Managing
fitness to
practise
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About us (the HPC)

We are the Health Professions Council. We are a health regulator, and our job is to protect the health and wellbeing of people who use the services of the health professionals registered with us.

When we say health professional, we mean a person whose work is concerned with improving and promoting the health and wellbeing of their patients, clients and users in a variety of different ways and in a variety of different settings.

To protect the public, we set standards that health professionals must meet. Our standards cover health professionals’ education and training, behaviour, professional skills, and their health. We publish a register of health professionals who meet our standards.

Health 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.

Who do we regulate?

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
We may regulate other professions in the future. For an up-to-date list of professions, please see our website.

**Protected titles**

All of the professions have at least one professional title which is protected by law, including those shown above. This means, for example, that anyone using the titles ‘physiotherapist’ or ‘dietitian’ must be registered with us.

It is a criminal offence for someone to claim that they are registered with us when they are not, or to use a protected title that they are not entitled to use. We will prosecute people who commit these crimes.

**Fitness to practise**

This document is about registrants’ fitness to practise. When we say that someone is fit to practise, we mean that they have the skills, knowledge, character and health to practise their profession safely and effectively. We also mean that we trust them to act legally.

Over any health professional’s career, their skills and the areas in which they can practise will change. Likewise, over their career, there may be times when their fitness to practise is ‘impaired’ (affected negatively), either permanently or for a certain period of time.

**Examples**

A chiropodist who has been practising safely for many years develops problems with his fine motor skills during his sixties. He notices that his hands shake, and finds he can no longer perform surgery without the danger of harming his patients. This may be a permanent change to his fitness to practise.

A paramedic’s personal circumstances mean that she is under a large amount of stress, and this is affecting her in the workplace.

- Radiographers
- Speech and language therapists
She is concerned that in an emergency she would not be able to practise effectively. This is likely to be a temporary change to her fitness to practise.

In most cases, fitness to practise can be managed by health professionals themselves, whether they are working in private practice, on their own or for a large organisation. Employers also have an important role to play in managing the fitness to practise of registrants.

However, if there is a risk to the public, we will have to take action.

The way that we work is based on the important principle of ‘professional self-regulation’. This means that every health professional on our Register has a personal responsibility to maintain and manage their own fitness to practise, and to make decisions about whether they are fit to practise their profession.

**This document**

To help explain how this works, we have produced this document as a guide. In it, you can read about how registrants can manage their own fitness to practise. It also contains information for employers on when they may need to let us know their concerns about an employee’s fitness to practise.

As with the other documents we have produced, we have written this document in clear, modern English, so that it is easy to understand what we expect from people on our Register. In the section for registrants, ‘you’ refers to someone registered with us, a ‘registrant’. In the section for employers, ‘you’ refers to someone who employs a registrant.

If you are worried about your fitness to practise, or about the fitness to practise of someone you employ, please read the whole of this document. If you are a member of a professional body or union, you may want to contact them for more advice and support.

Any reference to our standards in this document is a reference to our standards of conduct, performance and ethics, and standards.
of proficiency. These are the standards that we expect health professionals on our Register to meet and to maintain through their registration. You can look at our standards documents on our website. Please see the section ‘More information’ on page 19.

Please contact us if you have read this document and you are still concerned about the fitness to practise of a registered health professional. Please see the section ‘More information’ on page 19.
Managing fitness to practise: information for registrants

Why manage your fitness to practise?

Anyone can complain to us at any time if they are worried that a registered health professional does not meet our standards. We look at each complaint carefully to decide whether we can take action, and we look at all the evidence before deciding whether a health professional’s fitness to practise is impaired.

However, there are steps that health professionals and employers can take to manage fitness to practise in the workplace before contacting us.

You do not have to take these steps and you can come straight to us at any stage if you would prefer. But you may find that managing fitness to practise locally, with your colleagues, your manager, your employer or by yourself, can be an effective and simple way of making sure that you meet our standards, that the public is protected, and that we do not need to get involved.

