

Health and Care Professions Tribunal Service

PRACTICE NOTE

Service of Documents

This Practice Note has been issued for the guidance of Panels and to assist those appearing before them.

Introduction

1. The Health Professions Order 2001 and the Panel Rules¹ contain provisions about the documents to be served in fitness to practise proceedings, the manner and time limits for doing so and the addresses at which service is to be effected.
2. This Practice Note supplements but cannot replace those statutory requirements, which must be followed in all cases.

Service requirements

3. In order to establish that a person has been given notice, the Panel Rules only require proof of sending (rather than of receipt).
4. Within the Panel Rules, reference to the sending of a notice to a registrant is a reference to it being sent by post or electronic mail to them. The Panel Rules specify that any communications sent are to be treated as having been sent on the day the communication was posted or sent by electronic mail. What happens thereafter may be relevant to the Panel's decision whether to proceed with a hearing but will not affect its consideration of whether notice was sent in accordance with the Panel Rules.

The relevant address

5. The relevant addresses for service are set out in the Panel Rules, as follows:

For the HCPC, its committees or the	the offices of the HCPC;
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¹ HCPC (Investigating Committee) (Procedure) Rules 2003; HCPC (Conduct and Competence Committee) (Procedure) Rules 2003; HCPC (Health Committee) (Procedure) Rules 2003 (as amended)

Registrar,	
For a registrant,	his or her address in the HCPC register
For any other person,	the last known address of that person

6. The last known address of a person may include:

For an individual,	his or her usual or last known residence or usual or last known place of business;
For the owner(s) of a business,	his or her usual or last known place of business or usual or last known residence;
For a company, body corporate or other organisation,	its principal or registered office or any other office or place of business which is connected to the proceedings.

Methods of service

7. The normal methods of service to be used in relation to Panel proceedings are:

- a. Electronic mail, where the registrant has notified an electronic mail address as to the HCPC as an address for communications.
- b. Post to a relevant address.

8. In addition, documents may be served by leaving the document at a relevant address.

Proof of service

9. Where documents are sent by email, Panels should accept the email header as evidence of the email address to which the email was sent, and the date and time at which it was sent.

10. Where documents are sent by post, Panels should accept that documents which were created using the HCPC's case management system and endorsed with proof of service were posted on the date, and to the address, shown.

11. A separate certificate of service or other proof should not be required unless there are credible grounds for considering that this is not the case.
12. If necessary, postal service of documents may be proved by means of a certificate of service which contains a signed statement of truth in a form that enables it to be treated in the same manner as any other witness statement. A template for such a certificate is set out in the annex to this Practice Note.
13. When deciding if the notice has been served in accordance with the Panel Rules, the Panel should not have regard to any further efforts that could have been made by the HCPC to bring the notice to the registrant's attention. These are not required under the Panel Rules. They may become relevant when the Panel is considering exercising its discretion to proceed in absence following proof of service (see below).
14. The HCPC may also attempt to send documents to registrants at any other known address if this can reasonably be done. In considering what is reasonable, the HCPC will have regard to data security and its duty to comply with the General Data Protection Regulation. It will not be reasonable for the HCPC to send personal data to addresses on a speculative basis, without having good grounds to believe that by doing so the data will reach the intended recipient and be secure. However, as set out in paragraph 13, the Panel Rules only require that a notice is served on the registrant's address on the register.

Discretion to proceed with hearings following proof of service

15. Factors relevant to the exercise of this discretion, where it exists, are set out in the HCTS Practice Notes [Postponements and Adjournments](#) and [Proceeding in the Absence of the Registrant](#).

Certificate of Service

On [date] the [document], a copy of which is attached to this certificate, was served on [name and position]:

by first class post:

by leaving it:

by other electronic means: (please specify)

at:

(insert address where service effected including e-mail address:

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being [his][her]:

address in the HCPC register [usual][last known] residence

[principal][office][usual][last known][place of business]

other (please specify)

In addition [set out any other attempts made to bring the notice to the attention of the recipient].

The date of receipt is regarded to be: [date]

I believe that the facts stated in this Certificate are true.

Signed:

Date:

Name and position: