that is not the purpose of imposing sanctions;
    c) The reasons for the finding of unacceptable professional conduct, professional incompetence or a criminal conviction.
79. If the Council concludes that it is not sufficient to conclude the case with a written warning, it will need to move on to consider imposing a more restrictive sanction. If the Council considers that imposing an admonishment will not be sufficient in the circumstances of the case, having regard to the over-arching objective, it must go on to consider imposing a Conditions of Practice Order on the Trichologist's registration (see the next section).

B5. CONDITIONS OF PRACTICE ORDERS

80. A Conditions of Practice Order requires the Trichologist to comply with certain conditions before they are permitted to resume unrestricted registration. Such an order can be imposed by the RC for a period of up to three years in the first instance, and may be extended or further extended for periods of up to three years subsequently at review hearings.
81. The main aim of specific conditions is to protect patients from harm, while allowing the Trichologist to put right any shortcomings in their practice which led to a finding of UPC or professional incompetence and/or to deal with any health issues (depending on the nature of the allegation).

82. The provisions surrounding the Conditions of Practice Order must specify one or both of the following:
    a) The period for which the order is to have effect;
    b) A test of competence which must be taken by the Trichologist.
83. Given the nature and purpose of a Conditions of Practice Order, it is likely that the Council imposing such an Order will wish for it to be reviewed prior to its expiry. This is because the Council will wish to assess whether the Trichologist is fit to resume practice without restriction before the Order expires. In these circumstances, it is necessary for the Council to order a review hearing to be held, so that the Council can assess (in relevant cases) whether:
    a) The Trichologist fully appreciates the gravity of the offence;
    b) The Trichologist has not reoffended;
    c) The Trichologist has maintained their skills and knowledge;
    d) The Trichologist no longer has a mental or physical health condition that is seriously impairing their ability to practise;
    e) Patients will not be placed at risk by the Trichologist's resumption of unrestricted practice or practice with less stringent conditions.
84. If the Council does not consider that a review hearing is necessary, it should clearly explain its reasons in its determination. Providing clear reasons for that decision is particularly helpful if at a later date that decision has to be reconsidered, as set out in paragraph 84 below.
85. Where a Council does not order a review hearing, if a change in circumstances leads the IOT to consider that it is necessary for the sanction to be reviewed, it can request that the Council holds a review hearing at any point before the expiry of the order. The Council's original reasons for not directing a review may be relevant to any decision that is then taken.
86. Where a review hearing has been ordered but circumstances arise which mean the IOT considers that the review hearing should be heard earlier than scheduled the IOT can request that an early review is held.
87. There is more detail about review hearings and the options available to the Council when reviewing a sanction at section D.
88. The objectives of any conditions within a Conditions of Practice Order must be made clear enough for:
    a) The Trichologist to know what is expected of them; and
    b) The Council at any future review hearing to be able to understand the Trichologist's original shortcomings and the specific actions needed to correct them.
89. Only when the objectives are set out clearly will it be possible to evaluate whether they have been achieved. Any conditions must be:
    a) Specific;
    b) Appropriate;
    c) Proportionate;
    d) Workable;
    e) Measurable.
90. If the RC has found a Trichologist's fitness to practise to be impaired due to their physical or mental condition, the Conditions of Practice Order should include conditions that relate to medical supervision of the Trichologist, as well as some relating to practice if considered necessary to fulfil the over-arching objective.

