

AGIP Professional Ethics Committee

INDICATIVE SANCTIONS GUIDANCE

Introduction

1.1 Role and purpose of the Indicative Sanctions Guidance

1.1.1 The Indicative Sanctions Guidance (guidance) has been produced by the Association for Group & Individual Psychotherapy (AGIP) to be used in conjunction with its Complaints Procedure. It is for use by members of its Hearing and Appeals Panels when deciding whether to impose sanctions on a member in cases where a Panel is satisfied that the member is not suitable to remain an AGIP member (including all classes of member) without any restrictions or conditions. This guidance is also to be used when a Hearing or Appeal Panel is reviewing a previously imposed order, or an Interim Order Panel is considering imposing an interim suspension order.

1.1.2 The guidance aims to promote consistency and transparency in decision making. It ensures that all parties, including the member, the witnesses and the public, are aware of the approach taken by a panel when considering the question of sanction, and provides a Panel with AGIP's authoritative approach to sanction for reference.

1.1.3 Panels must always be aware that each case should be decided on its unique facts and merits, and that it has the remit to depart from this guidance if it deems it appropriate to do so. Where a Panel has reason to depart from this guidance it should clearly explain why it has done so in its reasons.

1.1.4 This guidance is intended to aid Panels in their deliberations and assist them in making fair, consistent, and transparent decisions.

1.1.5 In this guidance, where there is reference to the AGIP code of ethics and/or AGIP code of professional practice, for students, trainees and training members of AGIP, this should also be read as to include the appt Code of Practice for the Training.

1.2 AGIP and the Complaints and Grievance Procedure

1.2.1 AGIP is a membership organisation which holds a register of its members. AGIP is not a statutory body and membership of the organisation is voluntary; however in agreeing to membership of AGIP, the member agrees to be bound by AGIP's constitutional documents, the Complaints and Grievance Procedures, its codes of ethics and professional practice, and any other relevant policies or documents.

1.2.2 AGIP exists to promote and maintain the profession of psychoanalytic psychotherapy for the public benefit. This includes promoting high standards of education, training and practice. The Complaints and Grievance Procedure is the process through which AGIP deals with complaints against those psychotherapists who are on, or have recently been, members of AGIP.

1.3 Equality and diversity statement

1.3.1 AGIP is committed to promoting equality, inclusion, and diversity and works to ensure that its processes are fair, transparent, objective, and free from discrimination. AGIP expects that everyone who is acting for the AGIP uphold these values. AGIP has a policy statement on equal opportunities.

Key principles regarding sanctions

2.1 Adjudication Panels and the three-stage test

2.1.1 Before the Panel makes a decision on sanction, it must perform a three-stage process and decide in turn:

- a) Whether on the balance of probabilities the facts alleged have been found proved, and if so;
- b) Whether, the proven or admitted allegations amount to a breach of AGIP's Code of Ethics and/or Code of Professional Practice and/or Code of Practice for the Training, and if so;
- c) Whether the breaches are such that it is not suitable for the member to remain an AGIP member without any restrictions or conditions; and finally,
- d) What action, if any can be taken to restore the member's suitability to be a member.

2.1.2 In the interest of fairness, the Panel should invite representations from AGIP and the member at each stage of the above process.

2.1.3 If a sanction is imposed on a member, the Chair of the Panel must ensure that the member fully understands any sanction that is being imposed on them. The Chair of the Panel should carefully explain what the sanction entails and the reasons it has been imposed in clear and direct language that leaves no room for misunderstanding or ambiguity. The member should also receive a written copy of the decision.

2.2 The purpose of sanctions

2.2.1 Sanctions are available to a Panel when it has identified that a member is not currently fit to be a member of AGIP, or is not currently fit to be an AGIP member without any restrictions or limitations.

2.2.2 The purpose of sanctions is to protect the public and the wider public interest and to uphold the reputation and standards of the profession. Fitness to practise proceedings are not intended to be punitive and the purpose of sanction is not to punish the member, but to enable a member's return to safe practise where possible. If a Panel determines that a member poses a risk to those who may need to use their services in the future, the Panel must determine what level of public protection is required and is proportionate.

