

Health Professions Council, 7 October 2009

Guidance on the health and character process – key decisions and revised guidance

Executive summary and recommendations

Introduction

We consulted for three months between 30 January 2009 and 30 April 2009 on draft guidance on the health and character process.

We sent a copy of the consultation document to key stakeholders including professional bodies, all education providers and also to the student unions attached to each education programme.

The revised guidance was considered at Education and Training Committee on 22 September 2009.

Decision

Council is invited to:

- discuss the consultation responses document and recommend its publication on the website; and
- discuss and agree the revised guidance on health and character (subject to minor editing changes).

Background information

The Council considered the draft guidance at its meeting on 11 December 2008:
<http://www.hpc-uk.org/assets/documents/100025D78Guidanceonhealthandcharacter.pdf>

The proposed timetable for publication is below.

Publication process	September - October 2009
Launch of revised guidance	November 2009

Resource implications

The resource implications are incorporated within the Policy and Standards workplan for 2009-10.

Financial implications

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

Appendices

- Key decisions document
- Guidance on health and character process – how we consider information that applicants or registrants declare

Date of paper

23 September 2009

Guidance on health and character – key decisions

Introduction.....	2
Analysing your responses.....	2
General comments about the guidance	3
Terminology within the guidance.....	5
Section 1: Introduction.....	7
Health and character	8
Section 2: Information for applicants	10
Applying for registration	10
The character declaration	10
The character reference.....	13
The health declaration	14
The health reference.....	14
The registration panel	16
Guidance on how we will consider character information.....	16
Convictions and cautions received as a young person.....	17
Driving offences.....	17
Guidance on how we will consider information about health.....	19
Appeals process	19
Section 3: Information for education and training providers.....	21
General comments.....	21
Making admissions decisions about applicants with convictions.....	21
Making admissions decisions about applicants with health conditions	23
Misconduct during the programme.....	23
Section 4: Information for registrants.....	25
General comments.....	25
Self declarations	25
The registration panel	25
Guidance on how we may consider character information.....	26
Guidance on how we may consider information about health	26
Respondents	27

Introduction

We consulted for three months between 30 January 2009 and 30 April 2009 on draft guidance on our health and character processes.

We sent a copy of the consultation document to key stakeholders including professional bodies. We also sent the document to all education providers who run courses approved by us. The consultation document was also available to download from our website and we sent out copies of the document on request.

We would like to thank all those who took the time to respond to the consultation.

You can download a copy of the consultation document from our website:

www.hpc-uk.org/aboutus/consultation

Analysing your responses

Now that the consultation has ended, we have analysed all the responses we received.

We considered carefully each suggestion we received, taking account whether similar comments were made by other respondents.

This document follows the structure of the draft guidance, using the headings of each subsection. Where the comment related to more than one section or subsection of the document, the comment has only been recorded once. However, any amendments will be made across the guidance document to ensure consistency.

General comments about the guidance

The majority of respondents, including the Institute of Chiropractors and Podiatrists, Fife NHS Board, Joint Royal Colleges Ambulance Liaison Committee, and the British Dietetic Association (BDA) commented that they found the guidance useful, clear and understandable. In particular, it was felt that the guidance would be useful to both applicants and registrants and would allay some concerns about how health and character information would be considered by the HPC. However, the British and Irish Orthoptic Society (BIOS) commented that aspects of the document raised concerns and that the document lacked clarity about what health issues and character information would prevent registration.

Several respondents commented on the processes used to consider health and character information. The Association of Child Psychotherapists commented that the process seemed 'equitable both for service user and provider' whilst the Association of Independent Hearing Healthcare Professionals noted '...the supportive way in which the sensitive issues of health and character are handled in the guidance' and that it sees 'great value' for its members in becoming involved with a regulatory body with this approach.

A small number of respondents commented on the level of detail within the document. The British Psychological Society (BPS) commented that the guidance was not overly prescriptive which meant that it would help to support its applicability to education and training programmes and to students and registrants. They added that '...any attempt by commentators to add specifics should be considered carefully' because they were concerned that adding specifics might result in guidance which could not be followed or was not appropriate. However, several individual respondents and The Society and College of Radiographers (SCoR) suggested that there should be more guidance and examples of the types of issues that might affect an application for registration or ongoing registration. Both the Council of Deans of Health and the BDA asked for further guidance specifically on types of health conditions which might prevent an individual from becoming regulated.

Several respondents commented on the link between the guidance and other publications produced by the HPC. The College of Occupational Therapy (COT) commented that the guidance '...helpfully ties in with other relevant HPC guidance documents and references these throughout'. SCoR suggested that, instead of referencing the HPC website, specific web addresses could be given to enable readers to find publications without searching the whole website.

The United Kingdom Council for Psychotherapy (UKCP) asked that the guidance within the document should be linked to '...on-going analysis of data and information that shows their impact on complaints'. They suggested that where the guidance does not have a significant impact the requirements should be changed or dropped.

Oxford Brookes University suggested that the document's title should be revised as it was not currently clear what the document was about from its existing title 'Guidance on health and character'. They proposed that the title should be

changed to 'How information regarding health and character is used by the HPC at the point of registration'.

A number of respondents, including BIOS, the Association for Perioperative Practice (AfPP) and Institute of Biomedical Science commented that they found the guidance to be repetitive. Respondents suggested that the guidance should be rewritten to reduce the number of sections that are duplicated. For example, all information relating to 'health' and all information relating to 'character' could be sectioned together. The Chartered Society of Physiotherapy (CSP) asked why 'health' and 'character' were grouped together and recommended that they should be in two separate documents.

Our comments

We are pleased that the guidance was broadly welcomed by respondents. We regularly receive queries from applicants and registrants who are concerned about information they have to declare to us and the impact that it may have on their registration. We hope that this guidance will help to answer some of these queries and also offer support to education providers.

We were set up by the Health Professions Order 2001 ('the Order'). Under the Order, we can check that applicants can demonstrate that they are of 'good health' and 'good character'. Once registered, registrants must tell us about changes to their character and must also sign a health declaration as part of maintaining their fitness to practise. It is very rare that information that applicants or registrants declare affects their registration.

We have considered carefully whether to provide examples within this guidance. Any decisions about health or character information are made on a case by case basis which recognises the specific circumstances. As such, we do not believe that detailed examples would be helpful as each case is looked at differently. However, there are some examples included within the guidance of serious convictions which might affect registration. We will add an example of a health condition which could affect registration and again stress the importance of considering information on a case by case basis.

We understand the comments we received about the structure of the guidance. The guidance was designed to provide all the information that each group of stakeholders might want together in one section. However, this resulted in information being repeated for the different audiences. We have considered the comments we received about the guidance and have revised the structure of the guidance to reduce the repeated information. We have also separated the sections on how we consider information about health and character, to make it clearer that they are considered separately. We will also amend the heading to make the purpose of the document clearer.

Terminology within the guidance

A number of respondents made comments about the terminology used within the document.

Several respondents commented on what was meant by the phrase 'character'. The Association for Clinical Biochemistry commented that they were pleased that we had decided to define '...good character as a lack of evidence to the contrary'. However, the CSP commented that the guidance did not define 'character' but did define 'health'. They suggested that the guidance should pick up on the work of the CHRE on seeking a common approach to character amongst the regulators. Both UKCP and one individual respondent commented on the use of the word 'character' which they suggested sounded patronising. UKCP suggested that we use 'good professional standing' whilst the other respondent suggested that we should use 'personal history'.

Oxford Brookes University commented that there was significant overlap between 'character' and 'conduct and ethics'. They commented that it was not '...clear why all three terms are used within the documents and whether their usage will be applied consistently by staff and students involved in these processes'.

