

The Institute of Trichologists

SANCTIONS GUIDANCE

DOCUMENTATION

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INTRODUCTION

THE ROLE AND STATUS OF THE SANCTIONS' GUIDANCE

The Institute of Trichologist's (IOT) is a statutory regulator of **Trichologists (Registrant of the Institute of Trichologists) (RIT)** in the UK.

This guidance has been developed by the IOT for use by the (IOT) Fitness to Practise (FTP) panel 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 practice Trichology is seriously impaired as a result of physical or mental condition. It is also to be used where an FTP panel is reviewing a previously imposed order. It outlines the decision-making process and the factors to be considered.

The overarching objective for imposing sanctions is:

- 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.

The over-overarching objective codifies the position previously established in case law - that protection of the public is broad term and includes all three of the objectives set out above.

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, The FTP panel decisions should take account of this. However, they should bear in mind that their first concern is the protection of the public in the broad sense set out.

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.
- Must use their own judgement in deciding whether allegations against Trichologists are well-founded, based on independent decisions and must take into account [The Code of Professional Practice and Ethics](#).

THE FITNESS TO PRACTISE PANEL

The FTP panel is a three-person panel, one of whom is a registrant- Registered Trichologist (RIT), an Independent Chair and a lay panel member.

During the hearing, the FTP Panel will listen to all the evidence from both the complainant and the (RIT) to decide whether the trichologist practice and conduct fell short of the professional standard and whether the (IOT) Code of Professional Practice and Ethics has been breached. If the (RIT) is considered to be impaired then then the (FTP) Panel will go on to consider and impose a sanction.

The purpose of a sanction is not to punish the Trichologist but to correct unsatisfactory practice and/or to protect the public.

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. 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.

KEY PRINCIPLES TO BE CONSIDERED BEFORE DECIDING ON SANCTION

PROPORTIONALITY

In deciding what sanction to impose, the FTP panel must consider the principle of proportionality. This means that when considering what sanction to impose in order to fulfil the statutory over overarching objective, the panel must take into consideration the interests of the Trichologist. The panel should consider the sanctions available, starting with the least restrictive sanction available, judging whether that sanction will be sufficient to achieve the over-overarching objective, and if it will not, moving on to consider the next least restrictive sanction. It is good practice for the panel to provide reasons for its conclusions about each sanction option considered.

Once the panel 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.

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 panel at a hearing. However, the FTP panel 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 panel is entitled to conclude that the interim order does not affect the substantive order.

MITIGATING FACTORS

When deciding on a sanction, the FTP panel will need to consider any evidence presented by way of mitigation by the Trichologist, or which it identifies as being relevant mitigation.

The weight, if any, to be placed on any particular mitigation is a matter for the panel to determine. It must have the over-overarching objective in the forefront of its mind when considering the relevance of any mitigation and the weight, if any, to attach to it.

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.

FTP panels 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.

The following are examples of mitigating factors:

- 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 from the Trichologist to the

complainant or person in question. A FTP panel 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.

- 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).
- 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.
- Any hardship which the Trichologist will face as a result of the sanction imposed.

FTP panels 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 panel is to maintain public confidence in the profession even if doing so by imposing a particular sanction entails unfortunate consequences for the individual Trichologist.

While not strictly mitigation, FTP panels will wish to take into account whether or not the Trichologist has previously had a finding made against them by a IOT FTP panel or by any equivalent FTP panel or other regulatory/licensing body.

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 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 is not regarded as being less unacceptable simply because the Trichologist was inexperienced.

The principles in the Code emphasise that Trichologists should take a mature and responsible approach to work. The FTP panel 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.

FTP panel will be mindful that the absence of what would otherwise be an aggravating factor is not to be treated as a mitigating factor

AGGRAVATING FACTORS

The FTP panel should consider any aggravating factors presented to it, or which it identifies keeping the over-arching objective in the forefront of its mind.

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).

CONSIDERING REFERENCES AND TESTIMONIALS

Testimonial evidence concerning the Trichologist's propensity to commit the acts allegedly may have been presented at the fact-finding stage of the hearing. At the stage when the FTP panel considers sanctions, personal mitigation testimonials may also be presented, for example concerning the Trichologist's standing in the community or the profession. The FTP panel should consider the weight to attach to these. The FTP panel 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 FTP panel against the Trichologist. A FTP panel 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.

