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Education and Training Committee - 10 March 2011

## **Updating the 'Guidance on health and character'**

Executive summary and recommendations

### **Introduction**

This consultation paper sets out a series of proposed changes to the 'Guidance on health and character'. These changes are needed as a result of decisions made by the Council to change our health-related requirements for registration, and to change the way in which we consider information given to us by registrants through self-referral.

In April this year we will remove the requirement to provide a health reference for entry to the Register. Previously, a health reference completed by a doctor ('a registered medical practitioner') was required for entry to our Register. After consulting on the issue in 2010, the Council decided that the health reference should be replaced with a self-declaration to confirm that the applicant does not have a health condition which would affect the safe and effective practice of their profession.

As a result of a recent review of our process for considering self-referrals, the Education and Training Committee agreed in November 2010 that the process for considering self-referral cases should be changed. Previously, when a registrant made a self-referral the information was referred to a registration panel for consideration. Following the committee's decision, self-referrals are now assessed by our fitness to practise department when they are received to decide if the information is serious enough to be referred to our fitness to practise process for consideration as a fitness to practise allegation.

The necessary resulting changes to the 'Guidance on health and character' are summarised in the consultation document, and set out in full in the revised guidance document, which is appended to this paper. We are proposing to consult between April and July this year, with the results of the consultation brought to Committee for consideration at its September 2011 meeting.

### **Decision**

The Committee is invited to discuss, agree and recommend to the Council that it approve the attached consultation document and revised 'Guidance on health and character' (subject to minor editing changes).

### **Background information**

Paper agreed by Education and Training Committee, 18 November 2010:  
[www.hpc-uk.org/aboutus/committees/educationandtraining\\_archive/index.asp?id=544](http://www.hpc-uk.org/aboutus/committees/educationandtraining_archive/index.asp?id=544) (enclosure 5)

Paper agreed by Council, 7 July 2010:

[www.hpc-uk.org/aboutus/council/councilmeetings\\_archive/index.asp?id=528](http://www.hpc-uk.org/aboutus/council/councilmeetings_archive/index.asp?id=528)  
(enclosure 7)

Paper agreed by Education and Training Committee, 8 June 2010:

[www.hpc-uk.org/aboutus/committees/educationandtraining\\_archive/index.asp?id=492](http://www.hpc-uk.org/aboutus/committees/educationandtraining_archive/index.asp?id=492) (enclosure 9)

### **Resource implications**

- Mailing and analysis of consultation on revisions to the guidance on health and character
- The resource implications are accounted for in the Policy and Standards department workplan for 2011-2012.

### **Financial implications**

- Cost of printing and mailing the consultation document – the revised guidance document will be made available to download from the website.
- The financial implications are accounted for in the Policy and Standards Department budget for 2011-2012.

### **Appendices**

Revised 'Guidance on health and character'

### **Date of paper**

28 February 2011

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## **1. Introduction**

- 1.1 We, the Health Professions Council, are consulting on proposed changes to our 'Guidance on health and character'. These changes are needed as a result of decisions made by the Health Professions Council (HPC) to change our health-related requirements for registration, and to change the way in which we consider information given to us by registrants through self-referral.

### **About us**

- 1.2 We are the Health Professions Council (HPC). We are a regulator and our job is to protect the health and wellbeing of people who use the services of the professionals registered with us. To protect the public, we set standards that professionals must meet. Our standards cover the professionals' education and training, behaviour, professional skills, and their health. We publish a Register of professionals who meet our standards.
- 1.3 Professionals on our Register are called 'registrants'. If registrants do not meet our standards, we can take action against them which may include removing them from the Register so that they can no longer practise.

### **About this document**

- 1.4 In this document we seek the views of stakeholders on our proposed changes to the HPC document 'Guidance on health and character'. The consultation document sets out our reasoning for changing the health reference requirement for entry to the Register, and why we have changed the way we consider self-referrals. The document then sets out the proposals we are consulting on and how you can respond to the consultation.

### **Removing the health reference**

- 1.5 In March 2011 we removed the requirement to provide a health reference for entry to the Register. Previously, a health reference completed by a doctor ('a registered medical practitioner') was required for entry to our Register. After consulting on the issue in 2010, the Council decided that the health reference should be replaced with a self-declaration to confirm that the applicant does not have a health condition which would affect the safe and effective practice of their profession.
- 1.6 You can find the decisions of the Council in relation to removing the health reference on our website here:  
[gtwww.hpc-uk.org/aboutus/consultations/closed/index.asp?id=98](http://gtwww.hpc-uk.org/aboutus/consultations/closed/index.asp?id=98).
- 1.7 The next step in implementing this change involves the development of revised guidance. We will produce two different types of guidance. Guidance notes will be produced to accompany the application forms, explaining how to complete the self-declaration. Relevant amendments also need to be made to our 'Guidance on health and character' explaining the principles of self-declaration and associated issues for applicants and registrants to consider. The 'Guidance on health and character' is a document that explains our requirements about health and character for applicants and registrants.

## **Self-referral process**

- 1.8 When a registrant gives us information about their conduct or competence at any other time than during the registration application or renewal process, they are making what we call a 'self-referral'.
- 1.9 As a result of a recent review of our process for considering self-referrals, our Education and Training Committee agreed in November 2010 that the process for considering self-referral cases should be changed.
- 1.10 Previously, when a registrant made a self-referral the information was referred to a registration panel for consideration. Following the committee's decision, self-referrals are now assessed by our fitness to practise department when they are received to decide if the information is sufficient to suggest that the registrant's ability to practise safely and effectively is affected. If the issue is serious enough, the case is referred to our fitness to practise process for consideration as a fitness to practise allegation.
- 1.11 As a result of this change in policy, relevant amendments need to be made to the 'Guidance on health and character' explaining how self-referrals are now considered.

