

## **Guidance on Health and Character**

## Introduction

We are the Health and Care Professions Council (HCPC). We are a regulator, and we were set up to protect the public. To do this, we keep a Register of professionals who meet our standards for their training, professional skills, behaviour and health. Professionals on our Register are called 'registrants'. Anyone can search our Register on our website, so they can check that their professional is registered.

The relationship between a registrant and the service user is based on trust, confidence and professionalism and so it is important we check the health and character of everyone who applies to join our Register. This is to make sure that applicants will be able to practise safely and effectively within their profession. We can also take action to protect the public if a registrant's health or character raises concerns about their ability to practise safely and effectively.

We know that the processes in this guidance can be extremely stressful for applicants and registrants to go through and we hope that this information provides reassurance. Please also see the support services referred to in this document.

This document provides guidance to applicants and registrants setting out:

- why the HCPC needs information about health and character;
- when you would need to provide information about health and character;
- what kind of information about your health and character you would need to provide;  
and
- what process the HCPC follows to assess information about health and character and the procedures we follow.

## When would we ask for this information?

The HCPC believes that registrants, once regulated, are personally responsible for maintaining their own fitness to practise. This includes giving us any information about changes to their health or character which might affect their ability to practise safely and effectively. We expect applicants to follow the same principle.

There are three instances where you would provide this information to the HCPC:

- when you apply to join the Register;
- when you renew your registration every two years; and
- at any other point where there is a change in your health or character.

Any time that information is given to the HCPC outside of the application or renewal processes would be considered a self-referral.

### When you apply to join the Register

When you fill in your application form, we ask you to declare information about your health and character. If applying using a physical form, providing all additional information on a separate piece of paper can help reduce the risk of delays in processing your paperwork.

Being registered places extra responsibilities on you to act in a professional way. This includes declaring any information which will impact either your character or health. If you do not provide accurate information in your application, or if you fail to provide all the relevant information, you will be making a 'false declaration'. Making a false declaration can result in you being removed from our Register, so it is important you are honest throughout the application process.

### When you renew your registration

As a registrant, you will renew your registration every two years. Each time you renew your registration, you must make a 'professional declaration'. In this declaration, you only need to declare changes to your health and character that affect your ability to practise.

### When there is a change in your health and character

As an HCPC registrant, you have a personal responsibility, once regulated, to maintain and manage your own fitness to practise. This includes giving us any information about changes to your health or character which might affect your ability to practise safely and effectively. When you provide information about a change to your health and character, we would consider this as a self-referral.

You can make a self-referral about changes in your health and character at any time, without having to wait for your usual renewal period.

Registrants must declare that they have been practising within the last two years in order to renew their registration. If, in managing your health condition, you are likely to be out of practice for longer than two years, you will need to get in touch with our Registration team and potentially temporarily come off the Register until you are able to return. You may be able to adapt or even change roles and remain 'in practise'. That is because we do not define practising by a set of activities, but rather as 'drawing on your professional skills and knowledge in the course of your work.' For detailed information about returning to practise, see our guidance [here](#).

When declaring an ongoing health condition or disability to us, this does not mean that we need to be told about your full medical history. We only need information that is relevant to your ability to safely practise and which enables us to protect the public.

### **Case study: Mental health**

Like your physical health, your mental health can change. Just like your physical health, it is possible to live with a serious condition like bipolar and, through the necessary steps, manage your condition effectively and practise safely.

Last year a registrant was diagnosed with Bipolar, following a short period of poor mental health. She was not working at the time. Her condition is now managed with medication and she has returned to work. Her employers are aware. A trigger for her condition is extreme stress and her employers have allowed her to reduce her working hours and the type of service users she sees to ensure that she is able to manage the level of stress associated with her role. Those working closely with her are also informed about her condition and the triggers.

She is unsure if she should self-refer.

The short answer is no. When she was in poor health, she had stopped working and has only begun to work again as her health has improved and since managing her condition. She has been able to adapt her practice as needed in order to remain safe and effective.

She is also unsure if she should then wait until her renewal to declare her condition or make a declaration immediately. If she is sure she can adapt, limit, or stop her practice as needed to remain safe and effective, then she does not need to inform the HCPC.