91. Generally, it is not appropriate to impose conditions that include a requirement for medical supervision unless the Trichologist's fitness to practise has been found impaired because of their physical or mental health. An exception may be a case where a Trichologist has refused to undergo a health assessment or has a conviction for the possession or use of drugs, or for alcohol abuse.
92. Councils should refer to the IOT's conditions when deciding which conditions to impose in any particular case.
93. Before the Council decides on any conditions to be imposed, it should consider inviting any comments from the IOT and the Trichologist concerned about whether or not the proposed conditions will be workable. This is likely to be particularly important if the Council intends to impose conditions requiring workplace supervision. Seeking such comments may mean the Council needs to adjourn for a brief period of time in order to allow the IOT and Trichologist an opportunity for consideration.
94. A Conditions of Practice Order may be appropriate when most or all of the following are apparent in the case (this is not a complete list):
    a. There is no evidence of harmful deep-seated personality or attitudinal problems;
    b. There are identifiable areas of a Trichologist's practice in need of review, retraining or assessment;
    c. There is no evidence of general incompetence;
    d. There is evidence of a willingness to undertake, and the potential to respond positively to, further training and assessment (where the allegation does not relate solely to ill-health);
    e. The Trichologist has insight into any health problems seriously impairing their ability to practise and is prepared to agree to abide by conditions relating to medical condition, treatment and supervision;
    f. Patients will not be put at risk either directly or indirectly as a result of continued registration with conditions;
    g. The conditions will protect patients during the period they are in force;
    h. It is possible to formulate appropriate, practicable and assessable conditions to impose on registration.
95. The Council will wish to consider whether it is sufficient to conclude the case with conditions imposed upon registration, given:
    a. The over-arching objective;
    b. While imposing a sanction may have a punitive effect, that is not the purpose of imposing sanctions;
    c. The reasons for the finding of unacceptable professional conduct, professional incompetence, a criminal conviction or impairment by reason of health
96. If the Council concludes that it is not sufficient to conclude the case with a Conditions of Practice Order it will need to move on to consider imposing a more restrictive sanction.

B6. SUSPENSION

97. A Suspension Order directs the Registrar to suspend the Trichologist's registration for a period of up to three years. The Trichologist must not practise as an IOT registered Trichologist.
98. Suspension is likely to be appropriate for UPC, professional incompetence or a conviction that is serious, but not so serious as to justify removal from the register.

Suspension can be used to send out a signal to the Trichologist, the profession and the public about what is regarded as serious UPC from a registered Trichologist.

99. Suspension is the most restrictive sanction available to the RC.
100. When imposed the length of suspension may be up to three years. The length of a suspension is for the Council to decide on; it must impose the minimum required for protection of the public and the wider public interest in the circumstances of the particular case.
101. In some UPC cases – for example those where there is well-developed insight, remorse, proper remediation and no risk of repetition – it may be self-evident that, following a short suspension there would be no value in a review hearing. However, in most cases where a period of suspension is imposed the Council will need to be reassured that the Trichologist is fit to resume practice – either unrestricted or with conditions – upon the expiry of the Order. In these circumstances, it is necessary for the Council to order for a review hearing to be held in order that the Council can assess whether:
    a. The Trichologist fully appreciates the gravity of the offence;
    b. The Trichologist has not reoffended;
    c. The Trichologist has maintained their skills and knowledge;
    d. The Trichologist no longer has a mental or physical health condition that is seriously impairing their ability to practise;
    e. Patients will not be placed at risk by the resumption of practice or by the imposition of conditional registration.
102. If the Council does not consider that a review hearing is necessary, it should clearly explain its reasons in its determination.
103. Where a Council does not order a review hearing, if a change of circumstances leads the IOT to consider that it is necessary for the sanction to be reviewed, it can request that the Council holds a review hearing at any point before the expiry of the order. The Council's reasons for not directing a review may be helpful in informing any decision.
104. Where a review hearing has been ordered, but circumstances arise which mean the IOT considers that the review hearing should be heard earlier than scheduled, the IOT can request that an early review is held.
105. There is more detail about review hearings and the options available to the Council when reviewing a sanction at section D.
106. Suspension may be appropriate in a case of UPC or incompetence in which the Trichologist currently poses a risk of harm to patients, but where there is evidence that they have gained insight into the deficiencies and there is potential and willingness for them to remedy their shortcomings. This will include cases where a Conditions of Practice Order is not sufficient either to protect patients directly or to meet the other elements of the over-arching objective that relate to maintaining public confidence in the profession and upholding professional standards. In such cases the Council may wish to impose a period of suspension and to make recommendations as to the evidence which the Trichologist may wish to bring to any future review hearing; for example, evidence of further training.
107. Suspension Orders may be appropriate when some or all of the following are apparent in the case (this is not a complete list):
    a) There has been a serious breach of the Code and, while the UPC concerned is not fundamentally incompatible with continued registration, the breach is so serious that any sanction lower than a suspension would not be sufficient in view of the requirements of the statutory over-arching objective;