2.2.3 Even if a Panel is satisfied that the member is not suitable to remain an AGIP member without any restrictions or conditions, it does not necessarily follow that they must impose a sanction. In some instances a Panel may decide that it is not necessary to take further action, for example, if a short-coming has already been remedied by the member.

2.3 The public interest test

2.3.1 The primary function of any sanction is to address public safety from the perceived risk that the member may pose. However, in reaching their decision the Panel must also consider the wider public interest, with a focus on the particular need to protect clients and maintain confidence in the profession.

2.3.2 A number of court judgements have identified and confirmed that the public interest includes, amongst other things:

- a) Protection of clients and the wider public;
- b) Maintenance of public confidence in the profession and the regulatory process; and
- c) Declaring and upholding the proper standards of conduct and behaviour.

2.4 Proportionality

2.4.1 In deciding what, if any, sanction to impose, Panels must act proportionately and balance the interests of the member with those of the public.

2.4.2 The Panel should consider all available sanctions, starting with the least restrictive. Any interference with a member's ability to practise should be no more than is necessary to satisfy the public interest, which includes the protection of the public.

2.5 Aggravating and mitigating factors

2.5.1 When deciding on a sanction, a Panel must have due regard to any evidence placed before them by way of aggravation by AGIP, or mitigation by the member.

2.5.2 Mitigation can be considered in three broad categories:

- a) Evidence of the member's insight and understanding of the issue and their attempts to address it. This may include, amongst other things, early admission of the facts; apologies to the complainant; and attempts to correct the short-comings.
- b) Evidence of the member's overall adherence to good practise. This may include, amongst other things, demonstration of supervision or personal therapy arrangements; a member's good character or history; testimonials from colleagues; and previous standing.
- c) Personal mitigation. This may include, amongst other things, periods of stress or illness; personal and financial hardship; level of experience at the time in question; time lapsed since the behaviours occurred; and level of support in the workplace.

2.5.3 AGIP may also wish to draw attention to aggravating factors relating to the facts found proved by the Panel. These factors may include, amongst other things, the member's behaviour during the hearing; the responsibility of the member; previous complaints against the member where the events have been found or proven; and whether the member has abused a position of trust.

2.5.4 Panels need to be mindful that they do not give disproportionate weight to whether or not a member has been subject to an interim order. Interim Order Panels make no finding of fact and apply a different test to that of a Hearing or Appeal Panel. An interim order should be of limited or no significance to Panels determining sanction where a Panel is satisfied that the member is not suitable to remain an AGIP member without any restrictions or conditions. However, any breaches of an interim order may be relevant to a Panel's assessment of the member's insight and attitude and whether they would be likely to comply with any sanction given.

Individual sanctions available to the Panel

3.1 The sanctions

3.1.1 Panel members should consider the full range of sanctions available to them. The proper approach is to start with the least severe and work through to the most severe, choosing the sanction that is the minimum that would be appropriate and proportionate in all the circumstances. The Panel can choose a combination of the below sanctions if required.

3.1.2 The Panel must explain why they have chosen a particular sanction and why they have rejected other sanctions. It is good practise for the Panel to explain why it is not necessary to impose a more severe sanction than the one they have chosen in order to satisfy themselves that the sanction they have chosen is proportionate and correct.

3.2 Verbal or written apology

3.2.1 This is the least restrictive sanction that can be applied in a case where a Panel has determined that a member is not suitable to remain an AGIP member without any restrictions or conditions. This will generally be only where the proven or admitted allegations are of a minor and isolated nature and the member fully understands the nature and effect of the lack of suitability. A Panel may want to consider if the member has shown genuine remorse and whether it is likely that the complainant would be open to receiving such an apology. If an apology has already been given by the member, this may not be an appropriate sanction but may be a relevant matter of mitigation.

3.3 Letter of warning

3.3.1 A decision containing a sanction of letter of warning from the Panel to the member and may at the Panel's discretion appear on the AGIP web site for a period of twelve months but does not affect a member's ability to practise. The CPJA along with any other relevant employers, will also receive a copy of the letter for their records.