## **2. The self-declaration of health**

- 2.1 Our health requirements for applicants and registrants help us to carry out our role of protecting the public. Our legislation requires us to make sure someone is of 'good health' and 'good character' for entry to the Register.<sup>1</sup> An applicant to the Register must complete and sign the application form. In doing so they are required to self-declare whether they have any condition that would affect their ability to practise.
- 2.2 Each of the professions we regulate renews its registration every two years. As part of the renewal all registrants are required to self-declare that they do not have any unmanaged health conditions that may affect their fitness to practise. Anyone providing a false declaration may be subject to fitness to practise proceedings. The requirements are supported by the standards of conduct, performance and ethics which all registrants adhere to.<sup>2</sup> Standard 12 states: 'You must limit your work or stop practising if your performance or judgement is affected by your health'. By self-declaring health conditions that could affect their practice, applicants and registrants demonstrate insight and understanding into their condition, and its ability to affect the way they practice. Those who self-declare that they do not have a health condition that could affect their practice are declaring that they either do not have a health condition, or that they are able to appropriately manage any condition they may have within the context of their practice.
- 2.3 The change to the health-related requirement at the point of entry to the Register is an extension of our previous requirement of applicants to tell us if they had a health condition which could affect their ability to practise their profession safely and effectively. The self-declaration applicants must

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<sup>1</sup> Article 5(2)(b), Health Professions Order 2001:

[www.hpc-uk.org/publications/ruleslegislation/index.asp?id=199](http://www.hpc-uk.org/publications/ruleslegislation/index.asp?id=199)

<sup>2</sup> Standards of conduct, performance and ethics:

[www.hpc-uk.org/publications/standards/index.asp?id=38](http://www.hpc-uk.org/publications/standards/index.asp?id=38)

now sign is similar to the declaration made by those renewing their registration. The declaration states:

'I declare that my physical and mental health do not impair my fitness to practise the profession to which this application relates.'

- 2.4 In relation to how the self-declaration works in practice, it is important to note that we do not have a list of health conditions which would, or would not, affect registration. We do not make blanket judgements and instead look at each case individually. A health condition is only a concern to us if it affects someone's ability to practise safely and effectively; it is not the health condition itself that is the problem. We look at each referral on a case by case basis to make sure that the applicant or registrant is demonstrating insight and understanding. In most circumstances the applicant or registrant can demonstrate they have insight and understanding, that they are managing their condition appropriately, and that their fitness to practise is not impaired. In these cases, we would not have any concerns and the applicant or registrant would be admitted to the Register, or be able to continue their registration.
- 2.5 If we receive a self-declaration where the information suggests a lack of insight and understanding and that the applicant may pose a potential risk to the public, the matter will be referred to a registration panel for further consideration.

### **3. The self-referral process**

- 3.1 When a registrant gives us information about their conduct or competence at any other time than during the registration application or renewal process, they are making what we call a 'self-referral'. Previously, when a registrant made a self-referral, the information was treated in the same way as information given to us during registration application and renewal. The process was as follows:
  - Information received was referred to a registration panel for consideration;
  - If the registration panel thought the issues needed further investigation through the fitness to practise process, the case was then referred to an investigating committee to decide whether it will go to a public hearing.
  - If the issues were very serious and required immediate action, we took legal advice and the case was referred straight to the fitness to practise process.
- 3.2 The Council for Healthcare Regulatory Excellence (CHRE) oversees regulatory bodies that regulate health professionals—including the HPC. The CHRE's December 2009 audit of the HPC's initial fitness to practise decisions recommended that we should review the way our registration panels assess self-referrals. The reason for this was to make sure the management and investigation of cases and decisions made by our panels was carried out consistently.
- 3.3 After receiving the CHRE's report, we carried out a review of our process for considering self-referrals to investigate the identified concerns. As a result of the review, our Education and Training Committee agreed in

November 2010 that the process for considering self-referral cases should be changed. The new process for considering self-referrals is as follows:

- When we receive a self-referral, our fitness to practise department will assess the information to decide whether it could affect the registrant's ability to practise safely and effectively;
- If the information suggests that the registrant's ability to practise safely and effectively may be affected, the issue may be investigated further under Article 22(6) of the Health Professions Order.<sup>3</sup>
- If the issue is serious enough, the case will be referred to an investigating committee for consideration as a fitness to practise allegation.

3.4 This change means that self-referrals can be dealt with quickly and fairly. It also avoids unnecessary delay in cases where a self-referral raises an issue about the ability of a registrant to practise safely and effectively.

## **4. Updating the 'Guidance on health and character'**

4.1 We have made a small number of changes to the 'Guidance on health and character' in light of our decision to remove the health reference and to change our self-referral process. The main changes we are proposing to be made to the guidance are:

- Removing all mention of the health reference requirement (page 9);
- Adding text to explain the self-declaration requirements and the implications of making a self-declaration (pages 9-12 and 24);
- Adding text on disabilities and health conditions and how they can affect fitness to practise (pages 9-12);
- Adding text to clarify how a professional can show insight and understanding into their health (pages 10-12, and 24);
- Adding clarification of how we use information an applicant or registrant gives us about their health (page 24);
- Updating references to legislation to take account of the Equality Act 2010 (page 35); and
- Adding text to explain the process we use when we receive self-referrals (pages 17-18, and 26-28).

4.2 You can download a marked-up copy of the 'Guidance on health and character' with all the proposed changes shown, from our website here: [www.hpc-uk.org/aboutus/consultations/](http://www.hpc-uk.org/aboutus/consultations/). All the page references shown above refer to pages in the marked-up copy of the guidance.

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<sup>3</sup> Article 22(6) is the provision in the Health Professions Order 2001 for a case to be considered as a fitness to practise allegation when it has not been received in the normal way. It is a decision for the Chief Executive and Registrar whether such cases will proceed. We seek legal advice for all cases where we consider proceeding under Article 22(6).

## 5. Consultation

### Consultation questions

- 5.1 We have asked some consultation questions below which you may wish to address. However, if there are any other comments you would like to make we will be happy to consider them.
1. Is the guidance clear about what a self-declaration is, and what the implications of making a self-declaration about health are? Could it be improved? If so, how?
  2. Is the guidance clear about how a registrant can show insight and understanding into their own health? Could it be improved? If so, how?
  3. Is the guidance clear about how the HPC uses information an applicant or registrant gives us about their health? Could it be improved? If so, how?
  4. Is the guidance clear about what a self-referral is, and how a registrant makes one? Could it be improved? If so, how?
  5. Is the guidance clear about how the HPC will use information given to us during the self-referral process? Could it be improved? If so, how?
  6. Do you have any other comments on the changes we are making to the 'Guidance on health and character'?