The UKCP commented that they felt that the term 'health professionals' excluded psychotherapists, who may become regulated by HPC. They suggested that 'health professional' could be replaced with 'allied health professional' or 'current HPC Registrant'.

One individual commented that they supported the operational definitions of 'health' and the '...acknowledgement of tensions and debates in this area' within the definition. However, the UKCP suggested that instead of 'health' we should use 'health conditions' in the document for clarity.

The CSP commented that the glossary should be expanded to include other terms used within the guidance, including 'spent convictions' and 'civil proceedings'.

Our comments

Terminology was an area that we considered very carefully. We tried to use terminology that could be understood by applicants, registrants and education providers.

We understand the comments we received about our use of the word 'character', which is taken from the Order. We considered providing a definition of character within the document. However, we were concerned that any definition of 'good character' within a regulatory context usually becomes a negative definition which focuses on a lack of evidence to say that someone is not of good character. As such, we will not define character. However, we will add more information to explain why we ask about character so that this section is clearer.

The guidance on health and character was submitted for consultation before the publication of a report by the Council for Healthcare Regulatory Excellence

(CHRE) entitled 'A common approach to good character across the health professions regulators'.¹ The report makes recommendations about a common approach to 'good character' across the health professions regulators. The report sets out four key elements which form a basis for how good character can be approached. The four elements were identified as:

'whether an applicant has acted, or there is reason to believe they are liable in future to act:

1. in such a way that puts at risk the health, safety or wellbeing of a patient or other member of the public;
2. in such a way that his/her registration would undermine public confidence in the profession;
3. in such a way that indicates an unwillingness to act in accordance with the standards of the profession; or
4. in a dishonest manner.'

We have reviewed the report produced by CHRE and in particular the recommendation that these are core elements which relate to 'good character' but are not necessarily parts of 'good character'. As a result, we have revised the guidance to provide further information which explains why we look at character.

We will remove all references to 'health professionals' within the document and replace them with 'professionals' or 'registrants'. We will also review our use of health to ensure that it is clear throughout the document and use 'health conditions' where appropriate.

We will review the glossary to ensure that it incorporates any terminology within the document which might be unfamiliar to the audience.

¹ <http://www.chre.org.uk/satellite/126/>

Section 1: Introduction

We received a small number of comments about this section. The Council of Deans of Health suggested that pages four and five should be restructured so that relevant information was grouped together.

Two respondents commented on the subsection 'Approval of education programmes' and the statement that completing an approved programme did not guarantee registration. SCoR suggested that this section should include examples of when registration had been denied, which might help to '...allay any fear that this point might produce'. The BPS asked if the HPC could provide guidance on what might happen to students completing programmes '...whose health or past offences may not have been so minutely enquired into by training providers'. They commented that there was a risk that those individuals might be refused registration after completing their training. However, they did add that it recognised that in practice, the BPS's procedures are similar to those of the consultation document and therefore the risk was small.

Our comments

We have considered the comments we received about the introduction. We will add a statement to the subsection 'Approval of education programmes' to clarify that registration is denied very rarely and only in very serious circumstances. We believe that this will allay the concerns that were raised by respondents about this section.

Health and character

In this section of the guidance, we explain that we must check everyone's health and character when they apply to join the Register and also that we can take action against a registrant if their health or character creates concerns about their fitness to practise.

The UKCP commented that the concept of character as '...an evaluation of an individual's moral / ethical character traits appears seriously flawed'. Research suggested that character traits are 'situational and contextual', in other words, they are not consistent across situations or contexts. They suggested that instead HPC should use the terms 'professional standing' or 'standing in the professional community' which would make the HPC requirements profession specific and would emphasise the boundaries between private and professional life. The UKCP added that whilst HPC has an obligation to safeguard public confidence in the registers it maintains, it does not have a role to speak or act on behalf of a profession.

A number of respondents made comments about the section on health, in particular the emphasis that HPC is not concerned with whether an individual is 'healthy', only whether a health condition affects an individual's fitness to practise. Both the COT and the Council of Deans of Health suggested that this section needed more clarity on the issues around health and disability, in particular the distinction between disability and health. BIOS commented that the issue was potentially discriminatory. They felt that the university recruitment procedure '...should be robust enough to ensure that each student is capable of meeting the physical demands' of their education and training programme.

One individual respondent commented that with health conditions the difficulty was caused when someone was not aware that their fitness to practise was impaired until a problem occurred. They suggested that the HPC should adopt a '...DVLA-type approach where notification is required so that investigation can be made'.

Our comments

We have carefully considered the comments we received about the concept of 'good character'. We believe that the checks on an applicant's character help us to ensure that registrants are able to practise safely and effectively. Registrants often develop relationships with the public which are based on mutual trust and confidence. These relationships demonstrate why it is necessary to check that an individual has not behaved in a way in the past which might undermine their ability to develop such a relationship or to practise safely and effectively. Part of our role as a regulator involves ensuring that the public has confidence in the professions that we regulate. This includes considering whether the information that we receive could undermine public confidence in that individual or in their profession.

As outlined above, both applicants and registrants must provide us with information about their character and health. In 2008 we conducted a review of

the process we use to look at this information.² Between June 2005 and December 2007, 560 declarations on admission or renewal to the Register were considered by the HPC and concluded. In 97% of declaration cases, admission or renewal to the Register was allowed.

We set standards of conduct, performance and ethics which explain the behaviours expected of registrants and prospective registrants. Standard 3 explains that registrants must keep high standards of personal conduct and be aware that poor conduct outside of their professional life may still affect someone's confidence in the registrant and their profession. As professionals, registrants on our Register must keep high standards of personal conduct at all times. Sometimes actions outside professional life can affect registration, particularly convictions for serious offences. This includes accessing indecent images of children outside work and convictions for sexual offences. However, these types of cases are rare.

We set standards of education and training (SETs) which we use to make decisions about whether to approve a programme or not. We have recently reviewed the SETs. One of the SETs says that: 'The admissions procedures must apply selection and entry criteria, including compliance with any health requirements' (2.4). This means that education providers must set out health requirements which are appropriate to the content of the programme.

However, as outlined on page 4, under the Order we must ensure that applicants and registrants on our Register meet our health requirements. Our health requirements are designed to be flexible and not based upon assumptions about health conditions or disabilities. The focus is on whether an individual's health conditions affect their ability to practise, rather than whether the individual has a health condition or disability. We are very much aware of our responsibilities under the Disability Discrimination Act and to this end have produced guidance specifically for people with disabilities who are interested in becoming a health professional.

We understand the comments we received about the differences between health and disability. We will review this section to ensure that there is clarity on these issues. We will also review this section to add further information about why we ask applicants and registrants to tell us information about their character.

² HPC Education and Training Committee, 26 March 2008

<http://www.hpc->

[uk.org/assets/documents/10002168education_and_training_committee_20080326_enclosure09.pdf](http://www.hpc-uk.org/assets/documents/10002168education_and_training_committee_20080326_enclosure09.pdf)

Section 2: Information for applicants

Applying for registration

Three respondents commented on this subsection, which provides a general overview of the process for applying for registration.

Play Therapy UK (PTUK) commented that much of the information requested by the HPC is already collected by PTUK and its accredited training providers. They commented that they had ‘...harmonised the forms with our university partners to save applicants having to duplicate form filling which is a major irritation’ and suggested that the HPC should do the same.

Oxford Brookes University commented that this subsection and the introduction to the section needed to make clear that the guidance was providing information about making an application to the HPC and not to an education and training provider.

The UKCP commented that the character reference should instead be referred to as a reference that confirms the applicant’s ‘good professional standing’.