## What needs to be declared?

Depending on whether you are applying to be on the Register, renewing your registration or making a self-referral will impact on when you will need to declare information about your health and character, as well as what type of information we require.

This section provides more information about when to inform the HCPC that your health or character may impact on your fitness to practice, that is, your ability to practise safely and effectively.

Before making a declaration, we recommend that you carefully read the forms so that you understand what you need to submit. We would also advise anyone making a declaration to speak to their professional body, trade union or employer or otherwise to seek independent legal advice.

### Your Health

When we talk about 'health', we mean any health conditions which may affect either an applicant or a registrant's fitness to practise, that is, their ability to practise safely and effectively.

We expect registrants to maintain their health. Standard 6.3 of our Standards of conduct, performance, and ethics says:

'You must make changes to how you practise, or stop practising, if your physical or mental health may affect your performance or judgement, or put others at risk for any other reason.'

You should tell us about your health condition if it affects your ability to practise safely and effectively. You should also tell us if you are not sure whether your health condition affects (or could affect) your ability to practise, or what steps you need to take to stay safe and effective.

#### **Case study: Degenerative illness**

If you are living with a long-term illness, it can be difficult to know when you should declare it to the HCPC. This can be especially difficult when serious illnesses are diagnosed early on, often before the onset of serious symptoms.

Five years ago, a registrant was diagnosed with Parkinson's disease, which they declared when renewing their registration at that time. At that stage it did not affect their ability to practise safely. Their symptoms have increased over time and they now have trouble sleeping, problems with memory and experience anxiety. They have told their manager, but they are not able to change their practice. They are still working but it is getting more difficult to keep on top of things. They are about to renew their registration and are unsure if they should disclose the changes in their condition this.

The answer is yes. Even if you have previously declared a health condition, if it is beginning to affect your ability to practise and you are not sure how to, or are unable to, take steps you need to remain safe and effective.

You do not need to tell us if your health condition does not affect your practice or you are sure you can adapt, limit, or stop your practice as needed to remain safe and effective. In other words, you do not need to tell us if you can meet standard 6.3.

This applies for conditions that affect your physical health and / or mental health.

### **Case Study: Injury**

A health concern does not have to be permanent to impact your ability to practise safely, while not all permanent health concerns will negatively impact your ability to practise safely either.

A recent graduate is applying for registration as a physiotherapist. She has badly broken her leg in a car accident in the last few months and has limited use of her left leg and cannot stand for long periods of time. Her mobility will be further reduced in the recovery period from a scheduled surgery on her leg which will take place in the next few months. After the period of rehabilitation, she is expected to make a full recovery.

While the applicant has limited use of her leg there are a number of ways that she could manage this condition. For example, she could work in a way that enabled her to not use her broken leg. She could triage patients via video calls from her own home or give service users advice about exercises. If she is able to, another way to manage this condition is to not practise during this time. If she took time to rest and recover and was not interacting with service users, this is another type of management.

In either instance, so long as the health concern is being properly managed there is no reason for her to make a declaration.

## **Your Character**

When it comes to character declarations, the information you must provide as an applicant and a registrant is slightly different. We have separated this section into information for applicants and information for existing registrants.

### **As an applicant**

We ask you to make a declaration about your character as part of your application. In this declaration you need to tell us if you have ever:

- been convicted of a criminal offence or received a police caution or conditional discharge for a criminal offence other than a protected caution or protected conviction in any part of the United Kingdom (these are cautions and convictions that you do not need to tell us about)
- received cautions or convictions in countries outside the United Kingdom, if the offence is one that could have resulted in a caution or conviction in England or Wales<sup>1</sup>

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<sup>1</sup> Article 22(1)(a)(iii) of the Health Professions Order, 2001 enables the HCPC to consider allegations against registrants that their fitness to practice is impaired by reason of convictions outside of the UK if they would

### **As a registrant**

Registrants have a personal responsibility, once regulated, to maintain and manage their own fitness to practise. This includes the professional responsibility to declare information to us about any change in your character.

