

Health Professions Council - 3 October 2007

Disability Rights Commission report into professional regulation

Executive summary and recommendations

### **Introduction**

The Disability Rights Commission launched a Formal Investigation (FI) in May 2006 looking at the barriers people with impairments and long-term health conditions face in trying to pursue careers in teaching, nursing and social work across Great Britain.

Although this investigation was primarily reviewing the regulatory frameworks of the three professions identified above, it also looked at the regulation of the thirteen professions regulated by HPC.

The formal investigation looked at three main themes:

1. The regulatory frameworks that operate within the nursing, teaching and social work professions, and particularly those that lay down standards for the health or fitness of professionals.
2. The way that health is assessed in practice, at various stages of a professional's career, namely studying, qualifying, registering and working within these professions.
3. The approach that disabled people take towards disclosing their disabilities and health conditions to higher education institutions, regulatory bodies and employers; and the policies and practices of these organisations in relation to disclosure of disabilities and long-term health conditions.

The Policy & Standards department made a submission to the DRC's initial call for evidence, including references to the two documents published by the Council on health, disability and registration. As a consequence, the Director of Policy & Standards was called as a witness to the investigation on 1 March 2007.

The report of the investigation was published on 14<sup>th</sup> September. The summary report and full report are available on [www.maintainingstandards.org](http://www.maintainingstandards.org)

In particular the Council may be interested to note that the report calls for the 'revocation of the legislation, regulations and statutory guidance laying down requirements for good health or fitness of professionals. There are two reasons for this: the negative impact on disabled people; and our conclusion that they offer no protection whatsoever to the public.'

In addition, the report makes the following comments on the work of HPC in this area:

'The DRC also received evidence from the Health Professions Council (HPC) about how it interprets and operates health standards across the 13 professions that the Council regulates ... We believe that this is a model of good practice within the constraints of generalised health standards.'

'...it has also published a "Disabled Person's Guide to becoming a Health Professional." Through the publication of this Guidance and its work around the health related standards, the HPC has adopted a more disability friendly approach. It told the DRC that the DDA is compatible with the HPC's regulatory framework, provided that the Standards of Proficiency are the focus of any decision made about someone's fitness to practise in a profession.'

'Their Disabled Person's Guide to becoming a Health Professional advises that:

*"We do not want to have a definite list which might prevent some people from registering. We want to make sure that decisions are made about individuals' ability to meet our standards and practise safely"*

*"We need to know that these standards are being met, but we do not need to know how the standards are met. What this means is that registered health professionals can make adjustments in their own practice to meet our standards without being concerned that they can't be registered with us".*

This promotes a 'can-do' approach to disabled professionals. It is not over rigid or formalistic. It encourages inclusiveness and reasonable adjustments.'

A paper considering the outcome of the report (including a set of detailed recommendations within the report that apply to regulators) will be brought back to the Council's next meeting in December.

### **Decision**

The Council is requested to note the document. No decision is required.

### **Background information**

A Disabled Person's guide to becoming a health professional is available on the HPC website here:

<http://www.hpc-uk.org/publications/brochures/index.asp?id=111>

Information about the health reference is available on the HPC website here:

<http://www.hpc-uk.org/publications/brochures/index.asp?id=109>

The Policy & Standards department are also planning an event in November with stakeholders to increase awareness of this guidance, and to explore the ideas and concepts in these documents.

### **Resource implications**

None applicable

Date	Ver.	Dept/Cmte	Doc Type	Title	Status	Int. Aud.
2007-09-21	a	POL	PPR	DRC report	Final	Public
					DD: None	RD: None

**Financial implications**

None applicable

**Appendices**

None

**Date of paper**

21<sup>st</sup> September 2007

Date	Ver.	Dept/Cmte	Doc Type	Title	Status	Int. Aud.
2007-09-21	a	POL	PPR	DRC report	Final DD: None	Public RD: None