Our comments

When an applicant applies to us for registration, they have to complete an application form and supply a number of pieces of information, including a character reference and health reference. We recognise the importance of reducing duplication in information that applicants provide where possible. For example, we ask education providers to send us a list of students who have successfully completed the programme so that students do not need to provide us with a pass certificate.

However, the Order lays out requirements around the information which we must collect when applicants apply to join our Register. This includes the references and the applicant’s contact details. You can find out more about the process for applying to join our Register here: <http://www.hpc-uk.org/apply/>

Having considered the comments we received, we will not make any changes to this subsection.

The character declaration

When applicants apply for registration with the HPC, they are asked to complete a character declaration. The declaration asks whether they have any convictions or cautions; if they have been disciplined by their professional body or regulator or employer; and if they have ever had civil proceedings brought against them.

Several respondents commented on the declaration of convictions or cautions. Both the Council of Deans of Health and one individual respondent suggested that the declaration should also include reprimands and warnings as both of those will also appear on criminal records bureau checks.

The UKCP commented that the guidance and declaration suggested a ‘...disproportionate use of criminal convictions and cautions to evaluate an individual's moral / ethical character traits’, with no distinction between convictions and cautions. UKCP commented that this reliance could lead to exclusion of individuals from the less affluent sections of society and minority communities as individuals from those groups are more likely to receive convictions or cautions. They added that it would be appropriate for HPC to ‘...warn practitioners explicitly that by “accepting a police caution” they may not merely accept a warning but voluntarily put their professional registration at risk’. They also called for more transparency in the guidance on how these would be considered.

A number of respondents commented on the second declaration about disciplinary action by an employer, professional body or regulator. The Society of Sports Therapists asked whether the requirement to tell the HPC of disciplinary action by an employer was ‘...an all encompassing statement which includes minor disciplinary matters or does it relate solely to professional issues’. These comments were echoed by Anglia Ruskin and North Wales NHS Trust who were concerned that NHS employers might not be made aware of this.

Several respondents, including The General Medical Council (GMC), the COT and the Council of Deans for Health asked why the declaration did not include disciplinary action by an education provider but did include disciplinary action by an employer. The AfPP commented that this created discrepancies with the rest of the guidance. They emphasised that education providers can tell the HPC if they remove someone from a programme for misconduct and registrants had to tell the HPC about any disciplinary action but students do not have to tell the HPC. Respondents suggested that this should be reviewed for consistency.

Three respondents commented on the declaration of civil proceedings. Both Anglia Ruskin and PTUK asked for clarification on what was meant by ‘civil proceedings’, PTUK asked in particular whether it included debt enforcement, bankruptcy and other related areas. The BPS said that some members raised concerns about the apparent lack of consideration given to guilt or innocence within the declaration. Thus, applicants have to declare civil proceedings brought against them even if the court declared that an individual was innocent.

Our comments

The detailed requirements around the character declaration are set out in Rule 5 of The Health Professions Council (Registration and Fees) Rules Order of Council 2003. This includes the requirement that applicants should declare convictions and cautions. However, this does not extend to reprimands and warnings.

It is very rare that convictions or cautions affect an individual's application for registration. Between June 2005 and December 2007, we received 462 cases where applicants had declared a conviction or caution. Of these 462 cases, in only 4 cases was the applicant denied registration after appeal.

Although it is very rare that convictions or cautions affect registration, applicants must declare them because the professions they are joining are exempt under the Rehabilitation of Offenders Act. In addition, we work on the basis of 'professional self-regulation'. This means that every registrant has a personal responsibility to maintain and manage their own fitness to practise and to provide us with any important information about their conduct. This responsibility is also incorporated within the standards of conduct, performance and ethics which apply to all registrants and applicants.

Our analysis of the types of information that applicants declare about their character suggests that applicants are most likely to declare a conviction or caution. As a result, we have focused the guidance on this particular area. When making decisions about character, we are considering whether an individual is capable of practising safely and effectively and whose behaviour in the past does not suggest that they are incapable of doing so. That past behaviour could include dishonesty or deception or behaviour which suggests that an individual is unwilling to meet the standards we set.

We ask registrants to declare any disciplinary action undertaken by an employer. Information that is declared is looked at on a case by case basis to see whether it raises concerns about an applicant's character. It is extremely rare that any information declared by an applicant about action taken by an employer affects their registration.

We have considered carefully the suggestion that students should also have to declare any disciplinary action taken by an education provider. We also received these comments in response to another document we have produced for students giving guidance on conduct and ethics. As part of our review of the SETs, we have added a new SET saying that education providers must have a process in place throughout the programme for dealing with concerns about students' profession-related conduct.

The requirements that we make must be proportionate and appropriate to the situation. We believe that the new SET will support education providers and ensure that concerns about profession-related conduct will be addressed during the programme. Where education providers have serious concerns about student misconduct and remove a student, they can tell us so that the information can be considered if the student ever made an application for registration. Alternatively, an education provider could award a student with a qualification which does not lead to eligibility for registration.

As such, we will not make the requirement that students should declare disciplinary action undertaken by an education provider. However, we will keep this decision under review.

Civil proceedings are any action in court which does not involve a crime or criminal actions. These can include lawsuits brought to enforce civil remedies such as compensation or to redress a private wrong-doing such as a breach of contract. Sometimes civil proceedings can cause concerns about professional practice, particularly when they relate to proceedings brought about negligence or a breach of contract. Part of the declaration from the applicant would include

the opportunity for them to explain the outcome of the case. We will add further information about civil proceedings to the guidance.

The character reference

A number of respondents, including Anglia Ruskin, UKCP, PTUK, and the British Academy of Western Medical Acupuncture commented on the list of professionals identified within the subsection as being able to provide a character reference. Each respondent highlighted professions which were not within the list, including nurses, midwives, academic tutors or lecturers, clinical supervisors and teachers. Anglia Ruskin commented that the character reference was likely to result in friends signing each other references ‘...and thus the signature carries no weight’. The Society of Sports Therapists called for more clarity over who can supply a character reference so that the applicant could have no right of redress if their application was turned down because the character reference has been supplied by an inappropriate professional.

Several respondents, including Anglia Ruskin and Keele University, commented on the requirement that the referee should have known the applicant for three years when many programmes are less than three years in length. Both the CODP and the British Association of Counselling and Psychotherapy commented on behalf of the professions that they represent (where training is often less than three years in length) that the requirement should be reconsidered as it was otherwise potentially unfair. Keele University added that, even where a programme lasts for three years, most tutors will have known their students for less than three years by the time the student makes an application to HPC. All respondents emphasised that tutors might be best placed to provide the character reference and that the guidance should be revised as a result.

BIOS said that they did not feel it was appropriate that ‘...the HPC should rule on the registrant’s character’. They commented that potential employers would seek their own references and would be best placed to make a decision about the suitability of the applicant.

One individual commented that the NMC required applicants to provide a certificate of good health and good character from their higher education institution and asked whether the HPC should also require this.

Our comments

Under the Health Professions Order 2001, we must ensure that applicants are of ‘good health’ and ‘good character’ when they apply for registration. The requirements around the information which applicants have to provide when they apply for registration are laid out in our Registration and Fees rules. This includes the requirement to provide a character reference.

The individuals who can act as a referee are specified within our Rules. We will amend the guidance to clarify that the list is not exhaustive and to include academic tutors or lecturers. Our Rules also require that the referee must have known the applicant for three years. We apply this pragmatically and often receive character references from tutors. Any change to this requirement would

require a change to our Rules which we would have to consult on. In practice we have found that this requirement does not cause problems but this is something that we will keep under review.

Having considered the comments we have received, we have decided to make no further amendments to this section.

The health declaration

Three respondents commented on the subsection about the health declaration. Both PTUK and one individual respondent suggested that the declaration should include references to 'mental health'. One respondent commented that the '...troublesome issue often concerns psychological health and in particular the difficulties imposed when someone does not possess insight into how their behaviour impacts upon others' and suggested that there should be additional guidance in this area.