If your fitness to practise is impaired, it can be a distressing time for everyone involved, and managing fitness to practise locally might help reduce the stress caused.

Managing your fitness to practise locally by following the steps described here will mean that you are acting professionally and in the best interests of your patients, clients and users.

You should be aware, however, that we have to consider every complaint referred to us individually. So, taking the steps described above will not guarantee that a complaint will not be made about you. However, if you take steps to manage your fitness to practise so that you are practising safely and effectively, we will take account of any action you have already taken if a complaint is made about you.

What we expect from all registrants

Our standards of conduct, performance and ethics say that, ‘You must always… limit your work or stop practising if your performance or judgement is affected by your health’ (12).
Our standards of proficiency say that every registrant must ‘know the professional and personal scope of their practice’ (1b.1).

Before registrants start practising, they must consider whether they have the skills and training they need to practise safely. We also expect registrants to:

– assess their own fitness to practise;
– review their own fitness to practise; and
– restrict or adapt their practice if anything (including their health, a disability, their skills or anything else) may affect their fitness to practise.

This is a general expectation which applies to all registrants, not only those who consider themselves to have a health or disability issue, or those registrants who have told us about their health or disability.

Example

An example of how this might work in practice is taken from section 2b.5 of the standards of proficiency, which says that registrants must:

‘be able to maintain records appropriately’

– be able to keep accurate, legible records and recognise the need to handle these records and all other clinical information in accordance with applicable legislation, protocols and guidelines’.

A registrant who knows that people cannot usually read her handwriting may take steps to print her notes in block capitals, or to type them up, to make sure that her colleagues can use them effectively. In this way, she is taking reasonable steps to adjust her practice to make sure that she meets the standard.

Other examples of registrants who may make adjustments to meet this standard include a registrant with sight difficulties who needs an assistant or special software to help them take their
notes, or a registrant with dyslexia who might prefer to keep electronic notes. In each case, the registrant would have taken reasonable steps to make sure that they met this part of the standards of proficiency.

**Professional self-regulation**

The first stage in managing fitness to practise is individual ‘professional self-regulation’.

Specifically, we expect that if you feel that your fitness to practise may be impaired, either in the long- or short-term, you would take steps yourself first, which might include:

- getting medical help or other support as appropriate;
- getting advice and support from professional colleagues or your professional body;
- negotiating reasonable adjustments to your working conditions with your employer;
- restricting your scope of practice to those areas where you are confident that your practice fully meets the standards of proficiency for your profession;
- removing yourself from practice; or
- removing yourself from the Register, if appropriate, while an issue is sorted out.

As a responsible professional, you should tell your employer (if you have one) of any steps you are taking or any issues which might affect your fitness to practise. Although some matters may be personal, discussing these issues with an employer or another registered colleague could help you to reflect on your scope of practice and to get someone else’s opinion on whether you can practise safely and effectively. If you are concerned about talking to your employer, you might want to contact a union or professional body for advice. You can also contact us.

If you need to make major adjustments to your work, you will probably need to have some kind of formal discussion with your
line manager, or with the human resources department where you work. (If you are self-employed and can adjust your working conditions yourself, this does not apply to you.) If you are disabled, you have certain rights under the Disability Rights Act. You might want to visit the Disability Discrimination Rights Commission’s website at www.drc.org.uk for more information.

Example

A physiotherapist has worked in private practice as a sole practitioner for a number of years. Because he has focused on other areas he has not performed ultrasound therapy for some time. He finds that a number of patients have visited him recently where this treatment is indicated. He is not satisfied that he is up-to-date with best practice in this area so he refers these patients to a colleague in another practice to continue that area of their treatment.

He contacts his professional body for advice and decides to go on a course to update his skills. In the meantime, he restricts his practice to those areas where he is happy that he is able to practise safely and effectively.

In this example, the registrant has reviewed his practice to make sure that he is practising safely and effectively. He has also got appropriate advice.

Professional self-regulation, and our role as a regulator

We will not necessarily have to take any action if you carry out the steps above. This is because you, as an accountable registered professional, are judging your own fitness to practise, and making professional judgements as appropriate.