b) The case involves professional incompetence where there is a risk to patient safety if the trichologist's registration is not suspended, and the trichologist demonstrates potential and willingness to remediate their deficiencies and failings;
c) There is no evidence of harmful deep-seated personality or attitudinal problems;
d) There is no evidence of repetition of similar behaviour since the incident;
e) The Council is satisfied the trichologist has insight and does not pose a significant risk of repeating the behaviour.

108. Suspension Orders may be appropriate when the Trichologist's ill-health impairment is such that the Council is not satisfied that the Trichologist cannot practise safely even if conditions were to be imposed. In such cases, the RC is likely to wish to direct a review hearing in order to ensure that up to date information about the Trichologist's health is available to the reviewing Council to enable it decide whether the trichologist is then fit to resume practice, either under conditions or unrestricted.
109. Suspension from the register will have a punitive effect, in that it prevents a Trichologist from practising (and therefore earning a living as a Trichologist) during the period of the order. It is also likely to have a longer-term adverse effect on the individual's reputation. The Council will be mindful of the principle of proportionality set out at paragraphs 27-29 - once it determines that a period of suspension is necessary to protect the public, that sanction must be imposed, even where that may have a negative impact on the practitioner. This is necessary so as to fulfil the statutory over-arching objective. Case law has established that it can never be an objection to suspension that the trichologist may be unable to re-establish his practice when the period has ended.
110. The RC will wish to consider whether it is sufficient to conclude the case by suspending the Trichologist's registration, given:
    a. The over-arching objective;
    b. The purpose of imposing sanctions is not to be punitive but to protect patients and the wider public interest;
    c. The reasons for the finding of unacceptable professional conduct, professional incompetence, criminal conviction.
111. If the RC concludes that it is not sufficient to conclude the case with a suspension, it will need to order the removal of the Trichologist's name from the register.
112. In cases when the RC decides to impose a Suspension Order, the Council should also seriously consider whether it needs to impose an Interim Suspension Order in order to protect members of the public during the period until the Suspension Order comes into effect. A Suspension Order does not take effect for 28 days and, if an appeal is lodged, not until the appeal has been decided, during which time the trichologist would remain on the register and be able to practise if an Interim Suspension Order has not also been imposed.

B7. REMOVAL FROM THE REGISTER

113. This sanction requires the Registrar to remove the Trichologist's name from the register, thus prohibiting that individual from working as an IOT Trichologist in the UK. Removal from the register may well be necessary when the behaviour involves any of the following (this is not a complete list):
    a. Particularly serious departure from the principles set out in the Code; that is, behaviour fundamentally incompatible with being a Trichologist;
    b. A reckless disregard for the principles set out in the Code and for patient safety;

c. Doing serious harm to others (patients or otherwise), either deliberately or through incompetence; particularly where there is a continuing risk to patients (see further guidance at paragraphs 72-73 about failure to provide an acceptable level of treatment or care);
d. Abuse of position of trust;
e. Violation of a patient's rights or exploiting vulnerable people;
f. Offences of a sexual nature, including involvement in child pornography (see paragraphs 61-69);
g. Offences involving serious violence that have resulted in a custodial sentence;
h. Dishonesty, especially when it is denied, persistent or covered up (see paragraphs 66-71);
i. Acting without integrity and abusing professional standing;
j. Persistent lack of insight into the seriousness of their actions or the consequences.

114. Protection of patients the public and upholding the public interest are the most important considerations when deciding the appropriate sanction.
115. In cases where the Council decides to remove a Trichologist from the register (that is, imposes a Removal Order), it should also seriously consider whether it is necessary to impose an Interim Suspension Order in order to protect members of the public during the period before the removal takes effect. A Removal Order does not take effect for 28 days and, if an appeal is made, not until the appeal has been decided, during which time the trichologist would remain on the register and be able to practise.