The COT suggested that we should remove the sentence 'you may have a disability or long term health condition which would mean that you would not consider yourself to be in "good health"', as an applicant with one or multiple disabilities could still be or consider themselves to be in good health. However, they suggested that the current wording implied that the applicant was not in good health, which was misleading.

Our comments

When we use the term 'health' in this document this incorporates both physical and mental health. We will revise the guidance to clarify this. We will also review the guidance to make sure that there is clarity around 'health' and 'disability'.

We recognise the concerns expressed about insight into psychological health. It is important that decisions we make about applications are not made on the basis of stereotypes or assumptions. An applicant will have insight and understanding if they have a realistic, informed idea of their condition. This might include considering whether they have been successfully involved in their own treatment. There is additional guidance about this issue in 'A disabled person's guide to becoming a health professional', which is listed in the guidance on the health and character process.

The health reference

A number of respondents commented on the subsection within the guidance about the health reference. Both the Council of Deans of Health and Anglia Ruskin expressed concern that a doctor might not know what was required of being a health professional and therefore not be able to sign the reference. One individual commented that it was not necessary to obtain a health reference from a GP because they could not see a situation where a doctor would refuse to provide the reference.

Several respondents commented on the process involved in obtaining a health reference. The GMC suggested that the guidance should be clear that the

reference should not come from a doctor who was related to the applicant. The UKCP suggested that the guidance should state that the applicant should always receive a copy of the health reference sent to the HPC. The CODP raised concerns about the levels of fees being charged by doctors to provide the reference.

Two respondents made comments on the statement that we will accept a health reference from a doctor who has examined the applicant but had not previously been the applicant's doctor nor had access to their medical records. Anglia Ruskin commented that this would not reflect a thorough health assessment, whilst the CODP said that this requirement seemed to contradict the other two ways of obtaining a health reference.

The UKCP highlighted that there was an issue for professionals who did not choose to see medical doctors for their health concerns. They asked whether another type of reference or information from another source would be acceptable.

Our comments

When a doctor completes a health reference they are not making a judgement about whether the individual is 'healthy'. Instead, the doctor is making a decision about whether, in their professional judgement, the applicant has a health condition which might affect their fitness to practise. Doctors are asked to consider whether there is anything related to their patient's health which might affect their ability to practise safely and effectively in a way which poses no risk to patients, clients and users. A doctor does not need to be immediately familiar with a profession and the different areas in which people of that profession practise, to sign an applicant's health reference.

We have produced a publication specifically about the health reference called 'Information about the health reference'. In this guidance we state that the doctor providing the reference can not be related to the applicant. We will add this to the health and character guidance. In this publication we state that if a doctor decides to provide additional information about the applicant's health, the doctor should discuss it with the applicant. We will make sure that this is clear in the guidance. We recognise that doctors may charge for the health reference but unfortunately this is not within our remit.

Our rules say that an applicant must provide a health reference and that it must be signed by a doctor. The doctor must also either have been the applicant's doctor for three years, or have access to their medical records from the past three years. Where this is not possible (for example if the applicant is an asylum seeker) the doctor can carry out a medical examination to help them to complete the reference. The third option is only used where it is not possible to gain access to medical records.

The Council for Healthcare Regulatory Excellence has recently published a report on health requirements. In light of the report, we will be reviewing our health requirements for applicants and considering whether we need to make any amendments.

The registration panel

Three respondents commented on the subsection about the registration panel and how it works. The United Kingdom Council for Psychotherapy suggested that this subsection should make reference to information about ‘...rules or guidance that apply to the considerations of registration panels’ so that this can be looked at.

Anglia Ruskin raised concerns about the decisions being based on the subjective interpretation of a panel and made in private, whilst in other professions there are open panels. They commented that the process ‘...for assessing and judging the evidence needs to be clearer and open to public scrutiny’.

The Society of Sports Therapists felt that there should be further clarification of what was meant by ‘additional information’ that the HPC could collect and which could be submitted to a registration panel. The Society also asked what powers HPC had to collect the additional information.

Our comments

We have produced a ‘health and character declarations policy’ which was revised in 2008. Panels refer to this policy when making decisions about declarations. This policy is available on our website. In addition, this guidance has been developed based upon the information provided to panels.

Information that applicants declare about their health and character is considered by a registration panel, which takes place in private. We hold the panels in private to respect the privacy of applicants and registrants. These panels are held in private because often the information that is provided does not affect registration and it would not be proportionate to publicise the information. As such, these panels are similar to investigating committee panels which decide whether there is a case for registrants to answer as part of the fitness to practise process. Registration panels are different to panels which sit on the final hearings when considering complaints about registrants, which are held in public. Although panels are held in private, applicants are invited to supply submissions and provide evidence to the panel.

We have no powers to demand information unless the person is on the register and subject to an fitness to practise allegation, or is an appellant in a registration appeal. However, we can make requests for information at the registration panel stage. When we do so, we stress to applicants and registrants that it is in their interest to provide as much information as possible.

Guidance on how we will consider character information

Two respondents commented on the types of information that would be considered when making decisions about an applicant’s character. UKCP said that the guidance should state that the HPC would ‘...consider convictions or cautions to identify and evaluate specific risks to clients or patients and base decisions on the evaluation of such risks’, especially as a person’s personal

behaviour is not necessarily a predictor of their professional practice. UKCP added that it was important to consider other behaviours which might affect an individual's suitability for registration, not just convictions or cautions.

Several respondents commented on the issues that a panel could consider when making decisions. The BPS said that these considerations should include a more '...explicit statement on the possibility of change' and that the demonstration of change should be central to a registration decision. UKCP raised concerns that panels making decisions might exceed their regulatory role by making judgements on a registrant's personal life or by trying to compete with the criminal justice system. They felt that it was important to clarify that panels would only examine a conviction or caution to see if it posed any potential risk to clients or patients and to public confidence in the register and that convictions and cautions should be treated differently.

Three respondents commented on the reference to supplying drugs illegally. One respondent suggested that this should also include the misuse of drugs listed as controlled substances in the 'Misuse of Drugs Act'. Both the BPS and UKCP commented that the professions they represented sometimes attracted former users of services, including drug services, as students and trainees. Fife NHS Board commented that they felt the term 'child pornography' should be expanded to clarify the difference between child pornography and Internet child abuse. They recognised that the reference was taken from the standards of conduct, performance and ethics but felt that further clarification would be useful.

Both Keele University and UKCP called for more guidance on offences involving dishonesty and deception. UKCP suggested that there should be reference to professional practice within these statements rather than describing the general behaviour of a person.

UKCP also commented that they felt it was excessive that a prison sentence could affect a registration. They highlighted that many civil rights or civil disobedience campaigners had received prison sentences yet the individuals might have demonstrated '...exceptionally high moral or ethical standards' through their actions.

Convictions and cautions received as a young person

Two respondents made comments on the subsection about convictions that an individual received when they were a young person. The CODP welcomed the subsection, especially as they believed that some students were not aware that convictions and cautions under the age of 18 did have to be declared. PTUK asked how many years would pass before the offence was considered 'rescinded' and suggested that this should be between three and ten years, depending on the severity of the offence.

Driving offences

Several respondents commented on the subsection about driving offences. Scottish Ambulance Service said that they were concerned about the non disclosure of fixed penalty speeding offences. They commented that whilst being

able to drive was not a requirement of HPC registration this would ‘...raise the risk of the Scottish Ambulance Service recruiting paramedics who can practise but can not drive’. They suggested that additional information should be added to explain that individuals would have to disclose fixed penalty speeding and driving offences when applying for a post in the Scottish Ambulance Service. UKCP commented that they believed it was extremely unlikely that a driving offence could indicate a risk to the public. They said: ‘It is not the role of a regulator to compete with the criminal justice system in prosecuting offences such as driving under the influence.’