Our main concern is where difficulties arise and you are not effectively managing your fitness to practise. For example, we would need to take action if you were continuing to practise even though you could not do so safely.

Your involvement in managing your own fitness to practise is an
important part of professional responsibility, and is a vital principle by which professional self-regulation works.

**Your scope of practice**

Each profession that we regulate has its own standards of proficiency. You can download these from our website, or contact us to ask for a hard copy. These standards are divided into sections which set out the expectations of a health professional, and the knowledge, understanding and skills needed to practise. Every registered health professional must meet these standards, and must also meet the standards of conduct, performance and ethics.

When you first apply to come onto the Register, we need certain pieces of information from you to make sure that you meet our standards. You need to send us a health reference and a character reference. You must also tell us about any criminal convictions or cautions, or any action taken against you by a professional body or another regulator.

Before you are registered, we also need to know that you meet our standards of proficiency. How we check that you meet our standards of proficiency varies depending on where you trained.

If you completed an approved course in the UK, this means that we have assessed your course, we know that it meets our standards of education and training, and that people who complete that course meet the standards of proficiency for your profession. If you trained abroad, your experience and qualifications are assessed by people from the same profession, to see whether you meet the standards of proficiency.

When you come onto the Register for the first time, this means that you meet the whole of the standards of proficiency for your profession.

The exception to this is people applying through ‘grandparenting’ route A, who need to show they have completed three out of the last five years’ ‘lawful, safe and effective practice’ in order to be registered. This route to registration is only open for a limited time, and then closes.
There is more information about grandparenting on our website at www.hpc-uk.org

The standards of proficiency say:

‘We do recognise… that your practice will change over time and that the practice of experienced registrants frequently becomes more focused and specialised than that of newly qualified colleagues, because it relates to a particular client group, practice environment, employment sector or occupational role. Your particular scope of practice may mean that you are unable to demonstrate that you continue to meet each of the standards that apply for your profession.

So long as you stay within your scope of practice and make reasonable efforts to stay up to date with the whole of these standards, this will not be problematic.

However, if you want to move outside your scope of practice, you must be certain that you are capable of working safely and effectively, including undertaking any necessary training and experience.’

After you have been registered with us, we recognise that your scope of practice may change so that you can no longer meet all of the standards of proficiency for your profession. This may be because of specialisation in your job, a move into management, education or research, or it may be because your fitness to practise in certain areas has become impaired. As long as you make sure that you are capable of practising safely and effectively within your scope of practice, and do not practise in areas where you are not able to do so, a changing scope of practice will not normally cause us concern.

Example

A speech and language therapist’s first job after graduating was one where she worked entirely with children. She worked in this area for nearly ten years, building up considerable expertise.

When the opportunity came to manage a team of speech and language therapists who worked with a variety of different
patients, clients and users, she felt that her skills in these areas needed refreshing. With the support of her new employer, she attended training and completed private study to update her skills and make sure that she could safely extend her scope of practice, to effectively practise in her new role.

Your scope of practice is the area (or areas) of your profession in which you have the knowledge, skills and experience to practise lawfully, safely and effectively, in a way that meets our standards and does not present any risk to the public or to yourself. Your scope of practice may change over time, and you should be aware of your scope of practice and make sure that you only practise within it. It is closely linked to your ‘fitness to practise’, but the two are not the same.
This section has been written for people who employ health professionals on our Register. You may find this section useful if you are dealing with an employee who you think may not meet our standards.

People on our Register work in a wide variety of settings, including large NHS trusts, schools, prisons, local councils and in private practice. Sometimes a registrant will work as part of a large team of people from the same profession as them, sometimes they will be part of a multi-disciplinary team, or they may be the only health professional in their place of work.

Whatever the work environment, as their employer it is important that you understand:

– how their profession is regulated;
– their fitness to practise; and
– how their fitness to practise may change over time.

We have written this section of the document to give you information about how you can help your employee to keep to our standards, and also information about if, when or how you should contact us if a registrant cannot meet our standards.