3.3.2 A warning may be appropriate in a situation where the breach is at the lower end of the fitness to practise scale and the Panel want to make it clear to the member that such behaviour was unacceptable and should not be repeated. A letter of warning is unlikely to be applicable in situations where the member has shown a lack of understanding or insight into their behaviour and there is a risk of repetition.

3.4 Oral or written report

3.4.1 A decision containing a sanction of requiring an oral or written report from the member to the Panel will not affect the member's ability to practise.

3.4.2 A report may be appropriate in a situation where the breach is at the lower end of the fitness to practise scale and the Panel want to ensure that the member fully understands the impact of their behaviour. A Panel must be convinced that significant learning has already occurred and must consider whether it is likely that the member has learnt from the complaints process.

3.4.3 A Panel may ask a member to prepare a written or oral report focusing on any number of aspects relevant to the complaint or the behaviour complained of. A member will usually be given a period of twelve months in which to consider, prepare, and deliver the report; however this is a matter for the Panel to determine. A Panel must provide clear, concise direction for the member, including but not limited to: the purpose of the report/ what learning should be demonstrated, the due date of the report, expected length, etc.

3.4.4 Once a report has been submitted, the Panel must consider whether the aims of requiring a report have been met. If not, further sanctions may be required. In such a situation, more serious sanctions may be required.

3.5 Further training

3.5.1 A Panel may require a member to undertake further training in one or more specific areas in order to remedy any shortcomings identified during the complaints process. This sanction may be appropriate in situations in which the member has shown insight into their behaviour and it has been identified that the member lacks the immediate knowledge or experience that is required to remediate their behaviour.

3.5.2 The purpose of further training is to enable the member to remedy the deficiencies in their practice or knowledge whilst simultaneously protecting the public. In these circumstances the Panel may want to consider whether it is necessary to combine training with other measures, such as

supervision or suspension. Further training may not be appropriate if the member shows evidence of general incompetence, unwillingness to respond to further training, or a lack of insight.

3.5.3 A Panel must provide clear, concise direction for the member, including but not limited to: the specific outcomes of the training, who will oversee the training, whether the Panel need to be informed before the training is chosen and commenced, and when the training needs to be completed by. The CPJA will also be informed so that they can support the member where necessary. A Panel may consider whether certificates of completion are sufficient evidence of further training, or whether they would like the member to prepare a report at the conclusion outlining the learning that has occurred.

3.5.4 Once a report has been submitted, the Panel must consider whether the aims of requiring a report have been met. If not, further sanctions may be required. In such a situation, more serious sanctions may be required.

3.6 Further supervision and/or therapy

3.6.1 A Panel may require a member to undertake a specified number of supervision sessions as part of the sanction process. Supervision will generally take one of two forms: the Panel may request the member to explore specific topics or themes in order to broaden their understanding of issues raised throughout the complaint process; alternatively, supervision may be used as an additional safeguard in order to protect the member's patients and to ensure the member has adequate support to work through any difficulties that might arise.

3.6.2 A Panel may also consider it necessary for a member to undergo a specific period of personal therapy if it identifies issues that may be affecting a member's ability to practice competently. Personal therapy will usually be used in conjunction with one or more other sanctions and may be appropriate in circumstances in which the member is experiencing personal or professional hardship. The choice of a personal psychotherapist would normally be made in consultation with the Co-ordinator of the Professional Ethics Committee to ensure that the psychotherapist is adequately qualified in psychoanalytic psychotherapy.

3.6.3 A Panel must make clear to the member the following: the goals of the supervision/therapy; the length and frequency of the supervision/therapy; the frequency of reports required from the supervisor or therapist; whether a personal report is required from the member at the conclusion of supervision/therapy; and who will be selecting and approving the choice of the therapist or supervisor. A Panel must also consider the expense that the member will incur by undergoing therapy or supervision and must take this into consideration when imposing this sanction. The cost incurred to the member must be proportionate to the seriousness of the allegations and the risk to the public if supervision or therapy is not undertaken. A Panel must also bear in mind any existing supervision or therapy arrangements that the member may have in place.