Keele University commented that they welcomed this subsection. They questioned the inclusion of reference to harm to others, as this was sometimes a consequence of ‘...charm rather than judgement’. Scottish Ambulance Service also commented that the statement ‘whether the alcohol level was significantly higher than the legal limit if it was a drink driving offence, or if someone was injured as a result’ should be made more explicit as it might otherwise undermine public confidence. The Society of Sports Therapists suggested that this section should also make reference to driving under the influence of illegal substances as well as driving under the influence of alcohol.

Our comments

It is extremely rare that character declarations affect registration (please see page 11). However, declaring this information is part of being a registered professional and understanding the importance of providing information to a regulator. Registrants have a relationship with members of the public which is based on trust, confidence and respect. As such, character information is looked at to decide whether the applicant has ever acted or is liable to act in a way which would undermine this relationship or undermine public confidence in the profession.

Any information that applicants (or registrants) declare about their character is considered on a case by case basis, looking at the particular circumstances of the case. This includes the nature and seriousness of the incident, when the incident occurred and the applicant’s character since the incident. This also includes recognition of the possibility of change in behaviour.

We understand the comments we received about driving offences. There is a distinction between being registered by us (‘fit to practise’) and being employed in a particular role (‘fit for purpose’). Often employers will have their own requirements about the proficiencies for a particular role which are different to those of the regulator. It is very rare that convictions for driving offences affect registration. However, occasionally we receive information about a registrant who may have been convicted for drink driving. Where the registrant is on call or alternatively driving to work, this might raise concerns about their fitness to practise.

We will amend the guidance in light of the comments we have received to emphasise that it is only very rarely that information which applicants declare about their character affects their registration.

Guidance on how we will consider information about health

Two respondents commented on this section. Keele University said that the guidance was welcome, highlighting the usefulness of the list of issues that a panel may look at when making decisions about an applicant's health. However, the Council of Deans of Health commented that members had concerns about how '...a panel could measure insight; this is not easy to judge, since someone with little insight can put anything on the form'. They suggested that the HPC could ask other people whether the student had insight into their condition.

Our comments

Between June 2005 and December 2007, only three health cases were considered by registration panels and all applicants were allowed on to the Register. A number of health cases were not passed to registration panels as there was no evidence that the applicant's health condition affected their fitness to practise.

When looking for evidence of insight from an applicant, the panel can consider reasonable adjustments made either by themselves or by employer. They can also consider how much awareness the individual has of their health condition and its impact on their fitness to practise. As part of their submissions, applicants can provide evidence from other people in support of them but would not have to.

Appeals process

A number of respondents commented on the subsection about appeals within Section 2, particularly on the mention of appeals going to the County Court. NHS Tayside commented that the County Court did not exist in Scotland. The BPS asked why appeals on registration decisions went to the County Court whilst appeals on fitness to practise decisions went to the High Court. Finally, the Institute of Biomedical Science suggested that we should adopt the terminology 'a court of law' to incorporate these different bodies.

Unison Health Care proposed two amendments to this subsection. They proposed that the last sentence of the subsection should be moved to the beginning paragraph as both made reference to the HPC informing the applicant of the HPC's decision. They also suggested that we could add a paragraph advising applicants (or registrants, in their subsection) that they might want to seek advice from their professional body or trades union.

Our comments

Appeal of a registration decision is treated differently to an appeal of a decision made during the fitness to practise process. The court which hears the appeal is determined by the Health Professions Order 2001. Under Article 37 (10) appeals against the decisions of the Education and Training Committee (which is responsible for registration) are heard by the county court or Sheriff in Scotland. However, Article 38 (1)(a) indicates that appeals against decisions made by either the Health Committee or Conduct and Competence Committee (which make decisions on fitness to practise cases) should be heard by the High Court

(in England and Northern Ireland) or the Court of Session. We recognise that this is a potentially confusing situation. We will review our use of language to ensure that this section is clear.

We have considered the other comments we received about this subsection. We will move the last sentence of the subsection to the first paragraph as proposed. We will make no other amendments.

Section 3: Information for education and training providers

A number of respondents made comments about this section. For ease of reference, the comments have been grouped below under each subsection.

General comments

One respondent, Scottish Ambulance Service, commented that this section would be very useful to education and training providers because it provided information about how the HPC would look at past convictions or health concerns which could be shared with students.

Making admissions decisions about applicants with convictions

A number of respondents commented on this section. Many of the comments related to seeking further guidance from the HPC on how education and training providers could make decisions about applicants with convictions or cautions. The Association of Heads of Psychology Departments commented that although the document contains some examples which are quite straightforward ‘...it is much less clear what to do when the conviction is less clearly in the categories listed’. They said that ‘... an admissions tutor is put in the unenviable position of pre-judging the HPC’s likely response to such applicants’.

Both Keele University and the SCoR asked whether there was a contact point at the HPC who could be used to give advice to education and training providers on these issues. SCoR felt that this service should be offered to prevent cases from being ‘misjudged’ so that an applicant who completes a programme is not eligible for HPC registration.

One individual asked for further clarification on the guidance offered to education and training providers on the issues they could consider when making decisions about applicants with convictions or cautions. They commented that it would be useful to have an idea of the ‘...time-span for remediation’ so that they would know whether a student with a conviction or caution might be able to become registered after a while or if this would never happen.

Four respondents, including the Association of Heads of Psychology Departments, Keele University and The Society of Sports Therapists commented that there should be congruence between an education and training provider’s policies and those of the HPC. Keele suggested that the HPC should be involved in training panel members for education and training provider’s misconduct committees.

The BPS commented that the guidance needed further clarity on when education and training providers should make checks on their students’ health and character. They suggested that the guidance should include a statement on whether these checks should take place before a place is offered on a programme.

Unison Health Care asked whether the Rehabilitation of Offenders Act also extended to education and training providers. If this was the case, then reference could be made to it in this section as well.

The University of Bradford asked for clarification of the term 'violence' within the list of convictions and cautions that might lead to the HPC rejecting an application for registration and whether it meant violence against the person or whether it also included property.

Our comments

We have carefully considered the amount of guidance we have provided within this document, in particular whether it would be possible to provide examples. Any information that applicants declare is considered on a case by case basis, looking at the particular circumstances of the case. This means that we also can not provide a list of convictions or cautions that should definitely lead to an education provider rejecting an application.

It is important to stress that it is rare for convictions and cautions to affect an application for registration (please see page 11). We have found previously that it is rare for an applicant who has completed an approved programme to be denied registration. Sometimes, the applicants who are denied registration have applied via different routes, for example the grandparenting route. Alternatively, applicants are denied registration on the basis of a conviction which was received after completing an education programme. Where education providers have concerns they can contact our fitness to practise department. However, we hope that the guidance will help to answer some queries that education providers have in this area.

The SETs require education providers to apply selection and entry criteria, including criminal convictions checks and compliance with any health requirements (SETs 2.3 and 2.4). Often these are undertaken as part of the admissions process or alternatively before a student goes on placement. We require that criminal convictions checks are undertaken as part of the selection and entry process.

The SETs also require education providers to have processes for dealing with complaints about a students' professional-related conduct. The nature of the process will vary depending upon the education provider and the way in which training is delivered.

The Rehabilitation of Offenders Act only relates to jobs and obtaining insurance, it does not relate to education providers.

We have considered the comments we have received about this section but will make no further amendments to it.

