

## **Council, 11 December 2008**

### **Guidance on health and character – consultation document**

#### **Executive summary and recommendations**

##### **Introduction**

The attached paper provides guidance on the health and character process for applicants, education and training providers and registrants.

The guidance was discussed by the Education and Training Committee on 2 December 2008.

We will also consult on the guidance for students on ethics and conduct alongside this consultation.

##### **Decision**

The Council is invited to:

- agree the text of the attached document for consultation (subject to minor editing changes).

##### **Background information**

The proposed timetable for the consultation is below.

Public consultation	January – April 2009
Revised guidance to ETC	11 June 2009
Revised guidance to Council	6 July 2009
Publication process	August – October 2009
Launch of revised guidance	1 November 2009

## Resource implications

The resource implications of producing the guidance paper already fall within the Policy and Standards' departmental workplan and budget.

## Financial implications

The financial implications are those for the public consultation on the guidance and its publication. The Policy and Standards budget incorporates the financial implications of the consultation and publication.

## Appendices

- Consultation document
- Guidance on health and character

## Date of paper

24 November 2008

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2008-11-24	a	POL	PPR	Guidance on health and character cover paper Dec Council	Final DD: None	Internal RD: None

## **Guidance on health and character - consultation document**

### **Introduction**

I am writing to invite you to respond to our consultation on new guidance on our health and character processes. The guidance is designed for applicants, registrants and education and training providers.

We have produced the guidance to provide more information about the processes that we use when looking at information about the health or character of an applicant or registrant. The guidance also provides some advice on the principles that we use when making decisions about health and character.

Under our rules, we must check everyone's health and character when they apply to join our Register as part of making sure that applicants will be able to practise safely and effectively within their profession. We can also take action against a registrant (someone currently registered with HPC) if their health or character creates concerns about their ability to continue practising safely.

### **Your response**

We would welcome your comments on the guidance, in whatever format is convenient for you. You may wish to address the questions below. However, if there are any other comments you would like to make we will be happy to take these on board.

1. Do you find the guidance useful?
2. Is there any information that we have missed or where more guidance is required?
3. Is the guidance clear and easily understandable?

We would like to invite any individual or organisation with an interest in these issues to respond to this consultation. To help ensure we analyse your response correctly it would be helpful if you could explain how you formulated your response.

The consultation will put the proposed guidance before a wide range of stakeholders, including education providers, professional bodies and others with an interest in our work. We would like to invite any individual or organisation with an interest in these issues to respond to this consultation. The consultation will run until 30<sup>th</sup> April 2009.

If you would like to respond to this consultation, please send your written response to:

Guidance on health and character consultation  
Policy and Standards Department  
Health Professions Council  
Park House  
184 Kennington Park Road  
London  
SE11 4BU

You can also email [consultation@hpc-uk.org](mailto:consultation@hpc-uk.org) or send your response by fax to +44 (0)20 7582 0866.

At the end of the consultation period we will publish a summary of the responses we receive, and the decisions we have taken as a result, on our website.

If you prefer your response not to be made public, please indicate this when you respond.

We look forward to receiving your comments.

Eileen Thornton  
Chair, Education and Training Committee

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## Who is this document for?

You may find this document useful if you are:

- applying to us to be registered or considering applying to us to be registered;
- working in education, and making decisions about students applying to a programme;
- working in education, and advising students on their applications to be registered; or
- currently registered with the Health Professions C.

This is not a complete list of possible audiences, but it should help to give you an idea of whether this document will help you.

This document provides guidance on the HPC's health and character processes. These are the processes that we use when looking at information about the health or character of an applicant or a registrant (someone currently registered with HPC).

### About the structure of this document

To help you to get the information you need, we have split this document up into sections. Sometimes we have included the same information in more than one section. The guidance has been repeated to ensure that the relevant information is provided to all those reading the document.

- Section one is the **Introduction** and contains information about us, our standards and what we do. This section is for applicants, registrants and for programme staff.
- Section two is called **Information for applicants**. It is aimed at people who are interested in becoming a health professional and applying for registration with us. 'You' in this section refers to the applicant applying to us.
- Section three is called **Information for education and training providers**. It is aimed at admissions staff and also at staff on the programme team. In this section 'You' refers to the education provider or staff on the programme team.
- Section four is called **Information for registrants**. It is aimed at people who are already on our Register and who want to find out more about how we look at information they may declare about their health or character. In this section 'You' refers to the health professional registered with us.

