Strictly Private and Confidential

REPORT OF PROFESSIONAL CONDUCT /HEALTH COMMITTEE FOLLOWING AN INQUIRY HELD PURSUANT TO SECTION 58 OF THE HEALTH AND SOCIAL CARE PROFESSIONALS ACT 2005 ("THE ACT").

Name of Registrant:	Thangapandian Subramanian (the "Respondent")
Registrant in Attendance:	Yes
Registration Board:	Physiotherapists Registration Board
Register:	Physiotherapist Register
Registration No:	PT033352
Registered Address:	[redacted]
Case Number:	C432
Date(s) of Inquiry:	21 January 2025
Members of Inquiry Committee:	Mr Shane McCarthy – Chairperson Ms Aileen Sheehan, Registered Professional Member Mr Brian Melaugh, Registered Professional Member
Legal Assessor:	Frank Beatty SC
Appearances:	
For the Registrar:	Mr Eoghan O'Sullivan, B.L. Instructed by Ruth Gannon of Fieldfisher Solicitors
For the Respondent:	Thangapandian Subramanian (unrepresented)

Inquiry held in Public

The Nature of the Complaint that resulted in the Inquiry:

On 30 April 2024, the Preliminary Proceedings Committee (the PPC), having carefully considered all of the documentation before it, in relation to the Complaint, formed the opinion that there was a sufficient cause to warrant further action being taken, and referred the Complaint to the Professional Conduct Committee under s.56(1)(b) of the Health and Social Care Professionals Act, 2005 (as amended) (the 2005 Act) on the grounds of professional misconduct (as set out in s.52(1)(a) of the 2005 Act), poor professional performance (as set out in s.52(1)(b) of the 2005 Act), as those terms are defined by s.50 of the 2005 Act, and a contravention of the 2005 Act, the Rules or Bye-Laws (as set out at s.52(1)(f) of the 2005 Act) and specifically s.45(1)(d), s.45(1)(e) and/or s.45(1)(f) of the 2005 Act,.

The Notice of Inquiry dated 4 October 2024 (the Notice of Inquiry), which was amended on consent during the Inquiry Hearing on 21 January 2025, contained the following allegations: -

1. *That the Respondent, while registered as a physiotherapist with the Physiotherapists Registration Board (the Board), failed to notify the Board, whether as soon as was reasonably practicable or at all, that on or about 16 February 2023, the Respondent was made the subject of an Interim Suspension Order by the Health and Social Care Professions Council in the United Kingdom.*

2. *That the Respondent, while registered as a Physiotherapist with the Board, failed to notify the Board, whether as soon as was reasonably practicable or at all, that on or about 16 August 2023, the Respondent was made the subject of a further Interim Suspension Order by the Health and Social Care Professions Council in the United Kingdom.*

The Notice of Inquiry alleged that that the act(s) and/or omission(s) and/or pattern of conduct alleged at Allegations 1-2 of the Notice of Inquiry, amounted individually and/or in combination and/or cumulatively to act(s), and/or omission(s) and/or pattern(s) of conduct that constitute a breach/breaches of the Physiotherapists Registration Board Code of Professional Conduct and Ethics, adopted by the Physiotherapists Registration Board (contained in the Schedule to the Code of Professional Conduct and Ethics for Physiotherapists Bye-Law S.I. No. 45 of 2019 (the Code of Conduct) which came into effect on 28 February 2019, and in particular paragraphs 5(b), 7(a), 7(b), 20(e), 22.1(b) and 22.1(c). Further, the Notice of Inquiry alleges that the act(s), omission(s) and/or pattern(s) of conduct alleged at Allegations 1-2 of the Notice of Inquiry, constitute contravention of the 2005 Act, and specifically s.45(1)(d), s.45(1)(e) and s.45(1)(f) of the 2005 Act.

Evidence presented to the Committee:

In circumstances where the Respondent admitted both Allegation 1 and Allegation 2 as to fact and admitted that, in each instance, it amounted to Professional Misconduct as alleged and a breach of the provisions of the 2005 Act as alleged, the Registrar was not required to go into evidence and the Committee received and considered the Notice of Inquiry and the documents contained therein, which were admitted without the need for formal proof and as to the truth of their content.

Further, the Committee considered the following Exhibits: -

1. Core Book.

Findings of the Committee:

Allegation 1

1. *That the Respondent, while registered as a physiotherapist with the Board, failed to notify the Board, whether as soon as was reasonably practicable or at all, that on or about 16 February 2023, the Respondent was made the subject of an Interim Suspension Order by the Health and Social Care Professions Council in the United Kingdom.*

2. *That the Respondent, while registered as a Physiotherapist with the Board, failed to notify the Board, whether as soon as was reasonably practicable or at all, that on or about 16 August 2023, you were made the subject of a further Interim Suspension Order by the Health and Social Care Professions Council in the United Kingdom.*

FINDINGS AS TO FACT

The Committee finds Allegation 1 proved as to fact beyond reasonable doubt.

