professional standards authority
for Health and Social Care

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Learning points Bulletin

Our twice-yearly bulletin providing a valuable overview of the volume of learning points we send and the themes we identify.

We share learning points with the aim of helping regulators to improve decision-making. By sharing learning from our scrutiny of decisions, we aim to improve the quality of the fitness to practise panel outcomes and to drive up standards in decision-making. They are also considered by our Performance Review team in their regular assessments of a regulator's performance. We are in a unique position to see every relevant decision made by the 10 health and social care regulators, and so we're able to more easily highlight issues and identify themes.

For future issues, we will look to publish our Learning Points Bulletin bi-annually over each financial year, in around November and April.

Insufficient reasons

Our previous bulletin focused on approach to sanction and sufficiency of reasons. Given the volume of cases relating to these issues and the number of learning points and appeals we bring raising these concerns, this bulletin will continue to focus on these themes, particularly where a sanction has been imposed without adequate reasons being given by panels, although we identify lack of reasons given at all stages.

As demonstrated from tables 1 and 2 below, we are continuing to identify and raise similar numbers of learning points and bring appeals relating to this issue. Although we saw some improvement between 2022-2024, this appears to have declined. We brought three more appeals with this as a ground of appeal in the last six months of the year compared to the the first six months of 2025 (9/6).

Table 1 – comparing key statistics of number of learning points sent in total between learning point bulletins[1]

Key statistics	January-June 2025	July-December 2025	Increase/ decrease from January 2025
Determinations received	1134	1125	-9
Learning points sent (in total)	98 (8.6%)[2]	119 (10.6%)	+21
Learning points involving insufficient reasons	24 (25%)	22 (19%)	-2
Cases appealed	9 (0.8%)	19 (1.7%)	+10
Appeals involving lack of reasons	6 (66% of all appeals)	9 (47% of all appeals)	+3

Table 2 – comparing annual key statistics

	Total no' learning points cases[3]	Learning points involving insufficient reasons	As a percentage of all learning points	Total no' of appeals	Appeals involving insufficient reasoning	As a percentage of all appeals
2021/22	155	N/A	N/A	19	11	58%
2022/23	140	N/A	N/A	18	7	39%
2023/24	115	N/A	N/A	30	11	37%
2024/25	142	40	28%	21	12	57%
April-December 2025	133	38	29%	25	12	48%

[1]We now record individual learning points, not just the number of cases on which learning points are sent. We may now record multiple learning points on one case. The figures we give in 2025 are the number of individual learning points sent in total, not the number of cases on which they were sent.
[2]Percentage of all determinations received.
[3]These figures relate to the number of cases on which learning points are sent.

The importance of sufficient reasons

Regulators must provide clear and sufficient reasons at each stage of the decision-making process, including providing sufficient detail about cases and how they are resolved.

What is sufficient will depend on the type of case and seriousness.

In considering sanction, **we would always expect to see**:

- some reasons for how they came to their decision/conclusion,
- consideration and application of the regulator's guidance on specific case types (sexual misconduct, dishonesty, etc), where applicable,
- identification and consideration of mitigating and aggravating factors,
- an assessment of overall seriousness and consideration of the public interest, and
- where factors for a more serious sanction are engaged, consideration as to whether it would be appropriate for that sanction to be imposed, and if not, to give reasons.

A lack of sufficient reasons, particularly in respect of the sanction imposed, continues to be a prominent feature on those cases for which we provide feedback, and appeal.

The provision of sufficient reasons is particularly important to ensure that the reader can clearly see how relevant guidance has been applied, or otherwise why the panel has decided to deviate from any guidance, especially when determining sanction.

Providing sufficient reasons also reassures the reader that the panel have had regard to the specific circumstances of the case before them.

We are likely to appeal a case which is high risk/serious in one or more of the following:

- where the relevant guidance has not been considered and/or properly applied (or reasons not given for departure),
- where it is unclear how a panel reached their conclusions,
- where not all the aggravating factors have been identified and/or undue weight being placed on mitigating factors,
- where there has been a lack of assessment of seriousness and/or a lack of consideration of what the public interest requires,
- where there may be harmful and/or deep-seated attitudinal concerns,
- where several factors of a more serious sanction are engaged and panels have failed to consider these and/or assess whether the more serious sanction is appropriate (or reasons given for departure).