- Section five is called **More information** and has information about the HPC. This section contains a glossary of some of the terms used in this document.

If you have any questions about the issues that this document looks at, you may find it useful to read the whole of the document to understand what we do and how it may affect you.

## Section 1: Introduction

### About us (the HPC)

We are the Health Professions Council (HPC). We are a regulator, and we were set up to protect the public. To do this, we keep a register of health professionals who meet our standards for their training, professional skills, behaviour and health.

Health professionals on our Register are called 'registrants'. We currently regulate 13 health professions.

- Arts therapists
- Biomedical scientists
- Chiropodists / podiatrists
- Clinical scientists
- Dietitians
- Occupational therapists
- Operating department practitioners
- Orthoptists
- Paramedics
- Physiotherapists
- Prosthetists / orthotists
- Radiographers
- Speech and language therapists

We may regulate other professions in the future. For an up-to-date list of the professions we regulate, please see our website at: **[www.hpc-uk.org](http://www.hpc-uk.org)**

Each of these professions has one or more 'protected titles' (protected titles include titles like 'physiotherapist' and 'dietitian'). Anyone who uses one of these titles must be on our Register. Anyone who uses a protected title who is not registered with us is breaking the law and could be prosecuted.

Our Register is available on our website for anyone to search, so that they can check that their health professional is registered.

Another important part of our role is to consider any complaints we receive about registered health professionals. We look at every complaint we receive, to decide whether we need to take action or not. We may hold a hearing to get all the information we need to decide whether someone is fit to practise.



## **How we are run**

We were created by a piece of legislation called the 'Health Professions Order'. This sets out the things that we must do, and it gives us our legal power. We have a council which is made up of registered health professionals, and members of the public. The Council sets our strategy and policy, and makes sure that we are fulfilling our duties under the Health Professions Order.

Health professionals must register with us before they can use the protected title for their profession. This means that even if you have completed a programme in, for example, physiotherapy, you will still not be able to call yourself a 'physiotherapist' unless you are registered with us.

## **About registration**

Registration shows that the health professional meets our standards for their profession.

Registration exists to show the public that health professionals are fit to practise, and that they are entitled to use the protected title for their profession. It shows that the people on our Register are part of a profession with nationally recognised standards set by law.

When we say that someone is 'fit to practise', we mean that they have the skills, knowledge, character and health to do their job safely and effectively.

## **Approval of education programmes**

Part of our role includes approving education and training programmes. Health professionals must complete these programmes in order to become registered with us. However, completing an approved programme does not guarantee that someone will be able to register with us.

## **Health and character**

Under our rules, we must check everyone's health and character when they apply to join our Register as part of making sure that applicants will be able to practise safely and effectively within their profession. We can also take action against a registrant if their health or character creates concerns about their fitness to practise.

We consider a number of pieces of information when we look at someone's character. We look at the information provided on the character reference. We also look at whether the applicant has any convictions or cautions which might affect their suitability for registration or undermine public confidence in their profession. We also look at whether another regulator or a professional body, in the UK or elsewhere, has made a decision about them, such as removing them from their register. Finally, we look at any other information of relevance such as disciplinary action taken by an employer.

When we talk about 'health' we mean health conditions which may affect either an applicant's or a registrant's fitness to practise. We are not asking whether an applicant or registrant is 'healthy'. This is because someone may be unwell, they may have a condition which they need treatment for or they may be disabled, but they will still be able to practise their profession safely.

We recognise that there is a debate around disabilities and how far these are considered to be issues of 'health'. For example, some disabled people may be in excellent health. Some disabled people may have a health condition which is not related to their disability. We do not require information about the disability or health condition unless it affects an applicant's or registrant's fitness to practise.

There are different views about this and we recognise that some disabled people may have a health condition as well as their disability, or they may consider themselves to have a health issue rather than a disability.

## **Section 2: Information for applicants**

This section provides information on the application process and the information that you need to provide to us about your health and about your character.

It explains what happens to information which either you provide to us or someone else, such as a doctor or your character referee, provides to us about you.

This section also provides general guidance on how we consider information that you may tell us about convictions and cautions.

### **Other useful publications**

A number of the topics in this section are also covered in other publications we have produced. You may want to refer to these publications for further information.

The relevant publications are:

- 'A disabled person's guide to becoming a health professional'.
- 'Information about the health reference'.