### How to respond

- 5.2 We welcome all responses to the consultation and we will consider our proposals in light of the responses we receive. You can download further copies of this document and the response form from our website or you can contact us if you would like us to send you copies of these documents.

**Please contact us to request a copy of this document in an alternative format, or in Welsh.**

- 5.3 We are consulting for at least 12 weeks in accordance with guidance set out in the Government Code of Practice on Consultation.<sup>4</sup>
- 5.4 The deadline for responses to this consultation is XX July 2011.
- 5.6 Please send your response in writing to:

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

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<sup>4</sup> HM Government Code of Practice on Consultation: [www.berr.gov.uk/files/file47158.pdf](http://www.berr.gov.uk/files/file47158.pdf)



- 5.7 You may also email responses to [consultation@hpc-uk.org](mailto:consultation@hpc-uk.org) or send a fax to +44 (0)20 7820 9684. Please note: we do not normally accept responses by telephone or in person. We normally ask that consultation responses are made in writing to ensure that we can accurately record what the respondent would like to say. However, if you are unable to respond in writing please contact us on +44 (0)20 7840 9815 to discuss any reasonable adjustments which would help you to respond.
- 5.8 We will publish a summary of the responses we receive to the consultation and the decisions we have taken as a result on our website. If you would prefer your response not to be made public, please indicate this when you respond.

### **About consultations**

- 5.9 We are striving to improve our consultation process to ensure the best policy outcomes. You can find more information on our consultation process and contact details to tell us how we can improve our consultations on our website:  
[www.hpc-uk.org/aboutus/consultations/about/](http://www.hpc-uk.org/aboutus/consultations/about/).

**Guidance on health and character – how we consider information that applicants or registrants declare**

**Guidance on health and character – how we consider information that applicants or registrants declare .....1**

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## Who is this document for?

We, the Health Professions Council (the HPC), have written this document to provide guidance on our processes when assessing the health and character of people who apply to, or who are on, our Register.

You may find this document useful if you are:

- applying to us to be registered or considering applying to us to be registered ('an applicant');
- currently registered with us (a 'registrant');
- working in education and making decisions about students applying to a programme; or
- working in education and advising students on applying for registration.

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

## About the structure of this document

To help you get the information you need, we have divided this document into seven sections. There are different sections for applicants, registrants and education providers. We have done this because the processes are slightly different for applicants and registrants.

Sometimes we have repeated the same information in more than one section to make sure that we provide the relevant information to all those reading the document. Below is a guide to what we have included in the following sections:

- Section one, the **Introduction**, contains information about us, our standards and what we do. This section is for everyone.
- Section two, **Information for applicants**, is aimed at people who are interested in working within one of the professions we regulate and applying for registration with us. 'You' in this section refers to the applicant applying to us.
- Section three, **Information for registrants**, is aimed at people who are already on our Register. In this section 'you' refers to the professional registered with us.
- Section four, **How we consider health information**, is aimed at applicants, registrants and education providers. In this section 'you' refers to an applicant or registrant.

- Section five, **How we consider character information**, is aimed at applicants, registrants and education providers. In this section 'you' refers to an applicant or registrant.
- Section six, **Information for education providers**, is aimed at admissions staff and staff on the programme team. In this section 'you' refers to the education provider or staff on the programme team.
- Section seven, **More information**, includes more information about us. This section contains a glossary of some of the terms we have used in this document.

## Section 1 – Introduction

### About us (the HPC)

We are the Health Professions Council (the HPC). 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'. We currently regulate 15 professions.

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- Arts therapists
- Biomedical scientists
- Chiropodists / podiatrists
- Clinical scientists
- Dietitians
- Hearing aid dispensers
- Occupational therapists
- Operating department practitioners
- Orthoptists
- Paramedics
- Physiotherapists
- Practitioner psychologists
- 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 ([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.

You can see our Register on our website. Anyone can search it, so they can check that their professional is registered.

Another important part of our role is to consider any complaints we receive about registrants. We look at every complaint we receive to decide whether we need to take action. 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 the Health Professions Order 2001. This sets out the things that we must do and gives us our legal power. We have a Council which is made up of registrants and members of the public. The Council sets our strategy and policies and makes sure that we are fulfilling our duties under the Health Professions Order 2001.

Professionals must register with us before they can use a 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.

### **Approving education programmes**

Part of our role includes approving education programmes. Professionals must complete these programmes to become registered with us. However, completing an approved programme does not guarantee that someone will be able to register with us. Sometimes a student who has completed an education programme declares very serious information which may mean that we reject their application for registration. It is important to stress that this only happens very rarely.

### **Our Register**

Being on our Register shows that you meet our standards for your profession.

We have a Register to show the public that professionals are fit to practise, and that they are entitled to use the protected title for their profession. It shows that registrants 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.

## Health and character

We must check the health and character of everyone that 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 against a registrant if their health or character raises concerns about their ability to practise safely and effectively.

The relationship between a registrant and the service user is based on trust, confidence and professionalism. By checking an individual's health and character, we can help to reduce the risk of harm and support the public's trust in the professions that we regulate.

When making decisions about character, we look at whether someone is of 'good character' or whether there is any evidence of past actions which might suggest that the person is not of 'good character'. Evidence that someone might not be of 'good character' could include evidence of untrustworthiness, dishonesty, actions which harmed a service user or a member of the public or actions which might affect the public's confidence in the registered professions.

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 or may have a health condition which they manage appropriately but they may still be able to practise their profession safely. We do not need information about any health condition unless it affects a person's fitness to practise. We recognise that a disability may not be seen as a health condition. So, we only need information about a disability or health condition if it affects an applicant's or registrant's fitness to practise.

It is rare that any information you give us about your health or character will affect your registration with us. For example, in ~~2009-2010~~, we received information about ~~282~~ cases related to applicants' health or character. In only ~~two~~ cases, where people declared serious information, did we refuse registration. However, it is important that you give us this information so we have it for making decisions about whether you should be registered with us.

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## Section 2 – Information for applicants

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

It explains what happens to information which you give to us. It also explains what happens to information about you which someone else, such as a doctor or your character referee, gives to us.