Decisions require sufficiently detailed reasoning

Providing **generic reasoning** (such as simply saying a more serious sanction is 'disproportionate') is insufficient and is likely to lead to further scrutiny.

In cases where the particular facts of the case suggest two different sanctions could be engaged (**'borderline' cases**), we would expect panels to look closely at factors where the more serious sanction may be engaged and provide reasons for any departure from guidance, directly addressing each of the factors that may be relevant in that specific case.

Every decision should contain enough information so that a third party with no prior knowledge of the case would be able to **fully understand** both the basis of the concern and the rationale for the decision. Both members of the public and parties to the proceedings should be able to fully understand why and how a decision has been reached.

Panels should be aware of their role in **maintaining confidence in the professions and upholding proper standards of professional conduct**. We regularly see generic reasoning being given at both the impairment and sanction stages. In clinical misconduct cases where impairment is found on public protection grounds, reasoning for why impairment should also be found in the public interest may have already been covered and/or follows on from a Panel's decision on public protection, and so brief reasoning here may be sufficient.

However, we have concerns where the conduct itself engages public interest factors and/or there are distinct public interest concerns. In these circumstances, it will be necessary for panels to provide more detailed reasons and consider separately whether and how maintaining confidence in the profession or upholding proper professional standards are engaged, and whether it requires a finding of impairment and/or whether a more serious sanction should be imposed.

A failure to do so may suggest that a panel has not properly grappled with the overall seriousness and gravity of the case. Further, as to the importance of reasons in this context, in PSA v GOC and Rose *[2021] EWHC 2888 (Admin)* Collins Rice J held:

> **82** ..... the duties that expert tribunals have to the public – to ensure that the public can understand why certain decisions have been reached in its name; can be reassured that healthcare professionals on whom they must depend are well and fairly regulated; and can know that the overarching obligation professionals have to deserve the trust the public places in them, and to discharge their professional duties with the interests and safety of patients uppermost, has a secure foundation.

Further, in the case of Arunachalam v The General Medical Council *[2018] EWHC 758 (Admin)*, Kerr J held:

> **58** ..... in this jurisdiction ... the nature of the sanction is not punitive but protective of the profession and the public. To justify the second chance, it has to be weighed not just against the risk that giving it may create more victims should he fail to take it. It also has to be weighed against the risk that public confidence in the profession will be undermined.

Cases where panels have identified attitudinal issues are often more difficult to remediate and can lead to a serious sanction, particularly when there are other aggravating factors or where this may be harmful and/or deep seated.

Certain types of conduct and behaviour may suggest an underlying problem with a registrant's attitude (such as dishonesty, sexual misconduct, discrimination, neglect or abuse) and/or can present through their approach to the case, such as a lack of insight and engagement. Where both factors are engaged, this may point to a harmful and/or deep-seated attitudinal concern. If panels conclude that the attitudinal concerns are not harmful or deep seated despite such conduct and lack of insight/engagement being present, they will need to explain why and not give a generic statement.

Harmful deep-seated personality or professional attitudinal problems will be relevant to whether suspension or erasure is appropriate. It is therefore incumbent upon panels to calibrate the seriousness of the attitudinal issue identified when determining sanction. Where a panel fails to do this, this may suggest that they fundamentally under-estimate the seriousness of the misconduct.

Panels should ensure that where they have identified attitudinal issues and are not imposing a serious sanction, that they are considering and directly referencing relevant guidance and thereafter explaining in detail why the sanction imposed is sufficient.

We remind regulators to highlight to their panels the importance of providing sufficiently detailed reasons to ensure such practice is embedded in their decision making. Below are examples of cases we have fed back on, but where we consider the outcome to have been sufficient and have not brought an appeal, including one good practice learning point where we highlighted the Panel's thorough reasoning.