You can download a copy of these publications from our website: **[www.hpc-uk.org](http://www.hpc-uk.org)**

### **Applying for registration**

Completing an approved programme does not guarantee that you will become registered. But it does show us that you meet our professional standards and so are eligible to apply for registration. We need more information from you to be able to register you.

When you first apply for registration, as part of your application, you need to send us information which includes a health reference, a character reference, a photograph and a copy of your passport or birth certificate.

All of the information that we need from you helps us to make sure that:

- you are who they say you are;
- you meet our standards; and
- we can contact you if we need to.

You can find out more about the application process on our website: **[www.hpc-uk.org](http://www.hpc-uk.org)**

## **The character declaration**

All of the professions that we regulate are exempt from the requirements of the Rehabilitation of Offenders Act 1974. This means that when you apply to join the Register you must declare any convictions or cautions that you may have. This includes any convictions or cautions that are considered 'spent' because they happened some time ago. It also includes convictions or cautions that you may have received in countries outside the United Kingdom if the offence is one that could have resulted in a conviction or caution in the UK.

In addition, as a health professional you have additional responsibilities to act in a professional way. This includes declaring information about either your character or health.

When you fill in your application form you are asked to complete a character declaration. In this declaration you need to tell us if you:

- have ever been convicted of a criminal offence, received a police caution or been convicted of a criminal offence for which you received a conditional discharge;
- have ever been disciplined by a professional or regulatory organisation or your employer; or
- have ever had civil proceedings (other than a divorce/dissolution of a marriage or a civil partnership) brought against you.

If you answer 'yes' to any of the above on the application form then you should provide additional details on a separate piece of paper. We will look at the information and decide whether it raises concerns. If it raises concerns it will be passed on to a registration panel, which we will set up. Please see the section below called 'The registration panel' for more information on the process for those cases referred to a panel.

If you do not provide accurate information in your application you will be making a 'false declaration'. Making a false declaration could include failing to declare a criminal conviction or caution and is a criminal offence under our rules. Making a false declaration could result in you being removed from our Register.

## **The character reference**

As well as the character declaration, you must also submit a character reference.

A character reference needs to be provided by 'a person of professional standing in the community'. This can include a health professional registered by the HPC, a doctor, a solicitor, an accountant, a bank manager, a justice of the peace, a minister of the church, a rabbi or an imam.

The person who gives the character reference must also have known you for at least three years and must not be related to you.

When the person completes your reference, they are asked to declare the number of years that they have known you and that they know of no reason why you would not practise your profession with honesty and integrity.

### **The health declaration**

When you complete your application form, you are asked whether you are suffering from any condition that would affect your ability to practise. You only need to declare information if you believe that your health may affect your ability to practise safely and effectively.

When we talk about 'health' we do not mean people who are 'healthy' or in 'good health'. You may have a disability or long term health condition which would mean that you would not consider yourself to be in 'good health'. However, as long as you manage your condition or disability appropriately and have insight and understanding, this will not prevent you from registering.

### **The health reference**

Another part of the application form that you must send to us is the health reference. Our 'rules' say that an applicant must give us a health reference if they want to be registered with us. The reference must be signed by a registered medical practitioner, which means a doctor.

The doctor is asked to fill in the form to tell us that your health does not affect your fitness to practise. The doctor is not asked to make a decision about whether you will be able to get a job. Nor is the doctor asked to make a decision on the basis of general assumptions about your condition or about your ability.

The doctor may:

- be your doctor (for three years or more); or
- be a doctor who has examined your medical records covering the past three years; or
- have performed a medical examination of you.

A doctor can provide additional relevant information on the reference form if they have your permission. However, we do not ask you or your doctor to provide a detailed medical history or disclose disabilities and long term health conditions unless they affect your fitness to practise.

You can find out more about the health reference in a publication we have produced called 'Information about the health reference'. This is available on our website: **[www.hpc-uk.org](http://www.hpc-uk.org)**

If your doctor has signed your health reference and has not said that your health would affect your fitness to practise, you will be registered with us (depending on the rest of the information that you need to send us, including your character reference and registration fees).

If your doctor has not completed the health reference then we will usually ask you to provide us with a valid health reference.

If your doctor has given us information about your health, this does not necessarily mean that we will not register you. Instead, we will consider the information you have provided to decide whether we need to ask a registration panel to consider your application.