### 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 the following publications for more information:

- 'Guidance on conduct and ethics for students'
- 'Standards of conduct, performance and ethics'
- 'A disabled person's guide to becoming a health professional'
- 'Standards of Proficiency' for each profession

You can download a copy of these publications from our website (www.hpc-uk.org).

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### Applying to be on our Register

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. So that we can register you, we need more information from you.

When you first apply for registration, as part of your application you need to send us information which includes:

- a character reference;
- a certified document containing your photograph; and
- a certified document proving your current address.

Deleted: <#>a health reference; ¶

Deleted: <#>a copy of your passport; or ¶  
a copy of your birth certificate

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

- you are who you 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)).

When you fill in your application we ask you to declare information about your health and character. We work on the principle of '[professional self-regulation](#)'. This means that 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.

As an applicant, we expect you to follow the same principle. Being registered places extra responsibilities on you to act in a professional way. This includes declaring any new information about 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.

### The health declaration

[Standard 12 of our standards of conduct, performance, and ethics states that 'you must limit your work or stop practising if your performance or judgement is affected by your health.'](#)

[When you apply to our Register we ask you to sign a declaration to confirm that you do not have a health condition that would affect your ability to practise your profession.](#) You only need to declare information about a health condition if you believe that your health may affect your ability to practise safely and effectively. [If you tell us you have a health condition that might affect your fitness to practice, we will use the information you give us to decide whether you should be registered.](#)

When we talk about 'health' we are not making judgements about whether people are 'healthy' or in 'good health'. We are also not making judgements about disabilities. 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.

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' [which you should refer to for more information on this issue.](#)

**Deleted:** When you fill in your application form, we ask you whether you have a health condition that would affect your ability to practise.

#### Deleted: The health reference¶

¶ Another part of the application form that you must send to us is the health reference. Our 'rules' say that you must give us a health reference if you want to be registered with us. The reference must be signed by a registered medical practitioner (a doctor). The doctor must not be related to you. ¶

¶ We ask the doctor to fill in the form to tell us that your health does not affect your fitness to practise. We do not ask the doctor to make a decision about whether you will be able to get a job. And we do not ask the doctor to make a decision based on their general assumptions about your health condition or your ability.¶

¶ The doctor may:¶  
<#>be your doctor (for three years or more);¶  
<#>be a doctor who has examined your medical records covering the past three years; or¶  
<#>have examined you.¶

¶ A doctor can give us other 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 give us information about disabilities or long-term health conditions unless they affect your fitness to practise.¶

¶ 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. (Though this will depend on the rest of the information that you need to provide, including your character reference and registration fees.) ¶

¶ If your doctor has not filled in the health reference, we will usually ask you to give us a valid health reference.¶

¶ You can find out more about the health reference in a [...](#) [1]

## The implications of making a self-declaration

We work on the principle of 'professional self-regulation'. This means that when we ask you to declare whether you have a health condition that could affect your fitness to practise, we are trusting you as an autonomous professional to make an informed and reasoned judgement about whether your health will affect your ability to practise safely and effectively.

You should complete the health declaration honestly. If we find out later that you did not declare a relevant health issue when making your application, we will investigate, and this could affect your registration. It is important to know that making a declaration to us about a health condition that could affect your ability to practise is a positive action which shows that you have insight and understanding into your condition (see below), and that you are capable of making an informed judgement about your own fitness to practise.

If after reading this guidance you are still unsure about whether you should tell us about a health condition you may have, you should disclose it and provide us with as much information as you can, so we can assess whether your condition could affect your ability to practise.

For more information about how we use the information you give us about your health, please refer to the section 'How we consider health information' on page <>.

## Insight and understanding

If you declare a health condition to us, we will want to be sure that you have insight and understanding into your health and how that could affect your ability to practise safely and effectively. By insight and understanding we mean that you have a realistic, informed idea of the limits of your safe practice to make sure that you do not put your service users at risk and that there is no danger to yourself. An applicant or registrant who has insight or understanding into their condition will adapt their practice where necessary to minimise any risk to service users.

The two examples below show how the same health condition may or may not affect a professional's ability to practise, depending on their insight and understanding.

### Example

A recent graduate with epilepsy is applying for registration with the HPC. While the applicant has had epilepsy since he was a child, he has been taking the same kind of medication for over two years, and has not had a seizure during this time. He has made plans for combining work with his condition, which include telling his colleagues and keeping a small supply of his medication safely at work

in case he needs it. The applicant's insight and understanding of his condition, and the way he is taking responsibility for his continuing treatment mean that his epilepsy should not affect his ability to practise his profession. He signs the health declaration to confirm that his health condition would not affect his fitness to practise.

#### Example

Someone with epilepsy is applying for HPC registration. While this applicant has been prescribed medication by his doctor to help manage his condition, he often avoids taking the medication because he experiences side-effects. Because of this, he has had seizures recently. He is unwilling to discuss ways of better managing his epilepsy with his doctor. This applicant cannot sign the health declaration, because his health condition is not being managed appropriately and is likely to affect his ability to practise safely and effectively.

In a case such as this, it is not the health or disability of the registrant that means we have to take action, but the poor conduct or practice that the health condition or disability has contributed to.

### **Public protection and the information you give us about your health**

We were set up to protect the public. We do this by setting the standards our registrants must meet. This means that we only need to know information about your health which may affect the safety of the service users you come into contact with in the course of your work.

If you declare an ongoing health condition or disability to us, this does not mean that we need to be told about your full medical history, as we do not want to receive information that is not relevant to protecting the public. It is rare that any information you give us about your health will affect your registration. We look at every case individually and base our decision on the particular circumstances of each case. As a result, we do not have a list of health conditions which would or would not prevent you from practising as a registered professional. In any situation, the key factor is not that you have a health condition or disability, but whether that the health condition or disability affects your ability to practise safely and effectively.

We would suggest that the kind of information that may be relevant could include infectious diseases, alcoholism, and mental health issues that might affect patient safety (including information on whether the condition can be or is managed with medication or other treatment). We are not suggesting that any of these health issues necessarily affect a person's fitness to practise, but questions of insight and understanding are relevant to some of them.