3.6.4 A Panel may require a written report from the member, their supervisor, or therapist (or a combination of all) at the completion of therapy or supervision in order to determine whether the goals set have been met. If the Panel does not believe that the goals set have been adequately met it may determine whether any further sanctions are necessary.

3.7 Conditions of Practice Order

3.7.1 A Conditions of Practice Order (CPO) provides a Panel with a flexible way of concluding a case. A CPO requires a member to comply with certain conditions for a specific timeframe, for a maximum of twelve months. This particular sanction allows the member to continue to practice subject to certain conditions or restrictions. A CPO will be the most appropriate in circumstances where a

failure is capable of being remedied and where the Panel is satisfied that allowing the member to continue to practice (albeit with certain restrictions) will not pose a risk of harm to the public. A Panel must be satisfied that a member has displayed insight into their failings and the willingness of the member to respond positively and adhere to the stipulated conditions.

3.7.2 A CPO has a maximum length of twelve months and therefore any conditions imposed should be remedial or rehabilitative in nature. Any conditions should be both practical and workable and relevant to the failings identified by the Panel, and should also be easy to monitor. A Panel must recognise that in order for a CPO to be effective, a member must comply with the conditions and therefore must be satisfied that the member is committed to resolving the issues identified during the complaint. A CPO may not be appropriate in circumstances where a member has serious overall failings, lacks insight, or the matters involve abuse of service users or dishonesty.

3.7.3 A Panel may be guided by a Legal Assessor in terms of the drafting and may impose a number of conditions on a member; however the conditions must be workable and practical and must not be tantamount to a suspension. A CPO may include, but is not limited to:

- Directing the member to cease practising in a certain manner;
- To practise under a specific supervision regime;
- To be subject to audit or inspection;
- To be subject to additional training or assessment;
- To undergo assessment or treatment by a specified health practitioner; and
- To provide independent reports on physical or mental health to the Case Manager or Panel.

3.7.4 The objectives of any CPO must be clear so that the member knows what is expected of him/her and so that a Panel, at any future review hearing, is able to ascertain whether the shortcomings have been satisfactorily addressed. A CPO will generally take effect 28 days after the date of the hearing unless an Appeal is lodged and accepted; however if a Panel deems it necessary it can impose an immediate start. The 28 day period may only be waived in circumstances where it would be in the public interest to do so and a Panel must give clear reasons for this.

3.8 Interim Suspension Order

3.8.1 A suspension order directs that the member's membership is suspended for a period of up to twelve months. A member who is suspended cannot practise psychotherapy under the auspices of AGIP..

3.8.2 Suspension from membership is a deterrent and may be used to send out a signal to the member, the public, and the profession about what is regarded as behaviour unbecoming a member of AGIP and the wider psychotherapy profession. However, suspension of membership has a punitive effect in that it may prevent a member from earning a living as a psychotherapist during the period of suspension and therefore a Panel must carefully balance the interests of the member with its duty to protect the public.

3.8.3 Suspension may be appropriate where an Interim Order Panel considers that there are not appropriate workable conditions to remedy the member's shortcomings and to provide sufficient protection to the public, but it is probable that repetition will not occur.

3.8.4 The length of suspension may be for a period of up to twelve months and is a matter for the Panel's discretion. A Panel must explain clearly why a specified period of time is deemed appropriate, including the factors that led them to consider that particular period of suspension appropriate. A suspension will usually be implemented after the 28 day appeal period has expired. When implementing a suspension a Panel must consider the current patients of the member and

whether this is a sufficient period to allow an appropriate transition to another psychotherapist. In exceptional circumstances a Panel may negotiate a longer timeframe for certain high-dependency patients, however this will be on a case by case basis and is entirely at the Panel's discretion.