The Committee finds Allegation 2 proved as to fact beyond reasonable doubt.

REASONS

Allegation 1 and Allegation 2 were both proved as to fact beyond reasonable doubt by reason of: -

1. The Committee considered the Questionnaire completed by the Respondent and specifically Questions 7-10 (as contained at page 78 of the Core Book) wherein the Respondent replied as follows:-

    1.1 7: When asked whether he was or had been registered with another Regulator in Ireland or elsewhere, and if so, to give details, he replied no except as a Member of the Irish Society of Chartered Physiotherapists in Ireland.

    1.2 8: When asked had any Regulator (i) refused to grant him registration or (ii) placed conditions or restrictions on his practice of his profession or (iii) cancelled/struck off his Registration and if so to give details, he replied no.

    1.3 9: When asked whether he had been the subject of an adverse finding by a Regulator or any Professional or Disciplinary Body in Ireland or elsewhere and, if so, to provide additional information, he replied no.

    1.4 10: When asked whether he had been the subject of a pending inquiry or investigation by a regulator or any professional or disciplinary body in Ireland or elsewhere, he replied no.

2. The Committee considered the document contained at page 86 of the Core Book wherein the Respondent provided Part I Declarations and Part II Statements that his details were correct and up to date and that he knew of no reason why the Registration Board should not grant his renewal of his Registration under the 2005 Act and that he was not the subject of proceedings of any sort, either in the Republic of Ireland or in any other jurisdiction,

which could lead to conditions being imposed on his Registration or Licence or his Registration or Licence being suspended, withdrawn or removed.

3. The admissions of the Respondent, namely that he admitted Allegation 1 and Allegation 2 of the Notice of Inquiry as to fact.

4. The said admissions were consistent with the communication by the Respondent prior to the hearing of the Inquiry, including his admissions. In this respect, the Committee considered the correspondence of the Respondent dated the 6 November 2023 (contained at page 43 of the Core Book and page 473 of the Core Book). At page 473, the Respondent wrote to CORU by letter dated 29 April 2024 with reference to the Interim Suspension in the UK on 16 February 2023, and re-confirmed on 16 August 2023 and 24 November 2023 and continued: -

> *"I [apologise] unreservedly to the Committee for the lack of honestly renewing my CORU Registration on 9 September 2023….*
> *I [apologise] to the Committee and to the Case Officer for my apparent lack of honesty. I did request the HCPC cancel my registration on 13-09-2023 as I did not want to return to the UK. At the time of requesting to cancel my HCPC Registration, I did not realise that I could not cancel my registration due to a complaint being investigated and the interim suspension order in place. I thought I could remove my name from the Register and the Complaint would be closed. I now realise that this is not the situation and I will commit to engage in the HCPTS process…..*
> *I apologies unreservedly to the Committee and the Case Officer for not being transparent….*
> *I am aware of my obligations as a registrant to abide by the PRB Code of Professional Conduct and Ethics. I have learnt a lesson and gained appropriate insight in this process and apologise [irrefutably] to the Committee for my lack of honesty".*

Further, the Respondent wrote to the Fitness to Practice by email dated 5 March 2024 (contained at page 94 of the Core Book), and stated:-

> *"Upon thorough examination of the statutory declaration, I noticed that I had marked 'NO' in response to a question concerning fitness to practice trial/restrictive practice. This decision stemmed from a misunderstanding during the renewal process, where I believe the question specifically applied to matters within the jurisdiction of Ireland/CORU. I want to emphasise that this action was unintentional and I had no intention of withholding information, as my commitment is to provide all details transparently and sincerely.*
> *…..*
> *I want to re-iterate that the response in the statutory declaration during the CORU renewal was a result of a misunderstanding, and marking 'NO' was not a deliberate act".*

FINDINGS AS TO PROFESSIONAL MISCONDUCT

The Committee finds Allegation 1 and Allegation 2, each, individually, to be proved as to Professional Misconduct by being a breach of paragraphs 5(b), 7(a), 22.1(b) and 22.1(c) of the Code of Conduct, beyond reasonable doubt.

REASONS

Allegation 1 and Allegation 2 were both proved as to professional misconduct reasonable doubt

by reason of: -

1. The admission of the Respondent.

2. The Committee considered the findings in relation to Allegation 1 and Allegation 2 and was satisfied that, each, individually amounted to professional misconduct by reason of being a breach of paragraphs 5(b), 7(a), 22.1(b) and 22.1(c) of the Code of Conduct, beyond reasonable doubt

FINDING AS TO BREACH OF THE 2005 ACT
The Committee finds Allegation 1 and Allegation 2, each, individually, to be proved as being a breach of s.45(1)(d), s.45(1)(e) and s.45(1)(f) of the 2005 Act, beyond reasonable doubt.