**When to contact us if you are concerned about an employee**

Anyone can make a complaint to us about a registered health professional at any time. (See the section called ‘Why manage your fitness to practise?’ on page five for more information.)

You can contact us before, during or after any action which you take to help sort out a problem with an employee. You may, however, find it useful to take steps to sort out an issue before involving us. This may particularly apply in large organisations with a well-established system for supporting members of staff, and with the resources to cope with staffing needs flexibly. In other, smaller places of work, you may find that you need to refer problems to us at an earlier stage.

While each case is unique, there are still some questions which
employers often ask about how and when they should let us know if they are experiencing problems with an employee. Below, we have written general guidance which will help you decide whether or when you need to complain to us.

This is only general guidance, however, and if you are in any doubt you should contact us.

**Fitness to practise and an employer’s disciplinary procedures**

We believe that our fitness to practise process and your own disciplinary procedures should work together to make sure that the public are protected.

Our fitness to practise process allows us to take action if a health professional does not meet our standards.

If we find that a registrant’s fitness to practise is impaired, our panels can:

- remove the registrant from the Register;
- suspend them from the Register for up to two years;
- restrict their work in some way by issuing a ‘conditions of practice order’;
- caution the registrant; or
- take no further action.

Any action a panel takes is intended to protect the public. We publish brochures which explain our fitness to practise process for people who want to complain and for registrants who a complaint has been made about. Please see the section ‘More information’ for more details.

**Example**

A therapy radiographer comes to a hearing where it is claimed that her fitness to practise is impaired. During the hearing, it becomes clear from witness statements that the main problem is her standard of record keeping. The panel could issue a ‘conditions of
practice order’ which says that for one year she would need to get her treatment records signed by a colleague, and during that time she would also need to receive extra training in keeping records. If she kept to these conditions, she could stay on the Register.

A conditions of practice order could be similar to any efforts that you make to sort out problems that you are experiencing. You might, for example, make arrangements to supervise an employee whose record-taking was questioned.

An important difference, however, is that our penalties apply right across the UK, wherever that person practises, whereas the conditions an employer makes can only apply in that place of work.

Even if you are taking action which effectively sorts out a problem that you are experiencing with an employee, you may find it useful to consider what could happen if your employee left you and began to work elsewhere, with people who did not know about the problems you had experienced. Would the public be at risk? Could the registrant practise lawfully, safely and effectively? There is also information on page 15 about ‘Insight and understanding’ which is relevant to questions like these.

**Example**

An employer has concerns about the ability of a basic grade dietitian in the areas of assessing patients and record keeping. The employer decides to manage her fitness to practise through their capability process. They provide the registrant with increased supervision, mentoring and further training.

**Situation 1**

The registrant resigns halfway through the capability procedures. Her employers still have concerns that her practice is unsafe in some areas. They tell us about their concerns.

**Situation 2**

The capability procedures are completed. After further training, supervision and regular assessment of her skills, the employer is
satisfied that the registrant is working safely and effectively as a basic grade dietitian. The employer does not have any concerns about her fitness to practise so does not contact us.

There are some matters which are relevant to the relationship between an employer and employee which are not relevant to us. Examples of these sorts of issues could include timekeeping or negotiations over pay and conditions.

Whether you need to contact us will depend on the circumstances of a particular case and how successful any solution has been. As a guide, however, you should always tell us if you dismiss an employee or if an employee resigns during a disciplinary or capability process. You should also tell us if you downgrade an employee to a level below that of a registered health professional, for example, if you downgrade an employee to an assistant or technician level following concerns about their behaviour or skills. If you are in any doubt, you should always contact us.

**Insight and understanding**

Whether a registrant has ‘insight and understanding’ into their own fitness to practise will be an important factor in deciding whether they can manage their own fitness to practise, or whether we need to take action to protect the public. It may also be useful to you in deciding whether to complain to us about a health professional.

A registrant is judged to have insight and understanding of their fitness to practise if they have a realistic, informed idea of the limits of their safe practice, and they understand the need to remain within their scope of practice, to make sure that their patients, clients and users are not put at risk and that there is not any danger to themselves.