As part of your renewal you will have to complete a declaration. In the declaration you will have to agree that:

- Since your last registration there has been no change relating to your good character or any change to your health that may affect your ability to practise safely and effectively.

You must also let the HCPC know as soon as possible (i.e., not wait for your renewal process and make a self-referral) if your conduct is listed in Standard 9.5 of our Standards of Conduct, Performance and Ethics, including if:

- you accept a caution from the police or you have been charged with, or found guilty of, a criminal offence;
- you received cautions or convictions in countries outside the United Kingdom, if the offence is one that could have resulted in a caution or conviction in England or Wales;
- another organisation responsible for regulating a health or social-care profession has taken action or made a finding against you; or
- you have had any restrictions placed on your practice, or been suspended or dismissed by an employer, because of concerns about your conduct or competence.
- You may choose to tell us about other concerns that do not meet these criteria. If you do, we will review this concern in the same way as any other self-referral or other fitness to practise matter.

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have constituted crimes in England or Wales only and not for all countries in the UK. We envisage that this should not significantly affect registrants practising in Scotland and Northern Ireland, as there are not significant differences in criminal law across the four nations. However, as a UK wide regulator, our preference would be for a UK wide approach. Amending our legislation to achieve this will therefore be added to the regulatory reform agenda.

# Do I need to self-refer to the HCPC?



We provide more guidance on making a self-referral on our website: <https://www.hcpc-uk.org/concerns/raising-concerns/self-referral/>.

## **Understanding convictions and cautions**

You must always tell us about a caution or conviction (even 'spent' ones) unless they are protected.

There are some circumstances where you do not need to tell us about a caution or conviction if it is protected. This varies depending on the country within the UK that you live in. You can find detailed information on this in the relevant legislation as set out below.

### **England and Wales**

- Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975

### **Northern Ireland**

- Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979

### **Scotland**

- Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013

When considering whether you need to declare a caution or conviction, it is important that you follow the relevant legislation for the country in the UK where the crime was committed and any guidance linked with it.

If your offence is a 'listed offence' under the relevant legislation of the country in the UK where the crime was committed, it will never be protected, and you must inform the HCPC immediately.

Listed offences include serious violent and sexual offences and offences which may raise concerns about whether you should work with children or vulnerable adults. You can find more guidance on listed offences and providing information about cautions and convictions on the websites of the [disclosure services](#).

### *Convictions Before You Turned 18*

You must declare any cautions or convictions that you may have, even if you received them when you were under the age of 18. This includes any cautions or convictions that are considered 'spent' because they happened some time ago, unless they are a protected caution or protected conviction. Protected cautions or convictions are ones that you do not need to tell us about

### **Case study: Conviction**

An individual has been registered with the HCPC as an Occupational Therapist for 5½ years. They are currently 6 months away from entering the profession's renewal period. The registrant has recently been convicted for a drink-driving offence and as a result, received an 18-month driving ban. No other sanction has been issued by the police or court service.

In this example the conviction has resulted in a significant change in the registrant's character and therefore they are required to make an immediate self-referral to the HCPC.

The registrant should not wait for the renewal period to make a character declaration despite its close proximity. This will ensure they comply with standard 9.5 of the Standards of conduct, performance and ethics. Any delay in referring the matter, could in itself be a failure of the registrant in complying with the standards.

## **Declarations unlikely to impact your application or renewal**

All convictions, cautions and other potential character issues or health issues must be declared to the HCPC. If you are in doubt about whether or not to declare information, then you should declare it and allow us to consider it.