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 FTP panel should not draw adverse conclusions if no references or testimonials are presented. FTP panels 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.

EXPRESSIONS OF REGRET AND APOLOGY, AND DEMONSTRATING INSIGHT

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.

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 "Registrants of the Institute of Trichologists shall conduct themselves at all times with dignity and behave in an honorable manner in their relations with patients, the general public, other registrants of the Institute, members of other professional bodies and other practitioners".

Evidence of the Trichologist's actions from the relevant events and during the hearing may assist the FTP panel to assess the extent to which any remorse and/or insight has been demonstrated.

The FTP panel 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 FTP panel or falsified documents.

FTP panels 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. FTP panels 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

PREVIOUS INTERIM ORDERS AND THEIR EFFECT ON SANCTIONS

Interim orders have a separate and different purpose from final sanctions.

The purpose of an interim is to tackle risks while a case is being investigated and prepared, and before the panel decides whether the RIT is fit to practise.

When making their decision on sanction, the Fitness to Practise panel may be told that the trichologist was under an interim order before they started deciding the case. The panel should consider the effect this might have.

Effects on which sanction to impose:

- If a trichologist has been under an interim order they may have only had a limited chance to address the risks in their practice.
- If the trichologist (RIT) has followed the terms of the interim order, and made good progress under it, this can be relevant to questions about how much insight the trichologist (RIT) has shown, and how much risk they may present to the public in the future.
- Equally, any evidence that the trichologist (RIT) did not fully comply with an interim order may be relevant to questions about insight, their attitude towards professionalism, and whether they are likely to comply with any order the Fitness to Practise panel might make.

Effects on length of sanction:

- The fact that a trichologist (RIT) was previously under an interim order, and for how long, are relevant background factors in deciding on what a proportionate length of sanction might be.

This however doesn't mean that the length of time for which the trichologist (RIT) was previously restricted or suspended under an interim order must be deducted from a sanction. An interim order is separate from a substantive order. When thinking about making a substantive order, the panel should take into account the individual circumstances of each case, and this may include the length of time that a trichologist (RIT) is under an interim order. This is, however, never likely to be appropriate where a panel has identified that there is a current risk to public protection.

PREVIOUS FITNESS TO PRACTISE HISTORY

The trichologist (RIT) fitness to practise history with us can be relevant to a decision on sanction. It's most likely to be useful in cases of similar kinds of concerns. If problems seem to be repeating themselves, this may mean that previous orders were not effective in helping the trichologist (RIT) address them. If the panel is considering making a similar order to those made by previous panels, it may need to take this factor into account and reconsider if necessary.

The fact that a trichologist (RIT) doesn't have a past fitness to practise history in general may have some relevance when considering the decision on sanction, depending on the types of charges that have been found proved. For example, suppose the allegations relate to clinical failings and are shown to be one-off failings during a long career. In this case, this could be a relevant consideration for a panel when considering sanction alongside any evidence of insight, reflection and strengthened practice.

If the allegations relate to deep-seated attitudinal concerns, such as displaying discriminatory views and behaviours that the trichologist (RIT) hasn't fully addressed, the absence of a fitness to practise history is unlikely to be relevant to a panel when considering sanction.

Unlike a criminal court, the panel is not punishing the trichologist. Its role is to decide which sanction is needed to achieve public protection. This includes protecting people receiving care, maintaining public trust and confidence and upholding the standards we expect of trichologist.

Sometimes, trichologist conduct may be so serious that it is fundamentally incompatible with continuing to be a registered professional. If this is the case, the fact that the trichologist (RIT) does not have any fitness to practise history cannot change the fact that what they have done cannot sit with them remaining on our register.

For these reasons, panels should bear in mind there will usually be only limited circumstances where the concept of a 'previously unblemished career', will be a relevant consideration when they are deciding which sanction is needed, or in giving their reasons.

SANCTIONS

There are a range of sanctions available to the FTP panel to consider. The panel and the panel 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 FTP panel '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. All panels must explain the reasons why they have chosen a particular sanction, and why they have rejected other sanctions.