#### Example

A student has graduated and returned from travelling for several months. While away, she was involved in a serious accident and needed urgent treatment. She was then flown home for continuing treatment and therapy.

She is still recovering and getting her application for registration ready for when she is able to start work. She considers whether her health will affect her ability to practise safely once she has recovered from her injury enough to enter employment. She takes into account the fact that, once registered, she will have to take steps to make sure that she only practises in those areas where she is confident she can meet our standards. Because she is not going to enter work until she is sufficiently recovered to a point that her health will not affect her fitness to practise, she signs her health declaration, giving no further information about her accident.

### Example

An applicant to the Register has been receiving treatment for alcoholism for six months. While the applicant is honest about his alcoholism and his treatment is progressing well, he is aware that he has only relatively recently started his treatment programme and he is still concerned that his condition might be a factor that could affect public safety. So, he decides not to sign the health declaration, but instead gives the HPC information about his condition and the treatment programme he is undertaking.

You can find information about how we consider the health information you give us on page <>.

## **The character declaration**

We ask you to fill in a character declaration as part of your application form. 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 or dissolution of a civil partnership) brought against you.

We ask you to declare this information as part of our process of checking that you are of 'good character'. We ask about these areas as we believe that they help us to make a judgement about whether, on the basis of past behaviour, you are of good character and should be allowed to register. It is rare that any information we receive affects registration, but it is important that it is declared.

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 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.

Civil proceedings are any action in a court other than being prosecuted for a crime. They can include lawsuits brought to claim compensation or for breaking the terms of a contract.

If you answer 'yes' to any of the above on the application form, you should provide extra 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. Please see the section below called 'The registration panel' for more information on the process for those cases referred to a panel.

### **The character reference**

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

A character reference needs to be provided by 'a person of professional standing in the community'. This can include:

- a registrant;
- a doctor;
- an academic tutor or lecturer;
- a solicitor;
- an accountant;
- a bank manager;
- a justice of the peace;
- a minister of the church;
- a rabbi; or
- an imam.

This is not a full list. The person who gives the character reference must also have known you for at least three years and must not be related to you. We will accept a character reference from your academic tutor or course leader, if they have known you for three academic years.

When the person completes your reference, we ask them to declare the number of years they have known you. They must also confirm that they know of no reason why you would not practise your profession with honesty.

You can find more information about how we consider character in the section 'How we consider character information' on page < >.

### **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. This is because it 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 becoming registered.

We will write and tell you about the date of the panel at least 14 days before it takes place. At this time, we will write and ask you to send us any more information that you would like the panel to look at.

The panel 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 registered with us).

The panel make their decision based entirely on the documents you have provided. They may also consider other information that we may have collected. The panel meets in private so you cannot go to the meeting. We will send you a copy of all the information that the panel looks at and you will have 14 days to respond to anything that you have not seen before.

The panel will decide whether the information you have declared affects your ability to practise safely and effectively or will affect public confidence in your profession. It is rare that information on health and character affects an application for registration.

### **Appeals process**

We will write to you and let you know the panel's decision. If we refuse your application, we will also provide detailed information about making an appeal. You will have 28 days from the date of our letter to make your appeal to us in writing.

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

You can choose to have your appeal decided on the basis of documents only, or you can go to the hearing yourself. You can also provide extra information for the panel to look at. The extra information could include more character references or extra information from your doctor, if this is appropriate. **Whichever way you choose to have your appeal considered, we can make the hearing accessible for you. We just need to know your needs beforehand so we can meet them for you.** For example, we can provide documents in other formats, we can hold the hearing in an accessible building, we can provide a hearing loop to assist people with hearing difficulties, or we can provide a British Sign Language interpreter, or an assistant, as appropriate.

As well as any assistant or interpreter that you need, you can bring someone with you to the appeal. This could be a solicitor, union representative, colleague, or friend, who can support or represent you.

If your appeal is not successful, you can appeal that decision in the county court (or sheriff's court in Scotland).

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If you want, you can come to the appeal hearing and be represented by someone (who does not have to be legally qualified). You can also provide extra information for the panel to look at. The extra information could include more character references or extra information from your doctor, if this is appropriate.



## **Section 3 – Information for registrants**

This section explains the process of making health and character declarations either as a 'self-referral' or as part of renewing your registration. This section also explains what happens to the information you tell us. In this section, 'you' refers to registrants.

### **Other useful publications**

We cover a number of the topics in this section in other publications we have written. You may want to refer to the following publications for more information.

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

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

### **Professional self-regulation**

We work on the 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 includes deciding whether changes to your health affect your fitness to practise.

As a registrant, you are expected to meet certain extra responsibilities linked to your professionalism. This includes the professional responsibility to declare information to us about any changes to your health or character.

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

Our standards of conduct, performance and ethics explain the ethical behaviour that we expect you to meet and keep to. 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.”

Telling us this information is called a ‘self-referral’.

### Telling us about changes to your health or character

As we have said above, you have a responsibility to maintain and manage your fitness to practise, including giving us important information about your character or health.

There are two different ways in which you can give us this information. You can either tell us at any point during your two year registration cycle, which is called a ‘self-referral’. Or, you can give us the information when you come to renew your registration. You do this by declaring it on your renewal form.

However, you must let us know straight away if you are:

- convicted of a criminal offence, receive a conditional discharge for an offence or 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.

The requirement to tell us straight away means that you would usually give us this information through a self-referral rather than waiting until you next renew your registration.

Information supplied as a self-referral follows a slightly different process to information which is supplied during registration renewal. In registration renewal cases, we pass information to a registration panel if this is necessary. If serious information about you is provided during registration renewal, the panel can recommend that you should not be allowed to renew your registration.

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A self-referral takes place outside the registration renewal process. When we receive a self-referral, we will consider the information to decide whether we should take any further action. The information received will be passed to the Fitness to Practise Department. If after assessing the information they decide that it raises concerns about your ability to practise safely and effectively, they may decide that the matter should be investigated further.

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(Please see the section on 'self-referrals' on page <>.)

## Self-referrals

We understand that you may be worried about the effect on your registration if you tell us about changes to your character. Declaring this information is part of your professional responsibility as a registrant and we believe that it shows insight and understanding. We hope that this section will explain the process we use and also reassure you.