Having a disability should not be seen as a barrier to becoming a health professional. We have produced guidance for disabled applicants called 'A disabled person's guide to becoming a health professional'. This is available on our website: [www.hpc-uk.org](http://www.hpc-uk.org)

### **The registration panel**

If information about your health or character needs to be considered by a registration panel, we will write to you to let you know, because this may delay your registration by a short time. We normally hold at least one registration panel a month for each profession we regulate to try to reduce any delays in registration.

We will write and tell you about the date of the panel at least 14 days before it takes place and invite you to send us any more information that you would like the panel to consider.

The panel meets in private and will include at least one person from the profession you want to be registered in and at least one lay member (someone who is not a health professional). The panel may also include a doctor when it looks at declarations about your health.

The panel makes its decision based entirely on the documents you have provided us with as well as additional information that we may have collected. The panel meets in private and therefore you can not attend the hearing. We will send you a copy of all the information that that panel looks at and you will be given 14 days to respond to anything that you have not previously seen.

The panel will decide whether you are of the appropriate 'good character' to be admitted on to the Register in light of the information that has been provided or in exceptional circumstances, whether any health conditions you have declared would affect your ability to practise safely and effectively.

## **Guidance on how we may consider character information**

We consider a number of pieces of information when we look at your character to see if there is anything that may affect your suitability for registration or may undermine public confidence in your profession. We look at the information provided on the character reference and whether you have any convictions or cautions.. We also look at whether another regulator or professional body has made a decision about you, such as removing you from their register. Finally, we look at any other information of relevance such as disciplinary action taken by an employer.

All decisions are made by registration panels (please see the section above for more information about registration panels). When someone declares a conviction or caution, the panel does not re-examine the nature of the evidence or retry the case. Instead, it looks at the case and the impact that it may have on your application for registration. This might include looking at whether the conviction or caution might undermine public confidence in the profession you wish to join.

The panel will 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 about how we may consider the information and we can not always provide definitive answers about what the outcome of the case will be.

The panel may look at the following factors when considering issues around your character:

- The number and nature of offences or misconduct.
- The seriousness of the offence or misconduct.
- When the offences or misconduct occurred.
- Any information provided by you in mitigation.
- Your character and conduct since the offence occurred.

This is not an exhaustive list of factors which can help to decide the seriousness or significance of the issues under consideration.

Our panels may consider whether the circumstances surrounding the case and whether you demonstrated insight into your behaviour or conduct. They may also consider the punishment that was imposed on you but we recognise that the sentence that was imposed is not a definitive guide to the seriousness of the offence.

The types of convictions which might result in a registrant (someone currently on our Register) being struck off the Register usually relate to offences of a sexual nature or dishonesty or deception. It is likely that similar convictions would also prevent you from becoming registered with us.

We have produced standards of conduct, performance and ethics which provide information on ethical behaviour for both registrants and applicants such as you. These say:

‘...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’.

This is not an exhaustive list of the types of convictions or cautions that could lead to your application for registration being rejected. Decisions about applicants with a criminal conviction must always be made on an individual basis, considering the particular circumstances of the case.

### **Convictions and cautions received when a young person**

All of the professions that we regulate are exempt from the requirements of the Rehabilitation of Offenders Act 1974. This means that you must declare any convictions or cautions that you may have even if they were received when you were under the age of 18.

Unless the offence is very serious, we do not believe that these types of convictions or cautions would normally affect your application for registration. However, you should still declare all such convictions or cautions.

### **Driving offences**

You may have received a conviction or caution for a driving offence. When making a decision about the offence the panel may consider the severity of the sentence imposed, whether the alcohol level was significantly higher than the legal limit if it was a drink driving offence or if someone was injured as a result.

It is rare for driving offences to affect an application for registration but you should still declare them as we need to make our decisions on a case by case basis. However, you do not need to declare fixed penalty speeding offences or parking tickets.



## **Guidance on how we may consider information about health**

When we look at information about your health, our consideration is whether the health condition may impact on your ability to practise safely and effectively.

Information about your health is looked at by a registration panel. The panel may look at a number of pieces of information including:

- the health reference; and
- any other relevant information provided (including information provided by you).

We look at each case individually and make our decision on the basis of the particular circumstances of the case. As a result, we do not have a list of conditions which would prevent you from practising as a health professional.