The FTP panel '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 FTP panel should select. The written determination should also include a clear explanation of why a particular period of sanction has been considered necessary (if the FTP panel selects a sanction that will remain in place for a fixed period). The written determination must set out whether the FTP panel considered imposing a more restrictive sanction and providing reasons for any conclusion that a more restrictive sanction was unnecessary.

The Trichologist has the right to appeal to the FTP panel within 28 days against any decision of the panel 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 FTP panel also orders an interim suspension (see section on Interim Suspension).

The right approach is to start with the least severe sanction and decide whether the outcome is right for the fitness to practice concern in question. The sanctions available are:

- **Take no further action** – There is a discretion to take no further action in some rare cases and full explanation must be given
- **Written warning** – Caution the Trichologist with a formal written warning which will remain on file a period of time, to be determined by the panel.

- **Conditions of Practice Order** – place a restriction, or conditions, on the Trichologist’s registration (for example, that the Trichologist works under supervision or has further training). There may also be a requirement to return to panel for review.
- **Suspension order** – suspend the Trichologist’s registration for a period of time, to be determined by the panel.
- **Removal from the Register** – The Trichologist’s name is removed from the register permanently.

TAKE NO FURTHER ACTION

The Fitness to Practise panel does have a discretion to take no further action and impose no sanction immediately after it has first decided that a trichologist fitness to practise is impaired. However, the panel will use this discretion only in rare cases, and it will need to explain its decision very clearly. This is because as part of its decision about fitness to practise, the panel must already have decided that the trichologist:

- presents a continuing risk to patients
- was responsible for conduct or failings that undermined the public’s trust trichologists, or
- breached one of the fundamental tenets of the professions

Any one of those factors, or more than one, may apply in a particular case. They will usually mean that to achieve our overarching objective of public protection, the panel needs to take action to secure patient safety, to secure public trust in trichologists, or to promote and maintain proper professional standards and conduct.

So before taking no further action, the panel will need to explain in detail why it is appropriate to do so, even though it has been decided that the trichologist fitness to practise is currently impaired. It will need to carefully identify the circumstances, along with clear and reliable evidence that supports its approach.

WRITTEN WARNING

The least restrictive sanction that can be applied by the is a written warning, which does not directly restrict a Trichologist’s ability to practise. It 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 FTP panel wants to mark that the behaviour of the Trichologist was unacceptable and must not happen again.

Written warnings may be considered when most of the following factors are present in the case (this is not a complete list):

- Evidence that the behaviour did not and would not have caused direct or indirect patient harm.
- Evidence of sufficient insight into the matters found proved.
- The behaviour was an isolated incident, which was not deliberate.
- A genuine expression of regret or apologies.
- The Trichologist was acting under duress.
- Previous good history.
- No repetition of the behaviour since the incident.
- Evidence that effective rehabilitative or corrective steps have been taken.

The FTP panel will wish to consider whether it is sufficient to conclude the case with a written warning given:

1. The over-arching objective.
2. While imposing a sanction may have a punitive effect, that is not the purpose of imposing sanctions.
3. The reasons for the finding of unacceptable professional conduct, professional incompetence or a criminal conviction.

If the FTP panel 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.

CONDITIONS OF PRACTICE ORDERS

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 panel 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.

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).

The provisions surrounding the Conditions of Practice Order must specify one or both of the following:

- The period for which the order is to have effect.
- A test of competence which must be taken by the Trichologist.

Given the nature and purpose of a Conditions of Practice Order, it is likely that the FTP panel imposing such an order will wish for it to be reviewed prior to its expiry. This is because the FTP panel wishes to assess whether the Trichologist is fit to resume practice without restriction before the order expires. In these circumstances, it is necessary for the FTP panel to order a review hearing to be held, so that the FTP panel can assess whether:

- The Trichologist fully appreciates the gravity of the offence.
- The Trichologist has not reoffended.
- The Trichologist has maintained their skills and knowledge.
- The Trichologist no longer has a mental or physical health condition that is seriously impairing their ability to practise;
- Patients will not be placed at risk by the Trichologist's resumption of unrestricted practice or practice with less stringent conditions.

If the FTP panel 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.

Where an FTP panel 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 FTP panel holds a review hearing at any point before the expiry of the order. The FTP panel's original reasons for not directing a review may be relevant to any decision that is then taken.

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.