All of the professions we regulate are 'notifiable occupations'. This means that the police should tell us automatically 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 our Fitness to Practise Department. You can find the address in the section called 'More information' on page <>.

When you give us information about your character at any time other than through the registration application or renewal process, you are making what we call a 'self-referral'. If you make a self-referral and give us information about your character, the Fitness to Practise Department will consider that information and decide whether the issues could affect your fitness to practise. If the information suggests that your ability to practise safely and effectively is affected, they will investigate the matters in more detail. You can find out more about the fitness to practise process on our website at: [www.hpc-uk.org](http://www.hpc-uk.org).

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.

If we refer the case to our fitness to practise process, we will let you know. An Investigating Committee panel will meet to consider the issue. 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 Committee or Health Committee. Before the Investigating Committee considers the case, you will have the chance to give this panel extra information if you want to.

The panel at a final hearing can make the following decisions. They can decide to:

- take no further action;
- send the case for mediation;
- caution you;

**Deleted:** The process for looking at information which you tell us about involves passing information to a registration panel. If the information is considered serious, it is then passed to the Fitness to Practise department. This extra stage means that it is less likely that information which you tell us affects your registration. ¶

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- place a conditions of practice order on you;
- suspend you; or
- in very serious circumstances, strike you off the Register.

You have the right to appeal the decision to the High Court or Court of Session in Scotland.

You only need to tell us about changes to your health when you renew your registration. (Please see the section called 'Renewing your registration' for more information). 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.

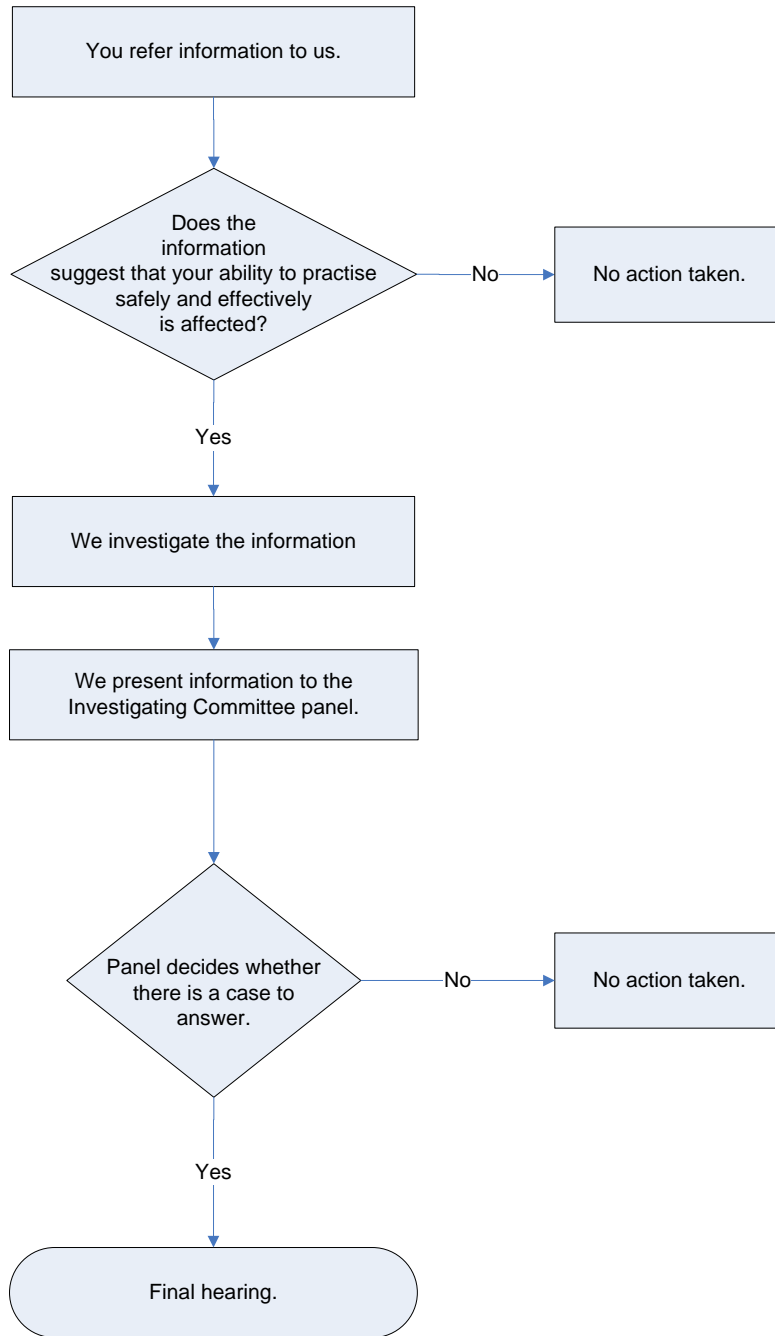
You must still keep to the standards of conduct, performance and ethics.

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.”

On page <> we have added a diagram which outlines the process for self-declarations.

## Self referrals



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## Renewing your registration

Each time you renew your registration, you must 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 your 'good character' which you have not told us about, and which would affect your ability to practise safely and effectively.

Changes to your good character could include:

- being convicted or cautioned for an offence or receiving a conditional discharge;
- disciplinary action taken by your employer or professional body or restrictions placed on your practice by your employer because of concerns about your conduct or competence; and
- civil proceedings.

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

### The registration panel

If we send information about you to a registration panel, we will write to you to let you know. This is 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 delay in renewing registration.

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

You may want to refer to the sections 'How we consider information about health' on page < > and 'How we consider information about character' on page < > for some of the issues that we consider when looking at health and character information.

At least 14 days beforehand, we will write and tell you the date when the panel will meet. We will ask you to send us any more information that you would like the panel to consider. We will send you a copy of all the information that the panel looks at and you will have 14 days to respond to anything that you have not previously seen.

The panel will include at least one person from your profession and at least one lay member.

The panel make their decision based entirely on the documents you have provided. They may also consider other information that we may have collected. The panel meets in private so you cannot go to the meeting.

The panel will decide whether the information you have declared affects your ability to practise safely and effectively or undermines public confidence in your profession. It is rare that health and character information affects your ability to renew your registration.