The panel look at various issues when making a decision about whether your health would affect your ability to practise safely and effectively. They may look at:

- how you currently manage your condition;
- whether you have shown insight and understanding into your condition;
- whether you have sought medical or other support; or
- whether you have made reasonable adjustments to your working conditions or agreed them with their employer.

In most cases where registration panels have looked at information about an applicant's health, we have not refused their application for registration. This may be because the applicant has shown insight into their condition or perhaps because their condition does not actually affect their ability to practise safely and effectively.

## **Appeals process**

We will write to you and let you know the panel's decision. If your application for registration is refused you can appeal the decision by writing to us within 28 days of the date of our letter.

The appeal will be heard by a registration appeal panel. The panel will include a council member, at least one person from the profession you want to be registered in and a lay person.

You can attend the appeal hearing if you want and be represented by someone who may or may not be legally qualified. You can also provide additional

information for the panel to look at. The extra information could include more character references or extra information from your doctor if appropriate.

If your appeal is unsuccessful, you can appeal our decision to the county court.

We provide further detailed information about making a registration appeal when we write to inform an applicant that their registration has been refused.

## **Section 3: Information for education and training providers**

In this section, we try to cover three areas of interest to those working in education and training. The section provides guidance if you are advising applicants who have declared convictions or cautions or a health condition and are making decisions about their entry on to an approved programme. We also provide information for you if you are advising students about the process for applying to join the Register.

This section is also useful to you if you are advising students and making decisions about how issues of student misconduct or changes in their health will be addressed whilst they are studying.

### **Other useful publications**

A number of the topics in this section are also covered in other publications we have produced. You may want to refer to these publications for further information.

The relevant publications are:

- 'A disabled person's guide to becoming a health professional'.
- 'Information about the health reference'.
- 'Standards of education and training'.
- 'Standards of education and training guidance'.
- 'Guidance on ethics and conduct for students'. [currently in consultation]

You can download a copy of these publications from our website: **[www.hpc-uk.org](http://www.hpc-uk.org)**

### **The standards of education and training**

We set the standards of education and training (SETs) which programmes are approved and monitored against. Under the SETs education and training providers must have entry requirements which include criminal convictions checks and compliance with any health requirements.

SET 2 is about the admissions procedures to a programme. One of the standards requires you to obtain an 'enhanced' criminal conviction check for each applicant due to the nature of the programme that the students will be undertaking.

SET 2 requires education and training providers to have health requirements which are appropriate to the programme concerned. This means that the

requirements you set may vary depending upon the nature of the profession and the programme that you are providing.

### **Making admissions decisions about applicants with convictions**

You may receive an application to your programme from someone with a criminal conviction or caution or you may become aware of a conviction or caution once they are on the programme. You may be concerned about whether you should allow the applicant on to your programme or to continue on your programme perhaps because you are worried that the applicant may not be able to register with us after they have completed their programme.

We consider the information we receive about applicants on a case by case basis. As a result, we can not provide a list of convictions and cautions that would definitely lead to an application for registration being rejected. As a result, we also can not provide a list of convictions or cautions that would definitely lead to you rejecting an application.

However, there are certain types of offences which we believe are usually incompatible with being a registered health professional. The types of convictions which might result in a registrant being struck off the Register usually relate to offences of a sexual nature or dishonesty or deception. It is likely that applicants with these types of convictions would also not be able to register with us.

We also provide some general guidance within our standards of conduct, performance and ethics. These standards apply to both registrants and prospective registrants. By 'prospective registrants' we mean people who are applying to join the Register, which includes students undertaking approved courses. The standards say:

'However, 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'.

You can find further guidance about how we look at convictions and cautions in the section entitled 'Information for applicants'.

When you make admissions decisions, you may want to consider the standards of conduct, performance and ethics. You may also want to consider whether the individual's conviction or caution might affect their suitability for registration or undermine public confidence in their profession.

You may also want to consider the following factors when making a decision:

- The number and nature of offences or misconduct.
- The seriousness of the offence or misconduct.
- When the offences or misconduct occurred.
- Any information provided by you in mitigation.
- The applicants character and conduct since the offence occurred.

However, this is not an exhaustive list of factors which can help to decide the seriousness or significance of the issues under consideration.

We recognise that making admissions decisions about applicants with criminal convictions or cautions can be difficult. It is important to remember that even if you make your own decision about an applicant and allow them to join your programme, the applicant will still have to go through our character process when they apply to join the Register. You can find out more information about this in the section of this document entitled 'Information for applicants'.