The objectives of any conditions within a Conditions of Practice Order must be made clear enough for:

- The Trichologist to know what is expected of them; and
- The FTP panel at any future review hearing to be able to understand the Trichologist's original shortcomings and the specific actions needed to correct them.

Only when the objectives are set out clearly will it be possible to evaluate whether they have been achieved. Any conditions must be:

- Specific.
- Appropriate.
- Proportionate.
- Workable.
- Measurable.

If the panel 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.

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.

Before the FTP panel 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 FTP panel intends to impose conditions requiring workplace supervision. Seeking such comments may mean the FTP panel needs to adjourn for a brief period of time in order to allow the IOT and Trichologist an opportunity for consideration.

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):

- There is no evidence of harmful deep-seated personality or attitudinal problems.
- There are identifiable areas of a Trichologist's practice in need of review, retraining or assessment.
- There is no evidence of general incompetence.
- 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).
- 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.
- Patients will not be put at risk either directly or indirectly as a result of continued registration with conditions.
- The conditions will protect patients during the period they are in place.

- It is possible to formulate appropriate, practicable and assessable conditions to impose on registration.

The FTP panel will wish to consider whether it is sufficient to conclude the case with conditions imposed upon registration, given:

- The over-arching objective;
- While imposing a sanction may have a punitive effect, that is not the purpose of imposing sanctions.
- The reasons for the finding of unacceptable professional conduct, professional incompetence, criminal conviction or impairment by reason of health

If the FTP panel 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

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 (RIT).

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.

Suspension is the most restrictive sanction available to the panel.

When imposed the length of suspension may be up to three years. The length of a suspension is for the FTP panel 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.

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 FTP panel 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 FTP panel to order for a review hearing to be held in order that the FTP panel can assess whether:

- The Trichologist fully appreciates the gravity of the offence.
- The Trichologist has not reoffended.
- The Trichologist has maintained their skills and knowledge.
- The Trichologist no longer has a mental or physical health condition that is seriously impairing their ability to practise;
- Patients will not be placed at risk by the resumption of practice or by the imposition of conditional registration.

If the FTP panel does not consider that a review hearing is necessary, it should clearly explain its reasons in its determination.

Where a FTP panel 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 FTP panel holds a review hearing at any point before the expiry of the order. The FTP panel's reasons for not directing a review may be helpful in informing any decision.

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. (Section E)

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 FTP panel 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.

Suspension Orders may be appropriate when some or all the following are apparent in the case (this is not a complete list):

- 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.
- 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.
- There is no evidence of harmful deep-seated personality or attitudinal problems.
- There is no evidence of repetition of similar behaviour since the incident.
- The FTP panel is satisfied that the trichologist has insight and does not pose a significant risk of repeating the behaviour.

Suspension Orders may be appropriate when the Trichologist's ill-health impairment is such that the FTP panel is not satisfied that the Trichologist cannot practise safely even if conditions were to be imposed. In such cases, the panel 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 FTP panel to enable it to decide whether the trichologist is then fit to resume practice, either under conditions or unrestricted.

Suspension from the register will have a punitive effect, in that it prevents a Trichologist from practising during the period of the order. It is also likely to have a longer-term adverse effect on the individual's reputation and their business. The FTP panel will be mindful of the principle of proportionality when determining the length of the suspension 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.

The panel will wish to consider whether it is sufficient to conclude the case by suspending the Trichologist's registration, given:

- The over-arching objective.

- The purpose of imposing sanctions is not to be punitive but to protect patients and the wider public interest.
- The reasons for the finding of unacceptable professional conduct, professional incompetence, criminal conviction.

If the panel 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.

In cases when the panel decides to impose a Suspension Order, the FTP panel 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.

REMOVAL FROM THE REGISTER

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):

- Particularly serious departure from the principles set out in the Code; that is, behaviour is fundamentally incompatible with being a Trichologist.
- A reckless disregard for the principles set out in the Code and for patient safety.
- Doing serious harm to others (patients or otherwise), either deliberately or through incompetence; particularly where there is a continuing risk to patients
- Abuse of position of trust.
- Violation of a patient's rights or exploiting vulnerable people.
- Offences of a sexual nature, including involvement in child pornography
- Offences involving serious violence have resulted in a custodial sentence.
- Dishonesty, especially when it is denied, persistent or covered up
- Acting without integrity and abusing professional standing.
- Persistent lack of insight into the seriousness of their actions or the consequences.