Examples

Read through our previous learning points bulletins here

Example 1

This case involved serious allegations which were found proved by the Panel. The allegations related to physical misconduct and verbal and behavioural issues directed at Patient A, as well as the creation of a hostile work environment. The Panel concluded that the Registrant's conduct demonstrated significant attitudinal concerns, particularly in her interactions with colleagues. These concerns were considered serious and difficult to remediate.

However, when determining the appropriate sanction, the Panel appeared to place considerable weight on the Registrant's status as newly qualified and inexperienced at the time of the incidents. We were concerned that the Panel did not fully engage with the gravity of the attitudinal issues it had identified, nor did it refer to the relevant guidance on serious cases or clearly explain its rationale for not imposing a striking-off order. The reasoning provided for rejecting a strike-off appeared generic and insufficiently tailored to the specific facts of the case. Ultimately, we concluded that had the Panel's reasoning around remediation been more clearly articulated and logically structured, a suspension order could still have been a reasonable outcome.

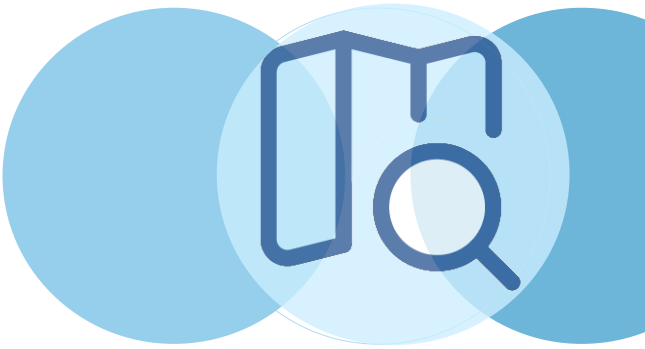
Example 2: good practice example

The case concerns a criminal conviction and dishonesty (misconduct). The Tribunal found the Registrant's fitness to practise currently impaired and imposed a sanction of a suspension order for six months. The regulator's submissions at the sanction stage were thorough and comprehensive with good reference to relevant caselaw and the sanctions guidance, notably, the reference to the need to give reasons for departing from the sanction's guidance per the case of PSA v HCPC & Doree *[2017] EWCA Civ 319*. The decision was clear to understand.

10 **In the period July–December 2025, we have provided 10 good practice learning points to regulators.**

As with our previous Learning Points Bulletin, where we see panels taking note of the importance of reasons and providing thorough, well-reasoned decisions, we will feed these back as good practice.

Recent successful appeals relating to insufficient reasons



PSA v NMC & Graham *[2025] EWHC 3132 (Admin)*

This was a case where the registrant had initially been subject to a conditions of practice order following findings by a Panel that he had communicated inappropriately with patients, their families and colleagues about topics including the abduction and abuse of children. The registrant was subsequently placed on the DBS barring list. The review Panel found that the registrant's fitness to practise was still impaired but determined that instead of imposing another sanction, they would allow the registrant's registration to lapse. On appeal, our grounds of appeal included that the Panel had failed to strike the registrant off the register when the relevant guidance pointed to this being the appropriate sanction, and they had failed to provide adequate reasons for departure from the guidance. Insufficient reasons were also given as to why the need to maintain public confidence and proper standards was adequately satisfied by the decision not to strike the registrant off the register but to allow their registration to lapse following a finding of impairment. The Judge upheld the PSA's grounds, quashed the Panel decision and imposed a striking off order.

"The Decision further fails to set out any adequate reasoning for the departure from the NMC's REV-2h guidance, which was incompletely set out, and which resulted in an imbalanced interpretation as the Decision failed to refer to the extenuating reasons (such as health) or confront their absence in this case. There was no sufficient justification as to why the need to maintain public confidence and proper standards was adequately satisfied by the Decision not to strike off but to allow registration to lapse with a recorded impairment." [53]

"The Panel's rejection of making a strike-off order on the basis that it was disproportionate was contrary to the guidance and the statutory objectives of the NMC to protect the public and maintain public confidence and uphold standards in the nursing profession. The Panel had focussed on Mr Graham's own stated desire to leave nursing profession without properly engaging with the purposes of the professional regulation. Striking-off properly conveys the seriousness of the issues." [57]

"The distinction between allowing registration to lapse with impairment and striking off is very significant and, in the circumstances of this matter I am satisfied that allowing the registration to lapse with impairment was not a sanction that was reasonably open to the Panel" [61]

What does this judgment tell us?