### **Making admissions decisions about applicants with health conditions**

You may receive an application from an applicant with a health condition or alternatively you may become aware of a health condition once the student is on your programme. When we talk about 'health' we do not mean people who are 'healthy' or in 'good health'. A registrant or applicant may have a disability or long term health condition which would mean that they would not consider themselves to be in 'good health'.

We look at each case individually and make our decision on the basis of the particular circumstances of the case. As a result, we do not have a list of conditions which would prevent an individual from practising as a health professional. This also means that we can not provide a list of the health conditions which would prevent someone from completing an approved course.

You have certain responsibilities as a member of staff working in admissions on a programme approved by us. You have duties under the Disability Discrimination Act 1995. Also, because your programme is approved by us, you have a responsibility to us to make sure that those who complete your programme meet our standards of proficiency.

How you meet these duties is up to you, but we would suggest that when assessing applications you should first consider the reasonable adjustments that you could make for the applicant.

Having considered this, you might then want to consider separately whether, having made these adjustments, the applicant would meet the standards of proficiency at the end of the programme.

We have produced a guide for prospective registrants and admissions staff entitled 'A disabled person's guide to becoming a health professional'. You can download a copy of this guide from our website: [www.hpc-uk.org](http://www.hpc-uk.org).

When making a decision about an applicant or a student with a health condition there are a number of other factors that you may want to look at. These are:

- how they currently manage their condition;
- whether they have shown insight and understanding into their condition; or
- whether they have sought medical or other support.

We have only refused registration as a result of a health condition for an extremely small number of applicants. This is because often the health condition would not actually affect an applicant's fitness to practise. Alternatively, the applicant may show insight and understanding into their condition.

When you make admissions decisions about applicants you may want to set up an advisory panel to assist your decision making.

### **Misconduct during the programme**

You may have your own procedures for handling misconduct which happens whilst a student is on a programme. These procedures are often separate from those which may look at concerns about academic performance.

When looking at misconduct, you may want to refer to the standards of conduct, performance and ethics. You may also want to look at a document we have produced entitled 'Guidance on ethics and conduct for students'. You may also want to refer to the guidance in this document as well.

Any decision you make about the student's misconduct will not determine whether the individual is able to join the Register. The student would still need to go through our health and character process and provide any relevant information.

If you remove a student from your programme because of misconduct, you can tell us. If we believe the misconduct is sufficiently serious, we can keep the information and look at it if they ever apply for registration.

## **Section 4: Information for registrants**

In this section, we provide information to registrants on the process of making health and character declarations either as part of renewing their registration or as a self referral.

### **Other useful publications**

A number of the topics in this section are also covered in other publications we have written. You may want to refer to these publications for further information.

The relevant publications are:

- 'The standards of conduct, performance and ethics'.
- 'Managing fitness to practise'.
- 'What happens if a complaint is made about me?'.

You can download a copy of these publications from our website: **[www.hpc-uk.org](http://www.hpc-uk.org)**

### **Professional self-regulation**

We work on the important principle of 'professional self-regulation'. This means that you have a personal responsibility to maintain and manage your own fitness to practise. You also have to make decisions about whether you are fit to practise your profession. This is especially important where there have been changes to your health which may affect your fitness to practise.

In addition, as a health professional you are expected to meet certain extra obligations around your professionalism. This includes the professional obligation to declare information to us about any changes to your health or character.

### **The standards of conduct, performance and ethics**

We set standards of conduct, performance and ethics which explain the ethical behaviour that we expect you to meet and maintain. The standards play an important role in helping us make decisions about whether someone is fit to practise.

The standards of conduct, performance and ethics say that:

'You must tell us (and any other relevant regulators) if you have important information about your conduct or competence, or about other registrants and health professionals you work with. In particular, you must let us know straight away if you are:

- convicted of a criminal offence, receive a conditional discharge for an offence, or if you accept a police caution;
- disciplined by any organisation responsible for regulating or licensing a health-care or social-care profession; or
- suspended or placed under a practice restriction by an employer or similar organisation because of concerns about your conduct or competence.'

## **Self declarations**

All of the professions we regulate are on the Home Office Circular for Notifiable Professions. This means that we should automatically be informed by the police if you are cautioned or convicted of an offence.

However, you should still tell us as soon as possible if you are convicted of an offence, receive a caution, are disciplined by your employer or placed under any practise restriction because of concerns about your conduct or competence. You must do this by writing to the Fitness to Practise Department at HPC. The address can be found in the section called 'More information'.