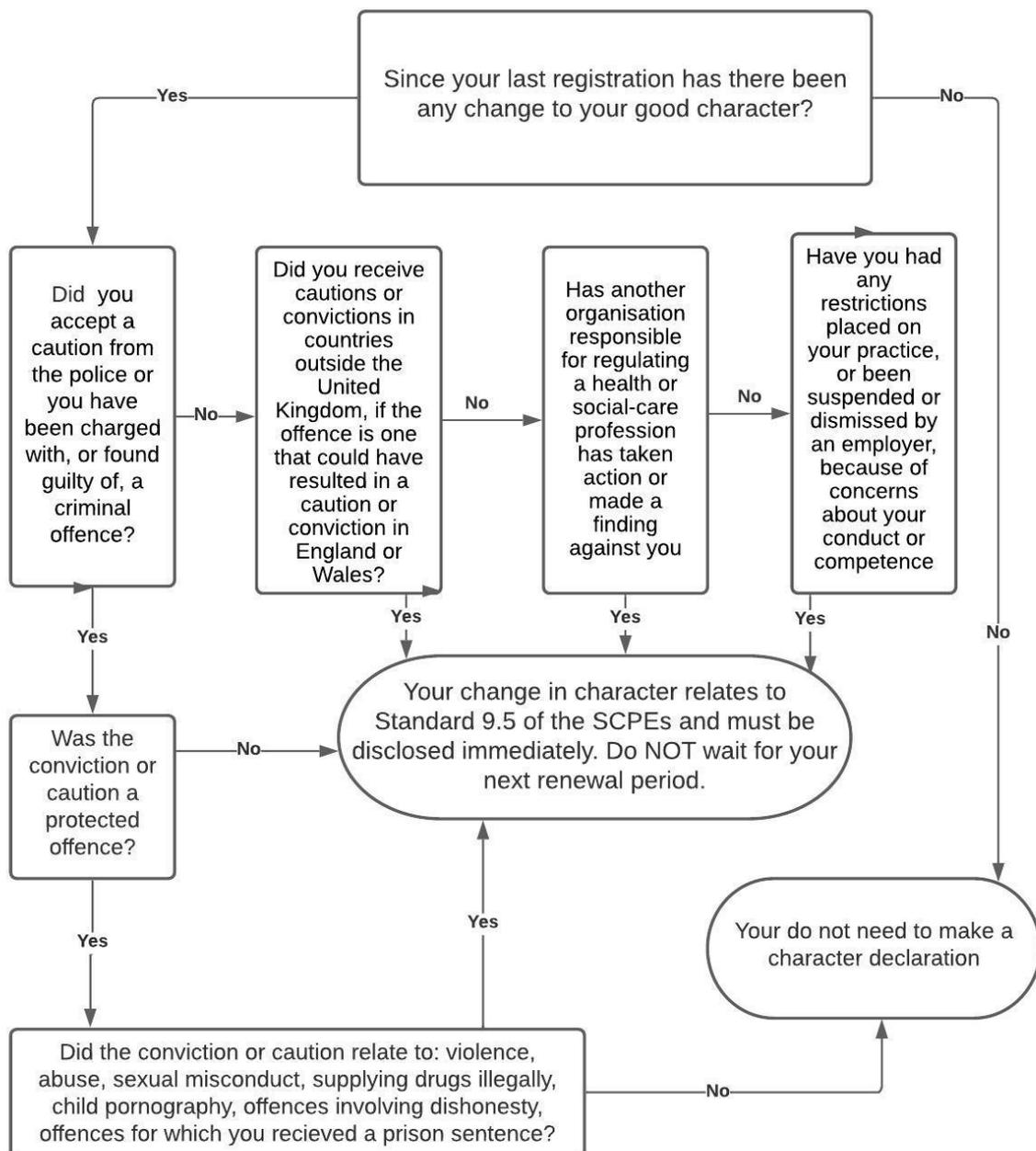
As each matter is assessed on its unique circumstances, there is no list of declarations which will prevent registration or renewal. However, except where the Head of Fitness to Practise considers otherwise, no further action needs to be taken in relation to the following:

- managed health conditions;
- private family or personal disputes or civil matters;
- minor motoring offences such as parking fines; other fixed penalty offences; or public transport penalty fares;
- misuse of title concerns depending on the duration of misuse, frequency and seriousness of the misuse;
- matters already considered by the HCPC unless new information has been provided;
- a caution or conviction received by a person before or while undertaking a programme of study approved by the HCPC, or any other character matter, which
  - was considered by the education provider as part of its admission procedures and the person was admitted to the programme; or
  - was considered by the education provider under its student fitness to practise process and the person was not excluded from the programme;
- disciplinary action taken by an employer which is unconnected to the practice of a relevant profession and does not relate to conduct involving:
  - violence;
  - dishonesty;
  - inappropriate sexual behaviour;
  - substance abuse or the possession or supply of drugs; or
  - conduct of a racially motivated, homophobic or similar nature.