This judgment is a good example of how a failure to apply the Guidance, or provide adequate reasons for departing from the Guidance, will amount to a serious procedural irregularity and can lead to a successful appeal. The judgment further highlights the importance of panels properly applying relevant guidance as an authoritative steer. Had the Panel properly done so in this case, it was clear that the factors that had been identified lent themselves to strike off.

The full judgment can be found here.

PSA v NMC & Tchampet *[2026] EWHC 141 (Admin)*

This was an appeal against an NMC panel decision to impose a nine-month suspension order against a nurse. The registrant was providing two-to-one support for Child A, a highly vulnerable patient with complex care needs, requiring continuous monitoring and appropriate hygiene care at their home. During a night shift the registrant slept whilst on duty and dishonestly recorded that she had observed Child A when she had not. The registrant did not maintain hygiene and/or infection control in that she used the cloth that she used to cover the CCTV camera to conceal her sleeping to wash Child A, placing them at serious risk of harm. The registrant then acted dishonestly in not giving an accurate account of events to her employer when asked. There was also a history of concerns relating to sleeping on duty and being dishonest whilst caring for a vulnerable young person in their home, with a previous warning being issued by the NMC in 2017.

Despite all charges being found proved by admission, the Panel found that the conduct was not fundamentally incompatible with continued registration and that strike off would be disproportionate.

A ground of appeal included that the Panel had deviated from the Sanctions Guidance in finding a suspension order was appropriate, where strike off was clearly engaged, and did not provide adequate reasons for doing so. The PSA was successful and Griffiths J substituted the Panel's sanction of suspension for strike off, which he found was the 'inevitable and correct' decision.

What does this judgment tell us?

This case is a further example of the importance of panels having regard to relevant guidance when determining sanction. Where guidance indicates that one particular sanction is clearly engaged, then panels should consider whether that sanction is appropriate and any departure from it must be clearly and rationally explained with reference to the particular facts of the case.

The full judgment can be found here.

David Hopkins, Counsel at 39 Essex Chambers has produced a blog on this case and the learning to be taken from it.

There is a significant amount of caselaw which confirms the importance of panels fully explaining reasons in their determinations, especially in the application of relevant guidance. We have provided a summary of relevant case law at Appendix A.

9	cases we have appealed over the last six months where a ground of appeal has included insufficient reasons/sanction
6/9	the relevant regulator responded ahead of the case meeting stage agreeing with this specific concern in six of the nine cases
9/9	and on appeal, all cases were conceded by the relevant regulator

Related material

Earlier this year Capsticks solicitors delivered a session at the **PSA's sexual misconduct workshop** where they outlined the changes brought in by way of the **Worker Protection (Amendment of Equality Act 2010) Act 2023** ('the Act'), which came into force on 26 October 2024, and introduced a new proactive duty on employers to take reasonable steps to prevent sexual harassment of their workers and employees. The session discussed what this means for regulatory bodies (in addition to their duties as employers), and this blog summarises this and focuses on what the preventative duty is likely to mean for regulators when investigating fitness to practise cases. Read the blog.

Section 29 process and guidelines
Read through details of our process and guidelines.

Fitness to practise appeals update
A round-up of recent appeals and their outcomes can be found here.

See Appendix A for a round-up of **relevant case law.**

See Appendix B for a **Fitness to Practise Panel Decision Checklist** (based on our Learning Points Bulletins).

Next bulletin due approximately November 2026

Contact information

We would welcome any feedback on this publication. If you would like more information, please get in touch with Georgina Tait by email: Georgina.Tait@professionalstandards.org.uk

Appendix A: Case law

There is a significant amount of caselaw which confirms the importance of panels fully explaining reasons in their determinations, especially in the application of relevant guidance.