SECTION C: INTERIM SUSPENSION

116. The Council has the power to order the Registrar to suspend the registration of a Trichologist with immediate effect where it decides to suspend or remove the Trichologist from the register, if it is satisfied that this is necessary to protect members of the public. This prevents the trichologist from practising during the 28 day period in which they can appeal the sanction and until any appeal has been decided. This is called an Interim Suspension Order (ISO).
117. The Trichologist or their representatives may argue that no ISO should be made, as the Trichologist needs time to make arrangements for the care of their patients before the substantive order for suspension or removal from the register takes effect. In considering such arguments, the Council will need to bear in mind its reasons for imposing a particular sanction, and that the purpose of Interim Suspension Orders is to protect the public and the wider public interest. The Council will also wish to take account of the fact that any Trichologist whose case is being considered by a Council will have been aware of the date of the hearing for some time so should have had sufficient time to plan for the possibility of a Suspension Order or Removal Order (and ISO) being made.
118. In practice, it is arguable that, if it is considered necessary to suspend or remove a Trichologist from the register, interim suspension should always be considered as a logical step to protect the public during the period in which the Trichologist may appeal the sanction. The decision about whether or not to impose an Interim Suspension Order is one that the Council will approach based on the individual facts of the case.

SECTION D: REVIEW HEARINGS

119. As already set out at paragraphs 82 and 100, when a Council decides that a period of registration with conditions or suspension is appropriate, it will normally order that a

review hearing be held, because the Council will want to ensure that the Trichologist is fit to resume practice before the order lapses.

120. It is important that no Trichologist should be allowed to resume unrestricted practice following a period of conditional registration or suspension unless the Council considers that they are safe to do so. The Council will need to be reassured that the Trichologist is fit to resume practice either unrestricted, or with conditions, or further conditions. The Council will also need to satisfy itself (as relevant) that:
    a. The Trichologist has fully appreciated the gravity of the offence;
    b. The Trichologist has not reoffended;
    c. The Trichologist has maintained their skills and knowledge;
    d. The Trichologist's ability to practise is no longer seriously impaired by a mental or physical condition; and
    e. Patients will not be placed at risk by resumption of practice or by the imposition of conditional registration.
121. In cases where the Trichologist was required to register as a sex offender following a conviction or caution for a sexual offence, at any review hearing the reviewing Council is likely to wish to take into account the following factors:
    a. Whether the registration requirement has ceased;
    b. The seriousness of the original offence;
    c. Evidence about the Trichologist's response to any treatment programme they have undertaken;
    d. The level of insight shown by the Trichologist into the seriousness of their previous actions;
    e. The likelihood of the Trichologist re-offending;
    f. Any possible risk to patients and the wider public if the Trichologist is allowed to resume unrestricted practice;
    g. Any possible damage to public confidence in the profession if the
    h. Trichologist is allowed to resume unrestricted practice;
    i. Whether any risk to patients and the wider public could be adequately managed by the placing of restrictions on the Trichologist's registration.
122. The Council should consider whether the Trichologist has produced any information or objective evidence on these matters.
123. The options available to a Council at a review hearing vary depending on whether the case is before RC and the order being reviewed.
124. At any time when a Conditions of Practice Order is in force, the RC may (whether or not of its own motion):
    a. Extend, or further extend, the period for which the order has effect;
    b. Revoke or vary any of the conditions;
    c. Require the Trichologist to pass a test of competence specified by the Council;
    d. Reduce the period for which the order has effect; or
    e. Revoke the order.
125. Where the RC extends or reduces the Conditions of Practice Order, or specifies a test of competence, as described in paragraph 82 above, the order will have effect as if:
    a. The period specified in the Conditions of Practice Order was the extended or reduced period; and
    b. A test of competence was specified in that Order.
126. Where the RC has imposed a Conditions of Practice Order, at any time the Order is in force, it may (whether or not of its own motion):
    a. Extend, or further extend, the period for which the Order has effect; or

b. Make a Suspension Order.