3.8.5 In exceptional circumstances, or if an interim suspension order is currently in place, a Panel may consider whether to direct the member's suspension to take place with immediate effect. When doing so Panels must consider any evidence received and any submissions made by both parties before making and announcing their decision. An immediate suspension directly affects the member's current patients and therefore must be done only in exceptional circumstances in which the Panel is concerned about the safety of the member, their patients, or the public.

3.9 Termination of AGIP membership

3.9.1 Termination of membership of AGIP also means that a member is prohibited from practising psychotherapy under the auspices of AGIP. The CPJA will be expected to also remove their association with the member, and any relevant employers (such as the NHS) will also be informed.

3.9.2 Termination of membership is a sanction of last resort for serious, deliberate, or reckless acts involving abuse of trust (such as sexual misconduct or financial exploitation), dishonesty, or persistent and irreparable failure. Termination of membership should be used when the Panel considers there no other way to sufficiently protect the public or there is an unwillingness or inability by the member to show insight or resolve their failings. Termination of membership may also be appropriate when there is no other way that public confidence in the profession can be maintained if the member is permitted to remain in membership of AGIP. When termination is used to address public protection issues, Panels must clearly state their reasons for doing so.

3.9.3 Termination of membership is a long-term sanction and a member cannot apply to be readmitted to membership for a period of three years. Further guidance on the restoration of registration can be found within the AGIP Complaints and Grievance Procedure.

3.9.4 Termination of membership will take effect after the 28 day appeal period has expired. A Panel may consider requesting the imposing an interim suspension order which will apply during the appeal period if it considers there to be a danger to the public if the member is permitted to practise during the appeal period. If an interim suspension order is already in place, a Panel may consider extending that order until the conclusion of the appeal period.

Interim Suspension Orders

4.1 Interim suspension orders

4.1.1 Where a complaint is being considered under the Complaints Procedure, AGIP may decide it is necessary for the protection of the public, or is otherwise in the public interest and/or is in the interests of the member to consider whether the member should be suspended from membership as an interim measure until the original allegations are heard. An interim suspension order is a precautionary measure and should not be seen as prejudicial to the member.

4.2 Considerations

4.2.1 When deciding whether or not to impose an interim suspension order the Interim Order Panel must consider the following points:

- The seriousness of the allegations;
- The time the alleged conduct took place;
- Whether public confidence in the profession is likely to be seriously damaged if the member continues to hold unrestricted membership during the relevant period;

- The impact of an interim suspension order on the member and their capacity to earn a living; and,
- The impact on public safety should the allegations be found proved.

4.3 Interim Suspension Hearings

4.3.1 It is important to remember that an Interim Order Panel does not make findings of fact or determine the allegations against the member concerned.

4.3.2 The following factors are likely to indicate, balanced alongside other factors that a case is likely to raise significant public confidence issues if no interim action is taken, and ought to be taken into consideration:

- Information that a member is under investigation by the police in connection to serious offences such as rape, sexual assault, or sexual abuse of children;
- Allegations that a member exhibited predatory behaviour in seeking and establishing an inappropriate sexual or emotional relationship with a vulnerable patient;
- Serious concerns about a member's sexualised behaviour toward a patient; or
- Allegations of a pattern of sexually motivated behaviour toward patients.

Particular Considerations

5.1 Breach of confidentiality

5.1.1 Confidentiality is one of the most important ethical obligations that a member has to their patients and the wider public. A proved breach of confidentiality, whether by admission of the member or the determination of a Panel will nearly always constitute professional misconduct.

5.1.2 When considering whether a sanction is necessary to remedy the member's failings, a Panel must consider:

- Whether the breach was a once-off instance;
- The reason for the disclosure;
- Whether the member has shown insight and recognises the failings;
- The likelihood of repetition;
- Whether the breach arose due to a lack of knowledge or understanding;
- Any bad faith or improper motive evident; and
- Any public interest reason for the disclosure and to what extent public confidence in the profession may be undermined by this particular case.

5.1.3 The minimum sanction appropriate for a breach of confidentiality is a warning. This may be appropriate in circumstances in which the breach was a once-off incident and the member has shown insight to their failings. A breach of confidentiality will only result in termination of AGIP membership in circumstances where a member has shown a persistent and intentional disregard for patient confidentiality and the public confidence in the profession might be lost if such a member was to remain in membership.

