

Delivering Effective Cautions and Reprimands

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Before we begin...

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Definitions

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A reprimand and a caution are the expression of the panel's views of the practitioner's conduct / concerns and the communication of advice as to the practitioner's future conduct.

Similarities Between Reprimand and Caution

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- Communications
- Often (but not always) in public
- Primarily from the panel to the practitioner
- Expressing the panel's views
- With a view to altering the practitioner's future behaviour

Differences Between Reprimand and Caution

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- One is part of a disciplinary sanction and one is not
 - Reprimand includes a “finding” of wrongdoing
 - A caution involves “concerns”
- Otherwise many of the other features can be similar
- Affects language used by the panel

Terminology

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- Reprimand
- Admonishment (straddles both)
- Caution
- Counsel
- Recommendation
- Advice
- Homily

Goals

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- Educate practitioner
- Alter practitioner's behaviour
- Convey regulator's views to public?
- Deter other practitioners (if public)?

Method of Administering

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- In person
- Telecommunication
- In writing

Recommended Structure

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- Establish ground rules
- Recite concerns / findings
- Express views of the concerns / conduct
- State risks / consequences to clients / public
- State risks / consequences to practitioner
- Conclusion (i.e., confidence in practitioner or warning to practitioner)
- Terminate the session effectively

Public or Private

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- Check your legislation
- Public register provisions
- Hearing transparency
- Where discretion, consider the message sent

Recurring Practical Issues

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- Choosing spokesperson (spokespeople)
- Have a script
- Public or private
- Who can attend
- Lecture or dialogue
- Handling practitioner's reaction
- Handling a panel member's dissent

Common Legal Questions

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- If no finding is made before a caution is ordered, when is a caution appropriate?
- What procedural fairness is owed to a practitioner before a caution can be delivered?
- Why do some statutes require a mandatory reprimand for sexual abuse if the practitioner is also being revoked?

Contact Us

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