## What to do if you are unsure

If after reading this guidance you are still unsure about whether you should tell us about a health condition or provide information about your character, and you believe these impact on your ability to practise safely, you should tell us anyway and give us as much information as you can. We can then assess whether your condition could affect your ability to practise.

Before you contact us, you can still reach out to your employer, your trade union or your professional body for information and advice. You can find more information about independent support services in our section below.



## What happens once I provide the information?

After you provide information through your application, your renewal or by making a self-referral, a process of investigation will begin. This process differs depending on if you are an applicant or a registrant.

If you have a disability under the terms of the Equality Act 2010 and need us to make reasonable adjustments to this process, please contact us on Freephone: 0800 328 4218. You can read more about the HCPC's [Equality, Diversity and Inclusion Policy here](#).

For applicants and registrants based in Wales, our [Welsh Language Scheme](#) makes provision for proceedings in Welsh upon request.

If you are an applicant, the process of investigating and making a finding on your health and character declaration falls to our case officer team.

If you are a registrant, whether you make a declaration during your renewal or you self-refer, your declaration will be handled by our Fitness to Practise team.

It is important to note that while the process is being handled by our Fitness to Practise team, this is not a reflection on the disclosure you have made or an assumption that you are unfit to practice. With all the matters which relate to registrants, we have to determine if the matter is within the scope of the HCPC's fitness to practise team and the only way we do this is through our investigation process.

We investigate all cases objectively and independently and we will treat you fairly and explain what will happen at each stage of the process.

We assign a case manager to each case. Their role is to manage the case throughout the process and to gather relevant information. The case manager acts as a contact for everyone involved in the case and will keep you up to date with the progress of the investigation. They cannot give you legal advice but they can explain how the process works, what information we require and what panels might consider when making decisions.

Visit our web page, ['What happens if a concern has been raised against me?'](#) for more information about the process a case will go through and the possible outcomes.

### After a health declaration

If you tell us about a health condition when you renew your registration and it is clear that your ability to practise safely or effectively is not affected (such as taking time off work with flu or a broken leg) then our Registration team will let you know.

However, in most cases we will refer information that you declare about a change in your health to our Fitness to Practise department. If you make a self-referral, this will be received directly by our Fitness to Practise department.

Our Fitness to Practise team are best placed to consider whether you are able to practise safely and effectively. The information that you declare will be handled sensitively, confidentially and in line with our published approach to investigating health matters. Read more about how we investigate health concerns [here](#).

When considering health information, the Registration or Fitness to Practise team will look at the circumstances and examine each case individually. They will be looking to see if your health condition means you are able to practise safely and effectively and therefore should be allowed to register or to renew your registration. As a result, we do not have a list of health conditions which would prevent you from practising as a registered professional.

The registration or investigation panel look at various issues when making a decision about whether your health would affect your ability to practise safely and effectively.

The panel may look at:

- how you currently manage your condition;
- whether you have shown insight and understanding into your condition;
- whether you have medical or other support;
- whether you have made reasonable adjustments to your placement conditions or employment conditions; or
- whether you have agreed reasonable adjustments with your placement providers or employers.

In every case referred for a hearing, whether you are a registrant or an applicant, we will ask whether you will give your doctor to provide information to the HCPC directly so that the we can make an informed decision.

Where a decision is made to refuse registration, you will have a right to appeal. More information is set out below.

## **After a character declaration**

All concerns go through the same fitness to practise process, regardless of who we receive them from.

When making decisions about character, we are considering whether your behaviour in the past means you can practise in a way which does not put the public at risk or affect public confidence in you or your profession.

When someone declares a conviction or caution, we may re-examine the nature of the evidence but we will not retry the case or impose punishment for a second time.

We will consider only the factors relevant to your case and consider all the information we receive on a case-by-case basis, looking at the particular circumstances around the event. This means that we can only provide guidance on how we will consider the information and we cannot provide answers about what the outcome of the case will be.