## 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 appeal will be heard by a registration appeal panel. The panel will include one of our Council members, at least one person from the profession you are registered in and a lay person.

You can choose to have your appeal decided on the basis of documents only, or you can go to the hearing yourself. You can also provide extra information for the panel to look at. The extra information could include more character references or extra information from your doctor, if this is appropriate. **Whichever way you choose to have your appeal considered, we can make the hearing accessible for you. We just need to know your needs beforehand so we can meet them for you.** For example, we can provide documents in other formats, we can hold the hearing in an accessible building, we can provide a hearing loop to assist people with hearing difficulties, or we can provide a British Sign Language interpreter, or an assistant, as appropriate.

As well as any assistant or interpreter that you need, you can bring someone with you to the appeal. This could be a solicitor, union representative, colleague, or friend, who can support or represent you.

If your appeal is not successful, you can appeal that decision in the county court or sheriff's court in Scotland.

We provide detailed information about making a registration appeal if we write to you to say that your registration renewal has not been successful.

**Deleted:** If you want, you can go to the appeal hearing and be represented by someone (who may or may not be legally qualified). You can also provide extra information for the panel to look at. The extra information could include a character reference or extra information from your doctor, if this is appropriate.¶

## Section 4 – How we consider health information

This section explains how we consider information that you declare about your health. When we look at information about your health, we consider whether the health condition affects your ability to practise safely and effectively.

### Information we consider

A panel may look at an applicant's health declaration and any other relevant information when making decisions about their health.

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When we make decisions about a registrant's health, we look at any information that the registrant has declared on their registration renewal form.

### Guidance on how we will consider information about health

We look at each case individually and make our decision based on the particular circumstances of the case. As a result, we do not have a list of health conditions which would prevent you from practising as a registered 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 got 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 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 and understanding into their condition or perhaps because their condition does not actually affect their ability to practise safely and effectively. It is also rare that a registrant's health condition affects their registration, often for similar reasons.

An example of a health condition which might affect registration is an alcohol dependency problem which the person is not managing appropriately and which is affecting their ability to practice. However, it is still important that we treat every case individually and that we avoid stereotypes and misinformed judgements.



## Managing fitness to practise

When you apply for registration with us, we ask you to sign the health declaration to confirm that you do not have a health condition that could affect your ability to practise your profession safely and effectively. Once you are registered, when you renew your registration every two years you are asked to confirm that your health does not affect your ability to practise. In both these situations we trust you as an autonomous professional to make an informed and reasoned judgement about whether your health will affect your ability to practise.

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

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This section is only for registrants. In this section 'you' means a registrant.¶  
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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 meets in private to consider, on a case-by-case basis all the information they receive.

The panel will make decisions based on looking at the factors outlined above. You may have already made or identified amendments you can make to your practice in response to your health so we do not need to take action to protect the public. At this point, if you are applying to the Register, the panel will agree that you should be registered. If, however, the registration panel is concerned that your management of your health condition or disability could affect your ability to practise, they may recommend that you should not be allowed to register.

**Deleted:** In these cases, the registration panel would not pass the case on to the Fitness to Practise Department and we would not take any further action.

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)).

If you are a registrant and can demonstrate that you have made appropriate amendments to your practise in response to your health, so we would not need to take action to protect the public, the registration panel would not pass the case on to the Fitness to Practise Department and we would not take any further action. However, in very serious circumstances the panel can pass the case on to our fitness to practise process 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.

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The cases we consider under our fitness to practise process are usually those where a registrant has continued to practise while unfit to do so, and this has

directly led to harm, or the risk of harm to the service user or to you. In these cases, it is not the health or disability of the registrant that means we have to take action, but the poor conduct or practice that it has contributed to.

## Section 5 – How we consider character information

This section explains how we consider information that applicants and registrants declare about their character.

### Information that we consider

We look at a number of pieces of information when making decisions about an applicant's character. They are:

- the information provided on the character reference;
- whether the applicant has declared any convictions or cautions;
- whether another regulator or professional body has made a decision about the applicant; and
- any other information which might be relevant such as disciplinary action taken by an employer.

When we make decisions about a registrant's character, we look at:

- any information that the registrant has declared on their registration renewal form; or
- any information that the registrant has passed to us through self-referral.

### Issues the panel considers

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.

The information you give us about your character when you are applying for or renewing your registration will be considered by a registration panel. Please see the section on page < > for more information about registration panels.

When you give us information about your character at any time other than through the registration application or renewal process we will consider the information, and if it is serious we will refer it to our fitness to practise process for consideration. Giving us information in this way is called a 'self-referral'. We consider self-referrals in this way to make sure that the management, investigation, and decisions made about self-referral cases are consistent with the other decisions our panels make through our fitness to practise process. Please see the section on page < > for information about the self-referral process.

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When someone declares a conviction or caution, we do not re-examine the nature of the evidence or retry the case. If you are an applicant, the registration panel considers the effect it will have on your application for registration. If you are a registrant, our panels will consider the effect it will have on your registration. They might look at whether the conviction or caution affects public confidence in your profession.

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Whether information about your character is considered by a registration panel, or through our fitness to practise process if you have made a self-referral, the panel will consider only the factors relevant to your case. The panels will consider on a case-by-case basis all the information we receive, 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.

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When looking at issues around your character, our panels may consider:

- the number and nature of offences or events;
- the seriousness of the offence or event;
- when and where the offences or events took place;
- any information you have given to help explain the circumstances; and
- your character and conduct since the offence.

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

A panel may consider the circumstances surrounding the case and whether you show that you understand what made you behave in the way you did. A panel may also consider the punishment that was given, but they recognise that the sentence given does not necessarily reflect the seriousness of the offence. When the panel makes a decision, they look at a number of factors, including whether the conviction or caution might undermine public confidence in the particular profession.

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The types of convictions which might result in a registrant being struck off the Register usually relate to offences of a sexual nature, violence or dishonesty. 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 give you information on ethical behaviour for both registrants and applicants. 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 a full list of the types of convictions or cautions that could lead to us rejecting your application for registration or removing you from the Register. If you have a criminal conviction, we will decide on your case by considering the particular circumstances of the case.

### **Convictions and cautions received when you were young**

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 you received them when you were under the age of 18.