127. On the application of the Trichologist with respect to whom a Conditions of Practice Order is in force the RC may:
    a. Revoke the Order;
    b. Vary the Order by reducing the period for which it has effect; or
    c. Vary the Order by removing or altering any of the conditions.
128. Where a Trichologist makes an application to the RC as described in paragraph 127, and the application is refused, the RC will not entertain a further such application unless it is made after the end of the period of twelve months beginning with the date on which the previous application was reviewed by the Council.
129. Where the RC has imposed a Suspension Order, at any time while that Order is in force, the RC may (whether or not of its own motion):
    a. Extend, or further extend, the period of suspension;
    b. Replace the order with a Conditions of Practice Order having effect for the remainder of the period of suspension; or
    c. Make a Conditions of Practice Order with which the Trichologist must comply if they resume the practice of Trichology after the end of the period of suspension.
130. On the application of the Trichologist with respect to whom the Suspension Order is in force, the RC may:
    a. Revoke the Order;
    b. Vary the Order by reducing the period for which it has effect.
131. Where a Trichologist makes an application as described in paragraph 129, which is refused, the RC shall not entertain a further such application unless it is made after the end of the period of twelve months beginning with the date on which the previous application was reviewed by the RC.
132. At review hearings, the Council will need to consider and make a finding as to whether the Trichologist has complied or failed to comply with any conditions imposed at the previous hearing (giving reasons for its decision). The Council must do this before deciding whether or not to impose a further order. 132. If a review hearing cannot be finished before the end of the period of conditional registration or suspension, the Council may extend that period for a further short period. This is to allow for a review hearing to continue as soon as practicable, while keeping the conditions or suspension in force until the outcome. The Council should ask both parties to confirm when they will be ready to resume the hearing, and take that into account when deciding on the period of extension.
133. Where a reviewing Council imposes a further sanction, it should consider whether or not to direct a further review hearing be held. In most cases a further review hearing will be necessary, because the Council will again want to check the Trichologist's compliance with the order before it expires. Where a Council decides not to direct a review hearing be held, it must give reasons to make it clear that the matter has been considered, and explain the basis of the decision not to direct that a review hearing be held.

APPENDIX A: CHECKLIST OF SANCTIONS AND RELEVANT FACTORS

WRITTEN WARNING

1. Written warnings may be considered when most of the following factors are present in the case (this is not a complete list):
    a) Evidence that the behaviour did not and would not have caused direct or indirect patient harm;
    b) Evidence of sufficient insight into the matters found proved;
    c) The behaviour was an isolated incident, which was not deliberate;
    d) A genuine expression of regret or apologies;
    e) The Trichologist was acting under duress;
    f) Previous good history;
    g) No repetition of the behaviour since the incident;
    h) Evidence that effective rehabilitative or corrective steps have been taken;
    i) Relevant and appropriate references and testimonials.
2. The Council will wish to consider whether it is sufficient to conclude the case with a written warning, given:
    a) The over-arching objective;
    b) While imposing a sanction may have a punitive effect, that is not the purpose of imposing sanctions;
    c) The reasons for the finding of UPC, professional incompetence or a criminal conviction.
3. If the Council concludes that it is not sufficient to conclude the case with an admonishment, it will need to move on to consider imposing a more restrictive sanction.

CONDITIONS OF PRACTICE ORDER

4. A Conditions of Practice Order may be appropriate when most or all of the following are apparent in the case (this is not a complete list):
    a) There is no evidence of harmful deep-seated personality or attitudinal problems;
    b) There are identifiable areas of a Trichologist's practice in need of review, retraining or assessment;
    c) There is no evidence of general incompetence;
    d) There is evidence of a willingness to undertake, and the potential to respond positively to, further training and assessment (where the allegation does not relate solely to ill-health);
    e) The Trichologist has insight into any health problems seriously impairing their ability to practise and is prepared to agree to abide by conditions relating to medical condition, treatment and supervision;
    f) Patients will not be put at risk either directly or indirectly as a result of continued registration with conditions;
    g) The conditions will protect patients during the period they are in force;
    h) It is possible to formulate appropriate, practicable and assessable conditions to impose on registration.
5. The Council will wish to consider whether it is sufficient to conclude the case with conditions imposed upon registration, given:
    a) The over-arching objective;
    b) While imposing a sanction may have a punitive effect, that is not the purpose of imposing sanctions;

c) The reasons for the finding of UPC, professional incompetence, a criminal conviction or impairment by reason of health

6. If the Council concludes that it is not sufficient to conclude the case with a Conditions of Practice Order it will need to move on to consider imposing a more restrictive sanction.