If you make a self referral and provide us with information about your conduct or character, we will consider that information. The information will be looked at by a registration panel. You can find out more about registration panels in the section below called 'The registration panel'. The registration panel will decide whether the issue should be referred on to our fitness to practise process. You can find out more about this process on our website: **[www.hpc-uk.org](http://www.hpc-uk.org)**.

If the case is referred to our fitness to practise department, it will be investigated and then considered by an Investigating Committee panel. This panel will decide whether there is a 'case to answer' and, if so, whether the case should be considered at a full hearing by a panel of the Conduct and Competence or Health Committee. Before the Investigating Committee considers the case, you will have an opportunity to provide additional information to this panel if you want to.

If the information you declare to us is extremely serious, we may decide to investigate it immediately instead of referring it on to a registration panel.

If the Conduct and Competence Committee panel decides that the case has been proven at a final hearing, it could decide to take no further action, or impose a caution, or a conditions of practice order or impose a suspension order or, in very serious circumstances, strike you off the Register. You have the right to appeal the decision to the High Court or its equivalent in Scotland.

You no longer need to pass information on to us about changes in your health outside the renewal declaration. However, if you do decide to tell us, we will look



at that information and carefully consider whether we might need to take any action.

You must still comply with the standards of conduct, performance and ethics. Standard 12 says:

‘You have a duty to take action if your physical or mental health could be harming your fitness to practise. You should get advice from a consultant in occupational health or another suitably qualified practitioner and act on it. This advice should consider whether, and in what ways, you should change your practice, including stopping practising if this is necessary’.

### **Renewing your registration**

Each time you renew your registration, you are asked to sign a ‘professional declaration’. By signing the professional declaration you confirm that:

- you have continued to meet our standards of proficiency for the safe and effective practice of your profession; and
- there have been no changes to your health or relating to your good character which you have not told HPC about and which would affect your ability to practise safely and effectively.

Changes to your good character could include you being convicted or cautioned for an offence. They could also include disciplinary action taken by your employer or having restrictions placed on your practise by your employer because of concerns about your conduct or competence.

If the information you provide about your health or character is sufficiently serious, we will pass it to a registration panel. You can find out more about the registration panel in the section below.

If information about you is sent to a registration panel, we will write to you to let you know, because this may delay the renewal of your registration by a short time. We normally hold at least one registration panel a month for each profession we regulate to try to reduce any delays in renewals.

If you have made a declaration about your health or character on your renewal form you will remain on the Register whilst we process your declaration.

### **The registration panel**

We will write and tell you about the date of the panel at least 14 days before it takes place and invite you to send us any more information that you would like the panel to consider.

The panel meets in private and will include at least one person from the profession you want to be registered in and at least one lay member. The panel may also include a doctor when it looks at declarations about your health.

The panel makes its decision based entirely on the documents you have provided us with as well as additional information that we may have collected. The panel meets in private and therefore you can not attend the meeting. We will send you a copy of all the information that that panel looks at and you will be given 14 days to respond to anything that you have not previously seen.

The panel will decide whether you are of the appropriate 'good character' to remain on the Register in light of the information that has been decided or whether any health conditions you have declared would affect your ability to practise safely and effectively.

### **Guidance on how we may consider character information**

When you declare a conviction or caution, the panel does not re-examine the nature of the evidence or retry the case. Instead, it looks at the case and the impact that it may have on your registration. This might include looking at whether the conviction or caution might undermine public confidence in your profession.

The panel will 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 about how we may consider the information may be considered and can not always provide definitive answers about what the outcome of the case will be.

The panel may look at the following factors when considering issues around your character:

- The number and nature of offences or misconduct.
- The seriousness of the offence or misconduct.
- When the offences or misconduct occurred.
- Any information provided by you in mitigation.
- Your character and conduct since the offence occurred.

This is not an exhaustive list of factors which can help to decide the seriousness or significance of the issues under consideration.

Our panels may consider whether the circumstances surrounding the case and whether you demonstrated insight into your behaviour or conduct. They may also consider the punishment that was imposed on you but we recognise that the sentence that was imposed is not a definitive guide to the seriousness of the offence.

The types of convictions which might result in a registrant being struck off the Register usually relate to offences of a sexual nature, dishonesty or deception.