Unless the offence is very serious, it is unlikely that these types of convictions or cautions would normally affect your application for registration. However, you should still declare them.

### **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 sentence you were given. If it was a drink-driving offence, they may also consider whether the alcohol level was significantly higher than the legal limit, 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 motoring offences such as speeding or parking offences.

## Section 6 – Information for education 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 if you are advising students and making decisions about how issues of student misconduct or changes in their health will be dealt with while they are studying.

This section offers guidance which you can use as part of your decision-making, but cannot cover every circumstance.

### Other useful publications

We also cover a number of the topics in this section in other publications we have produced. You may want to refer to the following publications for more information:

- 'A disabled person's guide to becoming a health professional'
- 'Standards of conduct, performance and ethics'
- 'Standards of education and training'
- 'Standards of education and training guidance'
- 'Guidance on ethics and conduct for students'

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You can download 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. After carrying out consultation with the public, we published revised SETs in 2009.

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SET 2 is about the admissions procedures to a programme. SET 2.3 says that 'you, as an education provider, must apply selection and entry criteria, including criminal convictions checks. SET 2.4 says you must also comply with any health requirements which are appropriate to the programme concerned'. This means that the requirements you set may depend on the nature of the profession and the programme you are providing.

We have added a new SET (3.16), which says that you must have a process in place throughout the programme for dealing with concerns about students' profession-related conduct. We believe that this will help you to identify students who may not be fit to practise and help them to manage any concerns about their conduct in relation to their profession.

### **Deciding whether to accept an applicant with a conviction**

Someone with a criminal conviction or caution may apply to your programme. 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. This may be perhaps because you are worried that they 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 cannot provide a list of convictions and cautions that would definitely lead to us rejecting an application for registration. We also cannot provide a list of convictions or cautions that should definitely lead to you rejecting an application.

However, there are certain types of offences which we believe are usually incompatible with being registered within one of the professions we regulate. The types of convictions which might result in us removing a registrant from the Register usually relate to offences of a sexual nature or dishonesty. These types of convictions might prevent an applicant registering with us.

We also provide some general guidance in 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 on approved programmes. 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 more guidance about how we look more broadly at convictions and cautions and character in the section ‘How we consider character information’ on page < >.

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 affect the public’s confidence in their profession.

When making a decision, you may want to consider:

- the number and nature of offences or misconduct;
- the seriousness of the offence or misconduct;
- when the offences or misconduct took place;
- any information provided by the applicant to help explain the circumstances of the offence; and
- the applicant’s character and behaviour since the offence.

However, this is not a full list to help you decide the seriousness or significance of the issues you will need to consider. An understanding of the offence or misconduct is extremely important. Someone may have a greater understanding of the importance of ‘good character’ as a result of a previous minor offence.

We know that deciding whether to accept an applicant with a criminal conviction or caution 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, they will still have to go through our character process when they apply to join the register. However, it is rare for us to refuse an applicant from an approved programme. You can find out more about this in the section of this document called ‘Information for applicants’ on page < >.

### **Deciding whether to accept an applicant with a health condition**

You may receive an application from someone with a health condition or 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’. Instead, we consider the effect that a health condition may have on someone’s ability to practise safely and effectively.

We look at each case and make our decision based on the particular circumstances of the case. As a result, we do not have a list of conditions which would prevent someone from practising in any of the professions we regulate.



This also means that we cannot provide a list of the health conditions which would prevent someone from completing an approved programme.

You have certain responsibilities in dealing with admissions to a programme approved by us. You may have specific legal duties under equality and non-discrimination laws and, because your programme is approved by us, you have the responsibility to make sure that individuals who complete your programme meet our standards of proficiency.

How you meet these duties is up to you, but we 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, at the end of the programme, meet our standards of proficiency.

We have produced a guide for prospective registrants and admissions staff called '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 of their condition; or
- whether they have got medical or other support.

Most applicants who declare health conditions find that their declaration does not affect their application for registration. This is because often the applicant shows an insight and understanding of their condition. Or, the health condition concerned does not affect their ability to practise safely and effectively.

When you make admissions decisions about applicants, you may want to set up an advisory panel to help you make the decision. You may also want to refer to the section 'How we consider information about health' on page < >.

### **Misconduct during the programme**

You will have your own procedures for handling misconduct which happens while 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 the guidance we have produced called 'Guidance on ethics and conduct for students'. Any decision you

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make about a student's misconduct will not affect whether that person could 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 should tell us. If we believe the misconduct is serious enough, we can keep the information and look at it if the person ever applies to us for registration in the future.

## **Section 7 – More information**

You can find out more information about us and our processes on our website ([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 Health Professions Council  
Park House  
184 Kennington Park Road  
London  
SE11 4BU.

Phone: +44 (0)20 7582 0866

Fax: +44 (0)20 7820 9684

## Glossary of terms

### Civil proceedings

An action in a court which does not involve a crime or criminal proceedings. Civil proceedings can include lawsuits to get compensation or deal with contract term which has been broken.

### 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 12 months.

### Education provider

The place where a programme is delivered or where 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 registrant or eligible to be registered by us.

### 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 professionals who meet our standards. The Register is available online at [www.hpc-uk.org](http://www.hpc-uk.org).

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**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.

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

## The health reference

Another part of the application form that you must send to us is the health reference. Our 'rules' say that you must give us a health reference if you want to be registered with us. The reference must be signed by a registered medical practitioner (a doctor). The doctor must not be related to you.

We ask the doctor to fill in the form to tell us that your health does not affect your fitness to practise. We do not ask the doctor to make a decision about whether you will be able to get a job. And we do not ask the doctor to make a decision based on their general assumptions about your health condition or your ability.

The doctor may:

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

A doctor can give us other 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 give us information about disabilities or long-term health conditions unless they affect your fitness to practise.

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. (Though this will depend on the rest of the information that you need to provide, including your character reference and registration fees.)

If your doctor has not filled in the health reference, we will usually ask you to give us a valid health reference.

You can find out more about the health reference in a publication we have produced called 'Information about the 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 look at the information to decide whether we need to ask a registration panel to consider your application. Please see the section on page < > called 'The registration panel' for more information on the process for those cases referred to a panel.