Protection of patients by the public and upholding public interest are the most important considerations when deciding the appropriate sanction.

In cases where the FTP panel 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, it is not until the appeal has the date decided, during which time the trichologist would remain on the register and be able to practise.

INTERIM SUSPENSION

Interim orders after a sanction is imposed and before an appeals process:

When the panel announces its decision on a sanction, any interim order that has been in place up to that point will lapse unless the registrant is the subject of multiple referrals and at least one of those referrals has not yet been finally adjudicated on.

Where that is the position, the interim order will not lapse, and we will list a review of the interim order to allow the change in circumstances to be considered.

If, however, the referrals that have not yet been finally adjudicated on have never previously been drawn to the attention of an interim order panel, the order will lapse.

Equally, if the referrals that have not yet been finally adjudicated on, and have been drawn to the attention of an interim order panel and the interim order panel has clearly indicated in their reasons that the interim order does not apply to the concerns in those referrals, the order will lapse.

Sanctions cannot take effect until the end of the appeal period, that is 28 days after the date on which the decision letter is served, or, if an appeal has been lodged, before the appeal has been finally determined.

The Fitness to Practise Committee has the power to impose an interim order for up to 18 months to cover this period. An interim order is not an automatic decision in every case.

The FTP panel 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).

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 FTP panel 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 FTP panel will also wish to take account of the fact that any Trichologist whose case is being considered by a FTP panel 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.

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 FTP panel will approach based on the individual facts of the case.

SANCTIONS FOR PARTICULAR SERIOUS CASES

The Code requires that a “a Registrant 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 that “all Registrants 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.”

Certain cases are particularly serious for all aspects of the statutory over-arching objective. Some particular considerations which may arise for FTP a panel in such cases are set out in the following paragraphs:

CASES INVOLVING DISHONESTY

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).

The Code requires Trichologists to act with honesty and integrity and maintain the highest standards of professional and personal conduct, “as a registrant, you are expected to:

- Maintain the highest possible standard of integrity in all your business relationships, both inside and outside the organisation in which you work
- Reject any business practice which might reasonably be deemed improper (including improper practices which might benefit the Institute)
- Never use your authority or position for personal gain
- At all times, act with impartiality, independence and integrity
- 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.

The Code requires that any “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 must avoid placing any undue financial pressure on a patient to commit to any long term treatment that is not justified”.

Examples of dishonesty in professional practice could include:

- Defrauding a partner in the practice
- Falsifying or improperly amending patient records
- Submitting or providing false references, or inaccurate or misleading information on a CV
- Failing to take reasonable steps to ensure that statements made in formal documents are accurate.

In all cases of dishonesty, especially when it is denied or persistent or covered up, FTP panels 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.

CASES INVOLVING DELIBERATE BREACH OF AN INTERIM ORDER, SUBSTANTIVE ORDER OR AN UNDERTAKING

The IOT can restrict the practice of the registrant on our register by imposing an interim order, or a substantive order at the end of a fitness to practise case.

If a trichologist deliberately doesn’t comply with an interim or substantive order this will be taken very seriously. This is because it is likely to show disregard by that person for the steps the IOT has put in place to keep the public safe or uphold confidence in the professions.

If the breach is in relation to an interim order this will be considered by a panel when reviewing that order. We are also likely to consider bringing a separate regulatory concern against the trichologist based on the deliberate breach.

If we are satisfied that a trichologist has deliberately not complied with an order this is likely to call into question whether that person should remain on the register.

FAILING TO PROVIDE AN ACCEPTABLE LEVEL OF TREATMENT OR CARE

The Code requires that “a Registrants prime concern must be for the welfare of the patient and the safety of the general public”. FTP panels 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.

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.

CASES INVOLVING SEXUAL MISCONDUCT, ABUSE OR NEGLECT OF CHILDREN OR VULNERABLE PEOPLE

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.

The FTP panel 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 FTP panel for Healthcare Regulatory Excellence (CHRE) produced guidance for fitness to practise panels on clear sexual boundaries.

FTP panels should have regard to that guidance where relevant.

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 patients.

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.