Our standards of conduct, performance and ethics provide information on ethical behaviour for registrants. These say:

‘... 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’

This is not an exhaustive list of the types of convictions or cautions that could lead to your application for registration being rejected. Decisions about applicants with a criminal conviction must always be made on an individual basis, considering the particular circumstances of the case.

### **Driving offences**

You may have received a conviction or caution for a driving offence. When making a decision about the offence the panel may consider the severity of the sentence imposed, whether the alcohol level was significantly higher than the legal limit if it was a drink driving offence or if someone was injured as a result.

It is rare for driving offences to affect an application for registration but you should still declare them as we need to make our decisions on a case by case basis. However, you do not need to declare fixed penalty speeding offences or parking tickets.

### **Guidance on how we may consider information about health**

If we receive information about your health, we will look at it to see if it affects your ability to practise safely and effectively. We will look at various factors including:

- how you currently manage your condition;
- whether you have shown insight and understanding into your condition;
- whether you have sought medical or other support; or

- whether you have made reasonable adjustments to your working conditions or agreed them with their employer.

Most of the time, when you tell us about a change in your health you are showing insight and managing your fitness to practise. By insight we mean that you have a realistic, informed idea of the limits of your safe practice, to make sure that your service users are not put at risk and that there is no danger to yourself.

In serious circumstances, we may pass the information on to a registration panel who will consider whether your fitness to practise is affected by your health. The panel will include a doctor so that the panel can have their input. The panel considers all the information we receive on a case by case basis, looking at the particular circumstances.

The panel will make decisions looking at the factors outlined above. You may have already made amendments to your practice in response to your health so we do not need to take action to protect the public. In these cases, the registration panel would not pass the case on to the fitness to practise department and no further action would be taken.

Making amendments to your practice if necessary is part of managing your fitness to practise. We have produced a document on this topic which you can download from our website: **[www.hpc-uk.org](http://www.hpc-uk.org)**

However, in very serious circumstances the panel can pass the case on to our fitness to practise department for a hearing. In every case referred for a hearing, we will ask whether you will give your permission to be examined by a doctor so that the panel can make an informed decision.

The cases we consider under our fitness to practise process are usually those where a registrant has continued to practise whilst unfit to do so and this has directly led to harm or the risk of harm to service users or themselves. In these cases, it is not the health or disability of the registrant that requires us to take action, but the impairment it has contributed to.

### **Appeals process**

We will write to you and tell you if we refuse to renew your registration. You can appeal this decision by writing to us within 28 days of the date of our letter.

The appeals will be heard by a registration appeal panel. The panel will include a council member, at least one person from the profession you are registered in and a lay person.

You can attend the appeal hearing if you want and be represented by someone who may or may not be legally qualified. You can also provide additional

information for the panel to look at. The extra information could include a character reference or extra information from your doctor if appropriate.

If your appeal is unsuccessful, you can appeal our decision to the county court.

We provide further detailed information about making a registration appeal when we write to inform a registrant that their registration renewal has been unsuccessful.

## **Section 5: More information**

You can find out more information about us and our processes on our website at **[www.hpc-uk.org](http://www.hpc-uk.org)**

Here we publish information about how we work, including the standards that we produce, all of our forms, news releases and much more.

If the information that you need is not on our website, you can also contact us at the following address:

Health Professions Council  
Park House  
184 Kennington Park Road  
London  
SE11 4BU

Phone: +44 (0)20 7582 0866  
Fax: +44 (0)20 9684

## **Glossary**

### **Criminal conviction checks**

A check that can be run to see if an individual has been convicted of a criminal offence or has received a police caution.

### **Education and training provider**

The establishment at which a programme is delivered or by which a qualification is awarded.

### **Fit to practise**

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

### **Lay member**

A panel member who is not a health professional.

### **Professional body**

These organisations carry out work which may include promoting a profession, representing members, producing curriculum frameworks, overseeing post-registration education and training, and running continuing professional development programmes.

### **Register**

A published list of health professionals who meet our standards. The Register is available on our website at [www.hpc-uk.org](http://www.hpc-uk.org)

### **Registrant**

A health professional who appears on our Register.

### **Regulator**

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

### **Service user**

Anyone who uses or is affected by the services of registrants.

**Standards of conduct, performance and ethics**

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

**Standards of education and training**

Standards which education and training providers must meet to ensure that all those completing an approved programme meet the standards of proficiency.