Making admissions decisions about applicants with health conditions

Four respondents commented on this section. The Council of Deans of Health suggested that this section needed further clarification as there were ‘...issues around the definition of disability and ill health’ which needed to be explored further. The COT suggested that we should review the sentence ‘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”’. They suggested that an applicant or registrant could have one disability or more and still consider themselves to be in good health, which is not what the sentence implies.

The University of Bradford commented that the guidance would be useful to education and training providers, particularly the suggestion to set up an Advisory Board. However, they asked how much information was provided to Occupational Health Departments and others when making decisions about students with health conditions. The BPS suggested that the guidance should clarify that health checks should be carried out by ‘...suitably qualified and independent occupational health professionals’ as this was not always the case at present.

Our comments

In line with amendments elsewhere within the guidance, we will review the discussion of health to ensure that there is clarity around disability and ill health.

We set standards of education and training (SETs) which we use to make decisions to approve education and training programmes. One of the SETs requires that admissions procedures must apply selection and entry criteria, including compliance with any health requirements. Education and training providers must clearly set out their health requirements in the information they make available to applicants. These requirements should be appropriate to the content of the programme and how it is delivered, including the practice placements. These requirements could include vaccinations and occupational health assessments.

We have considered whether we can provide some high level examples of health conditions which might affect registration. We will add an example of such a case to this section of the guidance and the section on how we treat health conditions to provide further clarity. We will also stress the importance of making decisions on a case by case basis rather than making blanket judgements.

Misconduct during the programme

Three respondents commented on the section about student misconduct during the programme and the guidance that an education and training provider can tell HPC about the misconduct if it is sufficiently serious. The BPS commented that this procedure was very helpful for education and training providers as it would prevent a student who had left one programme because of misconduct but was then able to complete a different programme. However, the University of Bradford commented that the guidance in this section was unclear and suggested that the

guidance should say that education and training providers should always tell the HPC. Their comments were echoed by the CSP who raised concerns that education and training providers might make different decisions about whether to pass information on to the HPC, which might result in individuals being treated differently. They added that it was unclear how misconduct within a programme fitted within the other elements of the character declaration and suggested that the character declaration should be revised as a result.

Our comments

We have considered carefully the suggestion that education and training providers should always tell the HPC about misconduct on a programme. We believe that the new SET which requires education providers to have a process for dealing with profession-related conduct will help to support education providers. We believe that the new SET will support education providers and ensure that concerns about profession-related conduct will be addressed during the programme. Where education providers have serious concerns about student misconduct and remove a student, they can tell us so that the information can be considered if the student ever made an application for registration. Alternatively, an education provider could award a student with a qualification which does not lead to eligibility for registration.

We have considered on page 12 whether applicants should have to declare disciplinary action undertaken by their education provider. We will not make the requirement that students should declare disciplinary action undertaken by an education provider. However, we will keep this decision under review.

Section 4: Information for registrants

Most of the comments that we received about this section also related to the section for applicants and have been considered in that section. We have only highlighted below the subsections within section 4 where we received comments.

General comments

We received a small number of comments about this section. Scottish Ambulance Service commented that it would be useful to distinguish in this section between the role of the HPC and the role of an employer.

Our comments

We have considered this comment but will not make any further amendments.

Self declarations

The Council of Deans of Health suggested that the section on 'self declarations' should be rewritten to provide more clarity, perhaps including a flow diagram to explain the process. They commented that members of the Council '...stressed the need to encourage transparency from individual and not to discourage anyone from self-declaring'.

Our comments

We have considered the comments we received about this subsection and will add a flow diagram to help to explain the process. We will review the subsection to ensure that it encourages transparency.

The registration panel

The College of Occupational Therapists commented that the section for registrants on the registration panel was slightly different to the section for applicants on the same topic. They highlighted that, whilst the section for applicants made reference to 'exceptional circumstances' where health conditions may affect an applicant's ability to practise safely and effectively, no such reference was made in the section for registrants. They emphasised that it was important that the two sections were consistent.

Unison Health Care commented that much of the information here replicated the information in the section for applicants and suggested that the sections were combined to reduce repetition.

Our comments

We will review this section to ensure consistency with the section for applicants.

Guidance on how we may consider character information

The CSP made two comments about this section. They suggested that the HPC should include information relating to character that was not limited to convictions and cautions. This could include reference to inclusion on the Barred List under the Safeguarding Vulnerable Groups Act. They also commented that there were differences in the guidance in this subsection and the same subsection for applicants. They highlighted that the requirements of registrants in relation to character are expressed differently; that no reference is made to civil proceedings against registrants and that no reference is made to actions taken against an individual by a professional body. They suggested that, for clarity, these omissions should be checked to see if they were intentional.

Our comments

We will review this section to ensure consistency with the section for applicants.

Guidance on how we may consider information about health

BIOS commented that they felt that a registrant's health was the realm of the employer rather than the HPC. They commented that they did not feel '...that it is the role of the HPC to determine the health of the registrant or rule on their physical fitness to practice'.

Our comments

Under the Order, we can consider whether a registrant's fitness to practise is impaired by reason of their mental or physical health. As such, we do not make decisions about the registrant's health only whether their health affects their ability to practise safely and effectively.

We receive allegations about health very rarely. Usually registrants manage their own fitness to practise, including managing their health, which means that they do not need to have any contact with our fitness to practise processes. However, on a few occasions we receive allegations that a registrant is not managing their health condition and that their failure to do so is affecting their ability to practise safely and effectively. On these occasions, we can consider whether we need to take action to protect the public.

Respondents

Below is a list of those who responded to the consultation. Where a response has been given on behalf of an organisation, we have given the name of the organisation in the text. Where the response comes from an individual, we have not.

We received 6 responses from individuals and 39 responses from organisations.

Anglia Ruskin University, Faculty of Health and Social Care
Association for Clinical Biochemistry
Association for Perioperative Practice
The Association of Child Psychotherapists
The Association of Heads of Psychology Departments
The Association of Independent Hearing Healthcare Professionals
British Academy of Western Medical Acupuncture
The British Association for Counselling and Psychotherapy
The British Association of Art Therapists
The British Association of Dramatherapists
The British Dietetic Association
The British and Irish Orthoptic Society
The British Psychological Society
The Chartered Society of Physiotherapy
The College of Occupational Therapists
The College of Operating Department Practitioners
The Council of Deans of Health
East of England Ambulance Trust
Eastern Health and Social Services Board
Fife NHS Board
The General Medical Council
Heart of England Foundation Trust, Allied Health Professions
Institute of Biomedical Science
Institute of Chiropodists and Podiatrists
Joint Royal Colleges Ambulance Liaison Committee
Keele University, School of Health & Rehabilitation
Oxford Brookes University, School of Health and Social Care
NHS Birmingham East & North, Allied Health Professions
NHS Dumfries and Galloway
NHS Tayside
North Wales NHS Trust, Therapy Department
Play Therapy UK
Scottish Ambulance Service
The Society and College of Radiographers
The Society of Sports Therapists
Unison Health Care
United Kingdom Council for Psychotherapy
University of Bradford
Welsh Nursing and Midwifery Committee

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

Who is this document for?3
 About the structure of this document.....3
 Section 1: Introduction5
 About us (the HPC)5
 How we are run6
 Approval of education programmes.....6
 About registration6
 Health and character.....7
 Section 2: Information for applicants8
 Other useful publications8
 Applying for registration.....8
 The health declaration9
 The health reference9
 The character declaration.....10
 The character reference11
 The registration panel.....12
 Appeals process.....12
 Section 3: Information for registrants14
 Other useful publications14
 Professional self-regulation14
 The standards of conduct, performance and ethics.....14
 Telling us about changes to your health or character15
 Self declarations15
 Renewing your registration.....19
 The registration panel.....19
 Appeals process.....20
 Section 4: How we consider health information21
 Information that we consider21
 Guidance on how we will consider information about health21
 Managing fitness to practise.....22
 Section 5: How we consider character information23
 Information that we consider23
 Issues the panel considers23
 Convictions and cautions received when a young person24
 Driving offences25
 Section 6: Information for education providers.....26
 Other useful publications26
 The Standards of education and training.....26

Making admissions decisions about applicants with convictions	27
Making admissions decisions about applicants with health conditions	28
Misconduct during the programme	29
Section 7: More information	31
Glossary of terms	32

Who is this document for?