In almost all cases where the registrant has a good understanding of their impaired fitness to practise, an accurate view of their narrowed scope of practice, insight into their limitations and an informed idea of the steps they should take to stay within their
scope of practice, they can stay registered and we do not need to get involved.

You should contact us if a registrant does not have insight and understanding into their fitness to practise and there is possible danger to the public.

**Making adjustments to a registrant's working conditions**

In this document, we recommend that health professionals take an active part in managing their own fitness to practise, and we suggest a number of ways in which health professionals can make sure that they meet our standards. See the section ‘Professional self-regulation’ on page seven for more information.

One of the ways that a registrant can manage their fitness to practise is by negotiating adjustments to their working conditions with their employer.

**Example**

A registered occupational therapist is affected by clinical depression, for which he is on medication. His doctor recommends that he changes his medication, and while he is doing this, he experiences difficulties managing his depression. In particular, he finds some aspects of work difficult and distressing. He speaks to his employer, who agrees that until the issue with his medication is sorted out, his rota will be adjusted so that he does not have to work in an area that was causing him particular difficulty.

In the example above, the employee has identified an area of work in which he may not be able to meet our standards. By doing this, he has shown appropriate insight and understanding into his condition and the possible effect this could have on his practice and those who use his services. He has negotiated with his employer, and effectively restricted his scope of practice to reflect the management of his fitness to practise, so that he will only work in areas where he is confident that he meets our standards. So, we do not have to get involved as there is no danger to the public.
You might find it useful to know that resources to help you make adjustments for an employee may be available from Access to Work. Access to Work is a government scheme that provides funding for disabled employees to pay for the equipment and support they need to help them succeed in their job. For more information, see www.jobcentreplus.org.uk

We do not place any legal responsibility on you to change your employees' working conditions. We hope that as a good employer you would be flexible enough to support and keep an employee. As an employer, you also have certain duties under the Disability Discrimination Act, which may be relevant depending on the nature of the case. For example, by law, all employers must consider 'reasonable adjustments' for disabled employees. Altering working hours or conditions can be considered a reasonable adjustment.

For more information about your duties under the Disability Discrimination Act, see the code of practice for employers, which is available online at www.drc.org.uk

**Referring to our standards**

You can download copies of our standards from our website, or you can contact us to ask for a copy.

Our standards will help you to decide whether to complain to us about an employee. If we receive a complaint, and that complaint reaches the stage of a hearing, the panel will refer to these standards. They will hear evidence on whether or not the health professional meets the standards.
Complaining to us about a health professional

Anyone can let us know if they have concerns about the fitness to practise of a registrant. This can include a colleague, their employer or a patient.

However, our standards of conduct, performance and ethics say that:

‘You must protect patients if you believe that they are threatened by a colleague’s conduct, performance or health. The safety of patients, clients and users must come before any personal and professional loyalties at all times. As soon as you become aware of any situation that puts a patient, client or user at risk, you should discuss the matter with a senior professional colleague. If you feel that you cannot raise the matter with a senior colleague, you can contact our Registrar.’ (1)

‘… you must also tell us (and other relevant regulators and professional bodies) if you have any important information about your conduct or competence, or about other registrants and health professionals you work with.’ (4)

So, you should tell us if you are registered with us and are concerned about another registered colleague.
You can get more information about us and our role from our website at www.hpc-uk.org

We publish two brochures – ‘Making a complaint about a health professional’ and ‘What happens if a complaint is made about me’ – which explain our fitness to practise process in more detail. You can get these and our standards documents from the publications section of our website.

There is also information on our website about past fitness to practise cases and future hearings.

If you are worried about your fitness to practise, or you are concerned about a registered health professional, you should write to our Director of Fitness to Practise at the following address.

Fitness to Practise Department
Health Professions Council
Park House
184 Kennington Park Road
London
SE11 4BU

You may want to contact us to discuss any concerns that you may have. Please phone +44 (0)20 7840 9814.