5.2 Boundary issues

5.2.1 Boundary issues can encompass a number of scenarios, including but not limited to: dual or multiple relationships with patients; inappropriate communication between a patient and a member; or conduct that might confuse the therapeutic relationship between a patient and a member. A sexual relationship with a client would be considered as sexual misconduct rather than a boundary issue.

5.2.2 Boundary issues are often a result of inexperience, lack of knowledge or training, or mismanagement of the therapeutic relationship. Due to this, the most appropriate sanction for

boundary issues where current lack of suitability is found is likely to be further training, supervision, or personal therapy, or a combination of all three.

5.2.3 In circumstances where the conduct is deliberate or prolonged over a period of time and the member shows insufficient insight into their failings and an unwillingness to remedy their shortcomings, boundary issues can result in suspension or termination of AGIP membership.

5.2.4 When considering which sanction is appropriate to remedy the member's failings, a Panel must consider:

- The nature of the breach;
- Whether the member has shown insight and recognises the failings;
- The likelihood of repetition;
- Whether sufficient supervisory arrangements were in place and whether supervision was appropriately used;
- Whether the breach arose due to a lack of knowledge or understanding;
- Any bad faith or improper motive evident; and
- Where the public interest lies and to what extent public confidence in the profession may be undermined by this particular case.

5.3 Dishonesty

5.3.1 There is no particular clause in AGIP's code of ethics regarding dishonesty; however it is expected that members are candid, honest and trustworthy and act in the best interest of their patients.

5.3.2 If there is evidence that a member has acted dishonestly a Panel must consider the extent to which the dishonest conduct might undermine public confidence in the profession. A Panel must also consider whether previous dishonesty has an impact on the likelihood that a member will comply with any sanctions ordered.

5.3.3 Dishonest conduct, particularly when persistent or repetitive or covered up, is likely to result in termination of AGIP membership.

5.4 Sexual Misconduct

5.4.1 AGIP's code of ethics and code of professional practice are very clear that a member must not enter into a sexual relationship with a patient. Sexual misconduct seriously undermines public confidence in the profession and represents a breach of one of the fundamental tenets of psychotherapy.

5.4.2 Sexual misconduct is considered particularly serious where the person concerned is particularly vulnerable and there has been an abuse of the special position of trust that the member occupies.

5.4.3 In all cases of sexual misconduct it is extremely unlikely that a sanction less than suspension from AGIP membership will be sufficient, although it is likely that most cases will result in termination of AGIP membership. If a Panel imposes any sanction other than termination of membership it needs to be particularly careful to explain the reasons for doing so in a way that can be understood by those who have not heard all of the evidence.

5.4.4 In instances where the sexual relationship was with a former patient, the Panel must consider how much time has passed since they were a patient of the member; whether they would be

considered vulnerable at the time the relationship commenced; whether the relationship has been detrimental to their mental health and well-being; the source of the complaint; and whether the member abused their position by entering into a relationship with their former patient. The code of ethics or code of professional practice do not stipulate how long is an appropriate passage of time before it would be considered appropriate for a member to commence a personal relationship with a former patient. This is a matter for the Panel to decide based upon the submissions of both parties and the evidence before it; however as a general rule, the longer the therapeutic relationship, the longer passage of time is necessary to ensure proper closure has been achieved.

5.4.5 In deciding whether a suspension or termination is the appropriate sanction, a Panel must consider:

- The vulnerability of the person concerned;
- Whether the sexual contact was voluntary;
- Whether the misconduct was a one-off incident or prolonged over a period of time;
- Whether the misconduct was part of a course of deliberate action;
- The likelihood of repetition;
- Whether the member has insight to their failings and has taken steps to address these failings; and
- The danger to the public posed by the member if they were permitted to recommence practicing.

5.5 Financial Exploitation

5.5.1 Financial exploitation is an extremely serious allegation. In finding financial exploitation, a Panel is making a finding that a member deliberately abused the position of power they occupy in order to make financial gain.