We are the Health Professions Council (the HPC).

This document provides guidance on our health and character processes. These are the processes that we use when looking at information about the health or character of someone applying to join our Register or already 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 their application for registration.

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 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 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 programme staff.
- Section two is called **Information for applicants**. It 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 is called **Information for registrants**. It is aimed at people who are already on our Register. In this section 'you' refers to the professional registered with us.

- Section four is called **How we consider health information**. This section is aimed at applicants, registrants and education providers. In this section 'you' refers to an applicant or registrant.
- Section five is called **How we consider character information**. This section is aimed at applicants, registrants and education providers. In this section 'you' refers to an applicant or registrant.
- Section six is called **Information for education providers**. It 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 is called **More information** and has information about us. This section contains a glossary of some of the terms used in this document.

Section 1: Introduction

About us (the HPC)

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

Professionals on our Register are called 'registrants'. We currently regulate 14 professions.

- Arts therapists
- Biomedical scientists
- Chiropodists / podiatrists
- Clinical scientists
- Dietitians
- 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 at: www.hpc-uk.org

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

Our Register is available on our website for anyone to search, so that they can check that their 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 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 legislation called the Health Professions Order 2001, 'the 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 registrants 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.

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.

Approval of education programmes

Part of our role includes approving education programmes. 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. Sometimes, a student who has completed an education programme declares very serious information which means that their application for registration is rejected. It is important to stress that this only happens very rarely.

About registration

Registration shows that the individual meets our standards for their profession.

Registration exists 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

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 practise safely and effectively.

The relationship between a registrant and their service user is based on trust, confidence and professionalism. Checks on an individual's health and character help to reduce the risk of harm and help to 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, of actions which harmed a service user or member of the public or actions which might undermine public 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 is appropriately managed but they may still be able to practise their profession safely. We do not require information about any health condition unless it affects an applicant's or registrant's fitness to practise. We recognise that a disability may not be perceived as a health condition. We only require information about a disability or health condition where it affects an applicant's or registrant's fitness to practise.

It is rare that information you tell us about your health or character affects registration with us. For example, in 2008-2009, we received information about 248 cases related to an applicant's health or character. In only 6 cases, where serious information was declared, was registration declined. However, it is important that you tell us and that we consider this information when making decisions about whether you should be registered with us.

Section 2: Information for applicants

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

It explains what happens to information which 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 these publications for further information.

The relevant publications are:

- Guidance on conduct and ethics for students;
- A disabled person's guide to becoming a health professional; and
- Information about the health reference.

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

Applying for registration

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

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

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

- you are who 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 at: www.hpc-uk.org

When you complete your application you are asked to declare information about your health and character. We work on the principle of 'self regulation'. This

means that you have a personal responsibility, once regulated, to maintain and manage your own fitness to practise. This includes providing us with 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 additional 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

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

When we talk about 'health' we 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.

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 must not be related to you.

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 health condition or about your ability.

The doctor may:

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

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 provided to decide whether we need to ask a registration panel to consider your application. Please see the section below called 'The registration panel' for more information on the process for those cases referred to a panel.

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'.

There is additional information about how we consider health in the section 'How we consider health information'.

The character declaration

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

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

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 allow us to make a judgement about whether, on the basis of past behaviour, an

individual is of good character and should be allowed to register. It is rare that information declared 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 prosecution for a crime. They can include lawsuits brought to claim compensation or for a breach of contract.

If you answer 'yes' to any of the above on the application form then you should provide additional details on a separate piece of paper. We will look at the information and decide whether it raises concerns. If it raises concerns it will be passed on to a registration panel. 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 submit a character reference.

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

- a registrant of the HPC;
- 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 an exhaustive 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, 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.

There is additional information about how we consider character in the section 'How we consider character information'.

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 further 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 HPC).

The panel makes its decision based on the documents you have provided us with and any additional information that we may have collected. The panel meets in private and therefore you can not attend. 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 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 an application for registration.

Appeals process

We will write to you and let you know the panel's decision. If your application is refused we also will provide detailed information about making a registration appeal.

If your application for registration is refused you can appeal the decision by writing to us within 28 days of the date of our letter.

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

You can attend the appeal hearing if you want and be represented by someone who may or may not be legally qualified. You can also provide additional information for the panel to look at. The extra information could include more character references or extra information from your doctor, if appropriate.

If your appeal is unsuccessful, you can appeal our decision in the county court or sheriff's court in Scotland.

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 registration renewal. This section also explains what happens to the information you tell us. In this section, 'you' refers to registrants.

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; and
- What happens if a complaint is made about me?

You can download these publications from our website at 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 is especially important where there have been changes to your health which may affect your fitness to practise.

As a registrant, 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

Our standards of conduct, performance and ethics 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.”

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

Telling us about changes to your health or character

As a registrant, you must tell us about adverse changes to your character, such as receiving a conviction or caution or being disciplined by your employer. You can do so either by contacting us through a self referral or when you renew your registration. You must tell us about changes to your health which affect your fitness to practise when you renew your registration. Both processes are explained below.

Information supplied as a self referral follows a slightly different process to information which is supplied during registration renewal. In both cases, information is passed to a registration panel. When an individual is renewing their registration, the registration panel has an opportunity to stop them from renewing their registration when cases are very serious. However, in a self referral information is declared outside registration renewal. As a result, very serious information must be passed to a fitness to practise panel for it to make a decision on whether the information affects your registration.

Self referrals

We understand that you may be worried about the impact 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 provide reassurance to you.

The process for looking at information which you tell us about involves passing information to a registration panel before it is considered as a fitness to practise issue. This extra stage means that it is rare that self declared information affects registration.

All of the professions we regulate are ‘notifiable occupations’. This means that we should automatically be informed by the police if you are cautioned or convicted of an offence.

However, you should still tell us as soon as possible if you are convicted of an offence, receive a caution, are disciplined by your employer or placed under any

practise restriction because of concerns about your conduct or competence. You must do this by writing to the Fitness to Practise Department at the HPC. The address can be found in the section called 'More information'.

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

If the issue is not referred to our Fitness to Practise department, we will write to you and let you know. No further action will be taken.

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

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

The panel at a final hearing can make the following decisions:

- to take no further action;
- send the case for mediation;
- impose a caution;
- a conditions of practice order;
- impose a suspension order; or
- in very serious circumstances, strike you off the Register.

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

You only need to tell us about changes to your health when you renew your registration. However, if you do decide to tell us, we will look at that information and carefully consider whether we might need to take any action.

