

Education and Training Committee 25 September 2008

Draft guidance on health and character

Executive summary and recommendations

Introduction

The attached paper provides draft guidance on the health and character process for applicants, education and training providers and registrants. The revised guidance will be brought back to the Committee at its meeting in December.

Decision

The Committee is asked to discuss the attached paper and propose amendments as appropriate.

Background information

Paper considered by the Committee on 26 March 2008:
http://www.hpc-uk.org/assets/documents/10002168education_and_training_committee_20080326_enclosure09.pdf

This paper provided the Committee with a review of the health and character process. The paper also proposed that guidance should be produced for applicants, education and training programme providers and registrants.

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 include producing the consultation document and mailing to stakeholders and then publishing the final document. These already fall within the Policy and Standards' departmental budget for 08-09.

Appendices

- Draft guidance on health and character

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2008-09-04	a	POL	PPR	Student ethical guidance cover paper	Draft DD: None	Internal RD: None

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Draft guidance on health and character declarations

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Who is this document for?

“I have a criminal conviction – will this stop me getting registered?”

“Why do I have to provide a health reference from my doctor?”

“What is the character reference?”

“Why do I have to declare my criminal conviction even though I was convicted years ago?”

“What happens if I tell the HPC when I renew my registration about a change in my health?”

These are some of the issues that this document looks at.

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 HPC.

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.

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 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 [information will be added here if necessary]. This section also 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.

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Introduction

About us (the HPC)

We are the Health Professions Council. 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

Each of these professions has a 'protected title' (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 ability to continue practising safely.

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 the individual 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 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'.

However, as long as the registrant or applicant manages their condition or disability appropriately and has insight and understanding, this will not prevent them from registering or renewing their registration.

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 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**

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 them.

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**

The character reference

The character reference is part of the pack that you complete when you apply to join the Register.

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, doctor, solicitor, accountant, bank manager, justice of the peace, minister of the church, rabbi or 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 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 from outside the United Kingdom if the offence is one that would 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.

As well as providing the character reference, you also need to complete a character declaration on the application form. In this declaration you are asked 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 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. The information you

provide will be considered by a registration panel which we will set up. Please see the section below called 'The registration panel' for more information.

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 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);
- 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

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 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 (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.

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

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 documents you have provided as well as additional information that we may have collected. You will 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 be admitted on to 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

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 professional body has made a decision about them, such as removing the individual 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 independent 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 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 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 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. It is rare for these cases to affect an application for registration unless there are particular circumstances. These circumstances could include where a driving ban of over 1 year or community service order is imposed, where the alcohol level is significantly higher than the legal limit or if someone is injured as a result.

You should still declare driving offences as we need to make our decisions on a case by case basis. However, speeding offences and parking tickets do not need to be declared.

Guidance on how we may consider information about health

When information either in your health reference or in your health declaration raises potential concern, we ask a registration panel to consider the information.

The panel will look at several pieces of information when making a decision about whether your health condition may affect your fitness to practise. The panel may look at a number of pieces of information including:

- The health reference.
- Any other relevant information provided (for example information provided by you).

We may also seek further information from you or arrange for you to be examined by a doctor.

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 very rare circumstances, we may refuse registration as a result of a health condition for an extremely small number of applicants. This only happens rarely 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.

Appeals process

You can appeal a decision we make not to allow you to register with HPC. You must write to us within 28 days of the date of the notification letter if you want to appeal.

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 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.

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Information for education providers

In this section, we try to cover three areas of interest to those working in education. The section provides guidance to you 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'

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

The standards of education and training

HPC sets 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.

We would expect you to obtain an 'enhanced' criminal conviction check due to the nature of the work that your students will be undertaking.

The second SET 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 HPC.

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. They state:

'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 course, 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 above 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 part 4 of 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. The guide deals with the issues around students with disabilities in detail.

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.

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.

[Providing information to us which can then go on the watchlist?]

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**

Professional self-regulation

The way that we work is based 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 additional, 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

Under our rules, we can 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 can do this by writing to the Fitness to Practise Department at HPC at the address in the section 'More information'.

If you make a self referral and provide us with information about your conduct, we will consider that information. The information will be looked at by a registration panel who 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**.

If the information is passed on to our fitness to practise process, it will be investigated and then considered by an Investigating Committee panel. The panel will decide whether there is a 'case to answer' and whether the case should be considered at a full hearing by a further panel. 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 take legal advice and decide to investigate it immediately instead of referring it on to a registration panel.

If the panel decides that the case has been proven at a final hearing, there is a right of appeal against 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. If you do decide to tell us, we will look at that information and carefully consider whether we might need to take action.

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

‘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 safe and effective practice of your profession.

Changes to your health are changes which impair (affect negatively) your fitness to practise. These may be either long term or short term changes.

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.

Our registration panels will consider any information you provide to us about your health and character. You can find out more about the registration panels in the next section.

The registration panel

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.

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 documents you have provided as well as additional information that we may have collected. You will 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

All decisions are made by independent 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 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 or dishonesty or deception.

We have produced standards of conduct, performance and ethics which 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. It is rare for these cases to affect an application for registration unless there are particular circumstances. These circumstances could include where a driving ban of over 1 year or community service order is imposed, where the alcohol level is significantly higher than the legal limit or if someone is injured as a result.

Speeding offences and parking tickets do not need to be declared.

Guidance on how we may consider information about health

All decisions are made by independent panels. 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.

If you provide us with information about your health our panels will consider whether your fitness to practise is impaired because of your physical or mental health. In every case referred for a hearing, we will ask whether you will give your permission to be examined by a doctor so that we can make an informed decision.

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.

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.

Often you 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 process and no further action would be taken.

The panel determines whether you have made the necessary adjustments to make sure that you still practise safely and effectively, despite the change to your health. This is called 'managing your fitness to practise'. We have produced a document on this topic which you can download from our website.

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

You can appeal a decision we make not to allow you to register with HPC. You must write to us within 28 days of the date of the notification letter if you want to appeal.

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.

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More information

The easiest way to find out more information about us and our processes is to have a look at our website at 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

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Glossary

[more terms to be added as necessary]

Criminal conviction checks

[add definition]

Education 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

[add definition]

Register

A published list of health professionals who meet our standards. The Register is available on our website at www.hpc-uk.org

Registrant

A health professional who appears on our Register. If a registrant does not meet our standards, we can take action against them. This may include removing them from the Register so that they can no longer practise.

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

Standards of education and training

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

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