PSA v (1) General Medical Council (2) Lingham *[2023] EWHC 967 (Admin)*

Where a panel fails to give adequate reasons for its decision-making, this will amount to a serious procedural error and the court can intervene.

"The [panel's] reasoning process is inadequate for the Court to determine whether or not certain important issues were appreciated, and if so, how they were reasoned through. It is therefore not possible to determine whether the sanction imposed was "wrong" in the statutory sense. There has been a serious procedural error engaging the Court's appellate jurisdiction." [71]

The full judgment can be found here.

PSA v (1) Health and Care Professions Council (2) Shah *[2025] EWHC 1215 (Admin)*

It is insufficient for a panel to simply refer to relevant parts of Guidance in their decision. A panel must still give reasons for its conclusions.

"I accept that the Panel had regard to the factors in the Sanctions Guidance which indicate that striking off is likely to be appropriate...
...
However, the Panel did not give adequate or sufficient reasons for its conclusion that a striking off order would be disproportionate." [105-106]

The full judgment can be found here.

General Medical Council v Kheytar *[2018] EWHC 813 (Admin)*

Sanctions Guidance is an authoritative steer as to the application of the principle of proportionality in balancing the public interest against the interest of the individual professional.

"a proper conclusion that suspension is sufficient cannot be reached without reference to and careful consideration of advice in the Guidance that erasure may be or is likely to be appropriate where that advice is pertinent to the facts of a particular case." [20]

The full judgment can be found here.

Appendix A: Case law (continued)

General Medical Council v Stone *[2017] EWHC 2534 (Admin)*

Where Sanctions Guidance gives a clear steer towards erasure, it will be inadequate to simply provide a generalised conclusion that the conduct was not incompatible with continued registration, panels must properly consider what it says about important features of the case in question. Doing so will point to the conclusion that a panel has not properly understood the gravity of the case before it.

"there is no indication that the MPT grappled with the seriousness of this case... in the exact context of sanction. Instead, there is merely a generalised assertion that erasure would be a disproportionate sanction and that the doctor's conduct was not incompatible with continued registration... there was a failure to properly consider the objective features of the instant case, to demonstrate that their gravity had been fully understood... [53]

The full judgment can be found here.

Appendix B: Fitness to Practise Panel Checklist

This checklist is based on learning set out in PSA Learning Points Bulletins. It was produced using ChatGPT (where we asked it for a ten-point checklist for panels based on our published learning points bulletins 2024-2025).

1 Charges

- [ ] Do the allegations fully reflect the seriousness and pattern of behaviour?
- [ ] Have relevant aggravating elements (e.g. sexual motivation, abuse of trust) been explicitly charged?

2 Evidence

- [ ] Have all relevant documents, witness evidence and contextual factors been considered?
- [ ] Has the registrant's explanation been tested against the evidence?

3 Findings of fact

- [ ] Are findings clearly linked to the evidence relied upon?
- [ ] Are reasons given for accepting or rejecting key evidence?

4 Context and harm

- [ ] Have you considered the impact on patients, colleagues or the public?
- [ ] Has any vulnerability of the affected person been properly recognised?

5 Insight and remediation

- [ ] Does the registrant understand the seriousness of their behaviour?
- [ ] Have they taken credible steps to remediate?

6 Risk of repetition

- [ ] What evidence supports the panel's view about future risk?

7 Impairment

- [ ] Have both aspects been addressed:
  - personal component (current risk, remediation)
  - public component (confidence in the profession, professional standards)?

Appendix B: Fitness to Practise Panel Checklist (continued)

8 Sanction guidance

- [ ] Has the regulator's sanctions guidance been applied?
- [ ] Have all relevant sanction options been considered in order?

9 Public protection and public confidence

- [ ] Does the sanction clearly address:
  - protection of the public
  - maintaining confidence in the profession
  - upholding professional standards?

10 Reasoned decision

- [ ] Is the reasoning clear, logical and transparent?
- [ ] Would an informed reader understand why this outcome was reached?

Final sense check before issuing the decision

If the PSA reviewed this decision, could it clearly see:

- why the conduct was serious
- why impairement was (or was not) found
- why the sanction chosen adequately protects the public?