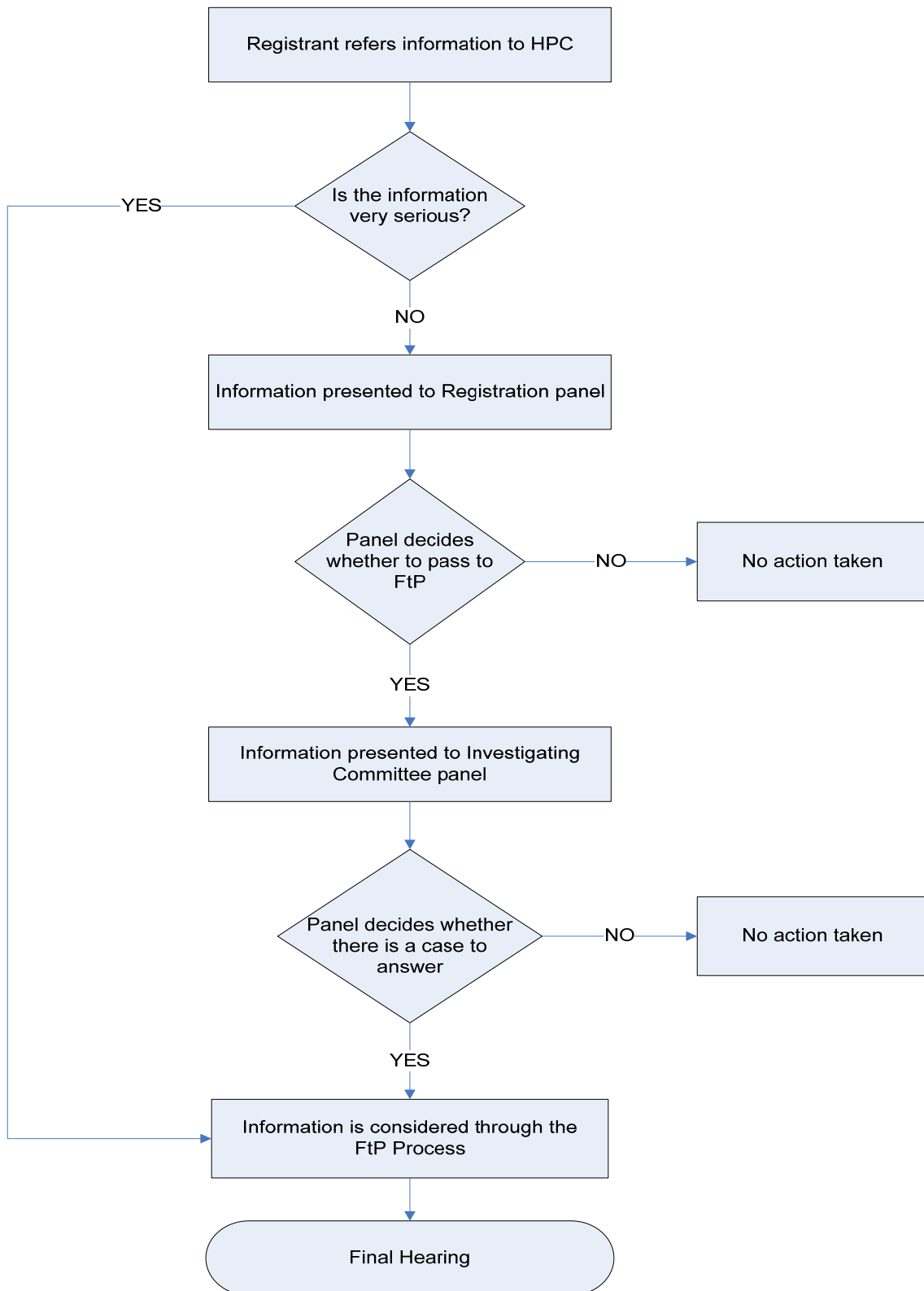
You must still comply with the Standards of conduct, performance and ethics. Standard 12 says:

“You have a duty to take action if your physical or mental health could be harming your fitness to practise. You should get advice from a consultant in

occupational health or another suitably qualified practitioner and act on it. This advice should consider whether, and in what ways, you should change your practice, including stopping practising if this is necessary.”

We have added a diagram which outlines the process for self-declarations on page 18.

Self declarations



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 the HPC 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;
- 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 sufficiently serious, 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 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 delay in renewing registration.

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.

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

We will write and tell you the date when the panel will meet at least 14 days in advance and will invite you to send us any further information that you would like the panel to consider.

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

The panel makes its decision based entirely on the documents you have provided. It may also consider additional information that we may have collected.

The panel meets in private and therefore you can not attend the meeting. We will send you a copy of all the information that that panel looks at and you will be given 14 days to respond to anything that you have not previously seen.

The panel will decide whether 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 renewal of 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 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 in the county court or sheriff's court in Scotland.

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

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, our consideration is whether the health condition impacts on your ability to practise safely and effectively.

Information that we consider

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

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 on the basis of 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 sought 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 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 a poorly managed alcohol dependency problem. However, it is still important that every case is treated individually and that we avoid stereotypes and misinformed judgements.

Managing fitness to practise

This section is only for registrants. In this section 'you' means a registrant.

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

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

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

Making amendments to your practice if necessary is part of managing your fitness to practise. We have produced a document on this topic which you can download from our website at www.hpc-uk.org.

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

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

Issues the panel considers

When making decisions about character, we are considering whether an individual is capable of practising safely and effectively and whether their behaviour in the past suggests that they are able to do so.

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

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

When looking at issues around your character, the panel may consider:

- the number and nature of offences or the events;
- the seriousness of the offence or the event;
- when and where the offences or events occurred;

- any information provided by you in mitigation; and
- 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.

A panel may consider the circumstances surrounding the case and whether you demonstrated insight into your behaviour or conduct. A panel may also consider the punishment that was imposed, 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, violence, 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, it is unlikely that these types of convictions or cautions would normally affect your application for registration. However, you should still declare all such convictions or cautions.

Driving offences

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

It is rare for driving offences to affect an application for registration but you should still declare them as we need to make our decisions on a case by case basis.

However, you do not need to declare fixed penalty motoring offences 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 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; and
- Guidance on ethics and conduct for students.

You can download of these publications from our website at 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. We have recently published revised SETs following public consultation.

SET 2 is about the admissions procedures to a programme. SET 2.3 requires education providers to apply selection and entry criteria, including criminal conviction checks. SET 2.4 requires education 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.

We have added a new SET requiring education providers to have a process in place for dealing with concerns about students' profession-related conduct (3.16). We believe that this will help you to identify students who may not be fit to

practise and help them to address any concerns about their conduct in relation to their profession.

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. We also can not 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 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 not be able to register with us.

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

"However, we will consider rejecting an application for registration, or removing you from the Register if you are already registered, if you are convicted of a criminal offence or accept a police caution that involves one of the following types of behaviour:

- Violence.
- Abuse.
- Sexual misconduct.
- Supplying drugs illegally.
- Child pornography.
- Offences involving dishonesty.
- Offences for which you received a prison sentence".

You can find further guidance about how we look at convictions and cautions and character more broadly in the section entitled 'How we consider character information'.

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.

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 occurred;
- any information provided by the applicant in mitigation; and
- the applicant's character and behaviour 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. In addition, insight and understanding into the offence or misconduct are extremely important. An individual may have a greater understanding of the importance of 'good character' as a result of a previous minor offence.

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

Making admissions decisions about applicants with health conditions

You may receive an application from an applicant with a health condition or 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 impact that a health condition may have on an individual's ability to practise safely and effectively.

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 in one of the professions we regulate. This also means that we can not provide a list of the health conditions which would prevent someone from completing an approved course.

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

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

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

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

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

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

The vast majority of applicants who declare health conditions find that their declaration does not affect their application for registration. This is because often the applicant shows insight and understanding into their condition. Alternatively, 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 assist your decision making. You may also want to refer to the section 'How we consider information about health'.

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

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

Section 7: More information

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

Tel: +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 obtain compensation or to deal with a breach of contract.

Criminal conviction check

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

Education and training provider

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

Fit to practise

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

Lay member

A panel member who is not a registrant or eligible to be registered by the HPC.

Professional body

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

Register

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

Registrant

A professional who appears on the HPC's Register.

Regulator

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

Service user

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

Standards of conduct, performance and ethics

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

Standards of education and training

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