The criminal courts identify degrees of seriousness in relation to child pornography offences. However, FTP panel s 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. FTP panel s 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. FTP panel s are likely to consider such registration to be a marker of seriousness.

The FTP panel 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

FTP panel 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.

If the FTP panel 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.

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 FTP panel 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

CASES INVOLVING CRIMINAL CONVICTIONS OR CAUTIONS

'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 FTP panel to impose a sanction, regardless of whether the criminal offence occurred in the trichologist's professional or private life.

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.

If the FTP panel 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:

- Establish whether the conviction has material relevance to the fitness of the trichologist to practise trichology.
- Consider the gravity of the offence; and
- Take due account of any mitigating and aggravating circumstances. At the hearing the FTP panel 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 FTP panel 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.

The FTP panel 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 FTP panel by way of mitigation and present any evidence about this.

FTP panels 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).

CASES RELATING TO DISCRIMINATION

The IOT may need to take restrictive regulatory action against trichologists who've been found to display discriminatory views and behaviours and haven't demonstrated comprehensive insight, remorse and strengthened practice, which addresses the concerns from an early stage.

If a trichologist (RIT) denies the problem or fails to engage with the fitness to practise process, it's more likely that a significant sanction, such as removal from the register, will be necessary to maintain public trust and confidence.

REVIEW HEARINGS

When a FTP panel decides that a period of registration with conditions or suspension is appropriate, it will normally order that a review hearing be held, because the FTP panel will want to ensure that the Trichologist is fit to resume practice before the order lapses.

It is important that no Trichologist should be allowed to resume unrestricted practice following a period of conditional registration or suspension unless the FTP panel considers that they are safe to do so. The FTP panel will need to be reassured that the Trichologist is fit to resume practice either unrestricted, or with conditions, or further conditions. The FTP panel will also need to satisfy itself that:

- The Trichologist has fully appreciated the gravity of the offence.
- The Trichologist has not reoffended.
- The Trichologist has maintained their skills and knowledge.
- The Trichologist's ability to practise is no longer seriously impaired by a mental or physical condition; and
- Patients will not be placed at risk by resumption of practice or by the imposition of conditional registration.

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 FTP panel is likely to wish to take into account the following factors:

- Whether the registration requirement has ceased.
- The seriousness of the original offence.
- Evidence about the Trichologist's response to any treatment programme they have undertaken.
- The level of insight shown by the Trichologist into the seriousness of their previous actions.
- The likelihood of the Trichologist re-offending.
- Any possible risk to patients and the wider public if the Trichologist is allowed to resume unrestricted practice.
- Any possible damage to public confidence in the profession if the Trichologist is allowed to resume unrestricted practice.
- Whether any risk to patients and the wider public could be adequately managed by the placing of restrictions on the Trichologist's registration.

The FTP panel should consider whether the Trichologist has produced any information or objective evidence on these matters.

The options available to a FTP panel at a review hearing may vary but will consider to:

- Extend, or further extend, the period for which the order has effect.

- Revoke or vary any of the conditions.
- Require the Trichologist to pass a test of competence specified by the FTP panel;
- Reduce the period for which the order has effect; or
- Revoke the order.

Where the panel extends or reduces the Conditions of Practice Order, or specifies a test of competence, the order will have effect as if:

- The period specified in the Conditions of Practice Order was the extended or reduced period; and
- A test of competence was specified in that Order.

Where the panel has imposed a Conditions of Practice Order, at any time the Order may be:

- Extended, or further extend, the period for which the Order has effect; or they could
- Make a Suspension Order.

On the application of the Trichologist with respect to whom a Conditions of Practice Order is in place the panel may:

- Revoke the Order.
- Vary the Order by reducing the period for which it has effect; or
- Vary the Order by removing or altering any of the conditions.

Where a Trichologist makes an application and the application is refused, the panel will not entertain 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 FTP panel .

Where the panel has imposed a Suspension Order, at any time while that Order is in place, the panel may (whether or not of its own motion):

- Extend, or further extend, the period of suspension.
- Replace the order with a Conditions of Practice Order having effect for the remainder of the period of suspension; or
- 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.

At review hearings, the FTP panel 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).

Where a reviewing FTP panel imposes 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 FTP panel will again want to check the Trichologist's compliance with the order before it expires. Where a FTP panel 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.