5.5.2 Financial exploitation is considered particularly serious where the person concerned is vulnerable and there has been an abuse of the special position of trust that the member occupies.

5.5.3 In all cases where financial exploitation has been found proved the minimum sanction appropriate is a period of suspension. In circumstances in which there is evidence of repeated or prolonged exploitation, termination of AGIP membership may be the only appropriate sanction.

5.5.4 In deciding whether a suspension or termination is the appropriate sanction, a Panel must consider:

- The vulnerability of the person concerned;
- Whether the financial exploitation was a one-off incident or prolonged over a period of time;
- Whether the misconduct was part of a course of deliberate action;
- The likelihood of repetition;
- The financial impact on the client as a result of the exploitation;
- Whether the patient's mental health has been impacted as a result of the exploitation;
- Whether the member has insight to their failings and has taken steps to address these failings; and
- The danger to the public posed by the member if they were permitted to recommence practicing.

5.5.5 A Panel must be aware that it has no power to award costs or make financial awards, but rather that its focus is on the suitability of the member to remain in membership with AGIP.

5.6 Considering convictions, cautions, and decisions made by other professional bodies

5.6.1 Convictions refer to a decision by a criminal court in the United Kingdom, or a finding by an overseas court of an offence, which if committed in the UK, would constitute a criminal offence.

Cautions refer to offences committed in the UK or elsewhere where no court proceedings took place because the member admitted the offence and proceedings were deemed unnecessary.

5.6.2 Decisions made by other professional bodies refer to decisions by another body in the UK responsible for the regulation of a health, social care, or other relevant profession, or an employer to the effect that a member's suitability to be an AGIP member is called into question.

5.6.3 Where the Panel receives in evidence a signed certificate of the conviction, caution, or decision, the Panel is bound to accept the document as conclusive evidence of the offence having been committed, or the facts found proved by the professional body or employer.

5.6.4 The purpose of the Panel hearing is not to punish the member a second time, but to consider the implications, if any, that the conviction, caution, or decision has on the member's membership with AGIP. A Panel must consider whether the facts as found proved constitute a breach of AGIP's code of ethics or code of professional practice, and if so whether it is satisfied that the member is not suitable to remain in membership with AGIP without any restrictions or conditions.

5.6.5 A Panel must consider what, if any, action is required to ensure that public confidence in the profession is maintained and the public is sufficiently protected. A Panel must also consider any restrictions or sanctions that are currently in place when deciding what course of action to take.

5.6.6 A Panel may choose to replicate a sanction imposed by another professional body; however it must give reasons for their decision. Alternatively, a Panel may choose to take no further action or impose an alternative sanction of their choosing. Detailed reasons must be given for this decision.

5.7 Interim Orders

5.7.1 Any breaches of an interim order will be considered to be serious, and will be taken into account in the Panel's assessment of the member's insight and attitude, and to whether the member will be likely to comply with any future sanction.

5.8 Trainees, Training members and students

5.8.1 This Sanctions Guidance also applies in the case of students, trainees and training members.

5.8.2 Panels should pay particular attention to the fact that the respondent under consideration is in training and whether in the light of the evidence heard by the Panel and the manner in which the respondent acts at the hearing(s), the Panel has concerns about whether the shortcomings identified by the Panel can be rectified.

5.9 Delegation of authority

5.8.1 Hearing and Appeal Panels may delegate authority to the Professional Ethics Committee to check that a member subject to sanctions has fulfilled all the necessary requirements that the Panel has determined must be met in order that the member can continue in membership of AGIP without any further conditions. If the Professional Ethics Committee is in any doubt as to whether the conditions have been fulfilled then it will refer the matter back to the Panel that imposed the sanctions.

5.8.2 The Co-ordinator of the Professional Ethics Committee may delegate duties assigned to her/him in these guidelines to another member of the Professional Ethics Committee or other senior member of AGIP by the Co-ordinator. In the event of a conflict of interest the co-ordinator must delegate her/his authority.