When looking at issues around your character, we may consider:

- the number and nature of offence(s) or event(s);
- the seriousness of the offence(s) or event(s);
- when and where the offence(s) or event(s) took place;
- any information you have given to help explain the circumstances;
- your character and conduct since the offence(s) or event(s);
- the likelihood of repetition;
- the relevance of the matter to the practise of the relevant profession; and

- the wider public interest, including confidence in the profession concerned and the regulatory process.

This is not a full list of factors which can help to decide the seriousness or significance of the issues we consider.

The types of convictions which might result in an applicant not being allowed to Register or to a registrant being struck off the Register usually relate to offences of a sexual nature, violence or dishonesty.

We will consider rejecting an application for registration, or removing you from the Register if you are already registered, if you are convicted of a criminal offence or accept a police caution that involves one of the following types of behaviour:

- Violence
- Abuse
- Sexual misconduct
- Supplying drugs illegally
- Child pornography
- Offences involving dishonesty
- Offences for which you received a prison sentence

More information and guidance about how we consider fitness to practise concerns is available on the fitness to practise section of our website.

If we do not think that the issues raised will affect your fitness to practise, we will write to you and let you know. We will not take any further action.

We always advise applicants and registrants who are providing information on their health and character to prepare all of their information in advance. Having as much relevant documentation to hand as early as possible will help avoid delays in your registration or renewal.

## Finding support

We know that the process of making a declaration and the subsequent investigation can be stressful.

We will work to ensure that the process moves as quickly as possible and that you are kept informed at all times. At any point you can contact the Fitness to Practise team on freephone 0800 328 4218 for more information.

Before making your declaration, we would also recommend speaking to your trade union or your [professional body](#). They will be well placed to give you advice on best practice for your profession and to be able to reflect on previous experience in similar matters.

We also recommend speaking to your employer as they will be able to provide advice and also let you know which resources you can access for further support.

If you are struggling, don't be afraid to tell somebody. We encourage you to talk to a friend, family member or trusted colleague.

Samaritans are a non-religious support service there to listen to you and help you talk through your concerns, worries and troubles, whatever they may be. Call Samaritans for free and in confidence, 24 hours a day, on **116 123**.

## Appealing a decision

Applicants and registrants have a right to appeal decisions made by a panel. The HCPC will let you know the outcome of the panel which dealt with your application or renewal and will provide more information should you wish to appeal.

When making an appeal you can decide to appear in person and provide more information than the original panel dealt with (for a health matter this could be more evidence from a medical doctor, while in a character matter it could be more evidence of your good character).

Once the Appeal Panel makes a finding you can go further and approach a court. If you are an applicant, you can approach the County Court (in England, Wales and Northern Ireland) or the Sheriff Court if you are based in Scotland. If you are a registrant, you have the option to appeal to a higher court and can approach the High Court (in England, Wales and Northern Ireland) or the Court of Session in Scotland.

## Glossary

### **Criminal conviction check**

A check to see if someone has been convicted of a criminal offence or has received a police caution.

### **Disabled person**

The Equality Act 2010 defines a disabled person as 'someone with a physical or mental impairment and the impairment has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities'. 'Long-term' is defined as lasting at least twelve months while substantial is defined as more than minor or trivial and long term is defined as 12 months or more.

### **Fit to practice**

When someone has the skills, knowledge, character and health to do their job safely and effectively.

### **Register**

A published list of professionals who meet our standards. The Register is available online ([www.hcpc-uk.org](http://www.hcpc-uk.org)).

### **Registrant**

A professional who appears on our Register.

### **Regulator**

An organisation that protects the public by making sure people keep to certain laws or requirements.

### **Self-declaration**

The declarations of health and character that applicants or registrants must sign to confirm that their health and character does not affect their ability to practise safely and effectively.

### **Self-referral**

When a registrant gives us information about their health, character or conduct at any time outside of the registration application or renewal process.

### **Service user**

Anyone who uses or is affected by the services of registrants. This includes patients or clients.

### **Standards of conduct, performance and ethics**

Standards that we expect from health and care professionals who are registered with us.

### **Standards of education and training**

Standards which education providers must meet to make sure that all those students who complete an approved programme meet the standards of proficiency.