REASONS
Allegation 1 and Allegation 2 were both proved as being a breach of s.45(1)(d), s.45(1)(e) and s.45(1)(f) of the 2005 Act beyond reasonable doubt by reason of: -

1. The admission of the Respondent.

2. The Committee considered the findings in relation to Allegation 1 and Allegation 2 and was satisfied that, each, individually amounted to a breach of s.45(1)(d), s.45(1)(e) and s.45(1)(f) of the 2005 Act beyond reasonable doubt.

Recommendation as to Sanction

The Committee recommends that the Council impose the sanction of Cancellation of the Respondent's Registration pursuant to s.66(1)(d) of the 2005 Act (the Recommended Sanction)

REASONS

1. The findings against the Respondent are serious in nature and include him dishonestly misrepresenting to the Board that he was not the subject of an interim suspension by his regulator in the United Kingdom by not disclosing then when he knew that he was the subject of such sanction.

2. The Committee finds that honesty is expected of all members of society and of members of a profession as it goes to public safety and the reputation of the profession. Honesty involves being truthful about important matters.

3. The Respondent misrepresented the position as regards the interim suspension he was subjected to in the United Kingdom by not disclosing it when asked. This was dishonest applying an objective test, and especially when taking into account that the Respondent knew of the interim suspension in the United Kingdom when he gave his answers.

4. This finding of dishonesty by the Committee is consistent with the Respondent's correspondence to CORU regarding the issues the subject of the allegations wherein he acknowledged his lack of transparency and lack of honesty. Whilst he states at certain points that these were not deliberate, the Committee does not accept this as he knew of the interim suspension in the United Kingdom and did not disclose it when asked.

5. The Committee notes further that the Board only learnt that the Respondent was the subject of an interim suspension in the United Kingdom when, in August 2023, the HCCP sent a list to the Board of its registrant's that were the subject to restriction, which included the Respondent.

6. The Committee is satisfied that that the dishonesty the subject of the allegations goes directly to the safety of the public as the interim suspension related to alleged professional shortcomings.

7. The Recommended Sanction is appropriate and proportionate for the following reasons: -

7.1 It highlights to the Respondent the serious view taken by the Committee of the nature of the misconduct found so as to deter him from being likely to repeat such conduct or likely conduct on resuming practice as a physiotherapist.

7.2 It points to the gravity of the misconduct found to other members of the profession thereby upholding the reputation of the profession and maintaining public confidence in the profession and the regulatory process, which declares and upholds professional standards.

7.3 The Recommended Sanction is necessary to protect the public. The misconduct, if allowed to continue, would have meant that alleged issues regarding the Respondent's performance, which were the subject of an ongoing disciplinary process in the United Kingdom, including interim suspension, were hidden from the Board so that the Board was prevented from carrying out such investigations as were necessary, which goes directly to public safety.

7.4 The Recommended Sanction is the most lenient as is appropriate. Whilst the Respondent expressed remorse, made admissions and cooperated with the Inquiry hearing, so did demonstrate limited insight, the Committee notes that he was initially evasive when contacted regarding the correspondence from HCCP. Further, having heard the Respondent, the Committee was not convinced that his insight was such that minimised a repetition of the conduct the subject of the allegations, and he presented as more focussed on getting back to work in Ireland.

7.5 The Committee considered the references relied upon by the Respondent but did not consider these to be sufficient to alter the Recommended Sanction by recommending a less onerous sanction.

7.6 The Committee considered the CORU Sanction Guidance Notes (approved on 29 June 2023) (the Guidance). In particular, the Committee notes paragraphs 5(d)(iii)-(vi) of the Guidance, which support the decision of the Recommended Sanction.

7.7 Finally, and consistent with the Guidance, the Committee considered all of the Sanctions available to it for recommendation, starting with the least onerous, been admonishment and censure and working upwards. The Committee does not consider admonishment or censure (alone or together with other sanctions available for recommendation) to be appropriate or proportionate and nor does the Committee

consider the attachment of conditions to the Respondent's Registration (alone or together with other Sanctions) to be appropriate or proportionate. The Committee does not consider the sanction of suspension to be appropriate or proportionate (alone or together with other sanctions). The Committee considered the Recommended Sanction to be appropriate and proportionate for the reasons set out above.

Signed:

Dr. Shane McCarthy
Chairperson

Dated this 30th January 2025.