SUSPENSION

7. Suspension may be appropriate in a case of UPC or incompetence in which the trichologist currently poses a risk of harm to patients, but where there is evidence that they have gained insight into the deficiencies and there is potential and willingness for them to remedy their shortcomings. This will include cases where a Conditions of Practice Order is not sufficient either to protect patients directly or to meet the other elements of the over-arching objective that relate to maintaining public confidence in the profession and upholding professional standards. In such cases the committee may wish to impose a period of suspension and make recommendations as to the evidence which the trichologist may wish to bring to any future review hearing; for example, evidence of further training.
8. Suspension Orders may be appropriate when some or all of the following are apparent in the case (this is not a complete list):
   a) There has been a serious breach of the Code and, while the unprofessional conduct concerned is not fundamentally incompatible with continued registration, the breach is so serious that any sanction lower than a suspension would not be sufficient in view of the requirements of the statutory over-arching objective;
   b) The case involves professional incompetence where there is a risk to patient safety if the Trichologist's registration is not suspended, and the trichologist demonstrates potential and willingness to remediate their deficiencies and failings;
   c) There is no evidence of harmful deep-seated personality or attitudinal problems;
   d) There is no evidence of repetition of similar behaviour since the incident;
   e) The committee is satisfied that the trichologist has insight and does not pose a significant risk of repeating the behaviour.
9. Suspension Orders may be appropriate when a Trichologist's ill-health impairment is such that the committee is not satisfied that the Trichologist can practise safely, even if conditions are imposed. In such cases, the RC is likely to wish to direct a review hearing be held, in order to ensure that up to date information about the Trichologist's health is available to the reviewing committee to enable it decide whether the trichologist is then fit to resume practice, either under conditions or unrestricted.
10. The RC will wish to consider whether it is sufficient to conclude the case with registration being suspended, given:
    a) The over-arching objective;
    b) The purpose of imposing sanctions is not to be punitive but to protect patients and the wider public interest;
    c) The reasons for the finding of UPC, professional incompetence or a criminal conviction.
11. If the RC concludes that it is not sufficient to conclude the case with a Suspension Order, it will need to order the removal of the Trichologist's name from the register

REMOVAL FROM THE REGISTER

12. This sanction requires the Registrar to remove the Trichologist's name from the register, thus prohibiting that individual from working as an IOT Trichologist in the UK. Removal from the register may well be necessary when the behaviour involves any of the following (this is not a complete list):

a) Particularly serious departure from the principles set out in the Code; that is, behaviour fundamentally incompatible with being a Trichologist;
b) A reckless disregard for the principles set out in the Code and for patient safety;
c) Doing serious harm to others (patients or otherwise), either deliberately or through incompetence; particularly where there is a continuing risk to patients (see further guidance at paragraphs 72-73 about failure to provide an acceptable level of treatment or care);
d) Abuse of a position of trust;
e) Violation of a patient's rights or exploiting vulnerable people;
f) Offences of a sexual nature, including involvement in child pornography (see paragraphs 58-65);
g) Offences involving serious violence that have resulted in a custodial sentence.
h) Dishonesty, especially when it is denied, persistent or covered up (see paragraphs 66-71);
i) Acting without integrity and abusing professional standing;.
j) Persistent lack of insight into the seriousness of their actions or the consequences.

13. In cases where the Council decides to remove a Trichologist from the register (that is, imposes a Removal Order), it should also seriously consider whether it is necessary to impose an Interim Suspension Order in order to protect members of the public during the period before the removal takes effect. A Removal Order does not take effect for 28 days and, if an appeal is made, not until the appeal has been decided, during which time the Trichologist would remain on the register and be able to practise.