

## **Guidance on Health and Character: information for education providers**

## Introduction

We are the Health and Care Professions Council (HCPC). 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'. Anyone can search our Register on our website, so they can check that their professional is registered.

The relationship between a registrant and the service user is based on trust, confidence and professionalism and so it is important we check the health and character of everyone who applies to join our Register. This is to make sure that applicants will be able to practise safely and effectively within their profession. We can also take action to protect the public if a registrant's health or character raises concerns about their ability to practise safely and effectively.

As education providers, you need to know how to advise students and make decisions about how issues of student misconduct or changes in their health will be dealt with while they are studying.

The HCPC expects education providers to have their own policies in place for dealing with health and character issues of their students and to follow the law in their own country. This document provides guidance to education providers and sets out

- The Standards of Education and Training (SET) which education providers must meet.
- The process education providers should follow when dealing with a student with a health concern.
- The process education providers should follow when dealing with a student with a previous conviction or other character issue which may prevent them from joining the register.
- A selection of case studies

We would still recommend that education providers familiarise themselves with all other relevant guidance from the HCPC including our guidance on [Health, Disability and Becoming a Health and Care Professional](#), [Guidance on Conduct and Ethics for Students](#), and our full [Guidance on Health and Character](#) aimed at applicants and registrants.

## The Standards of education and training

We set the Standards of education and training (SETs) which programmes are approved and monitored against. Our SETs must be read in the round but SET 2 – relating to programme admission – and SET 3 – relating to the management of a programme – are particularly relevant.

SET 2.4 says the admissions process must assess the suitability of applicants, including criminal conviction checks.

SET 2.5 says that the admissions process must ensure that applicants are aware of and comply with any health requirements.

SET 3.16 says that there must be thorough and effective processes in place for ensuring the ongoing suitability of learners' conduct, character and health. We believe that this will help you to identify students who may not be fit to practise and help them to manage any concerns about their conduct in relation to their profession

## Deciding whether to accept an applicant with a conviction

You may worry about accepting an application with a conviction or caution or what to do when a current student is convicted or receives a caution. In particular, you may be concerned about them not being able to join the HCPC Register HCPC after they have completed their programme.

We consider the information we receive about applicants on a case-by-case basis. As a result, we cannot provide a list of convictions and cautions that would definitely lead us reject an application for registration. We also cannot provide a list of convictions or cautions that should definitely lead to you rejecting an application.

However, there are certain types of offences which we believe usually mean a person should not be registered within one of the professions we regulate. The types of convictions which might result in us removing a registrant from the Register usually relate to offences of a sexual nature or dishonesty. These types of convictions might prevent an applicant registering with us.

When an applicant applies with the HCPC, we ask them to declare if they have:

- been convicted of a criminal offence or received a police caution or conditional discharge for a criminal offence other than a protected caution or protected conviction (these are cautions and convictions that you do not need to tell us about);
- received cautions or convictions in countries outside the United Kingdom, if the offence is one that could have resulted in a caution or conviction in England or Wales;
- been subject to disciplinary action by a higher education institution, including both HCPC and non-HCPC approved courses; or
- another organisation responsible for regulating a health or social-care profession has taken action or made a finding against you.

When you make admissions decisions, you may want to consider the Standards of conduct, performance and ethics. You may also want to consider whether the individual's conviction or caution might affect their suitability for registration or affect the public's confidence in their profession.

When making a decision, you may want to consider:

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

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

We know that deciding whether to accept an applicant with a criminal conviction or caution can be difficult. It is important to remember that even if you make your own decision about an applicant and allow them to join your programme, they will still have to go through our character process when they apply to join the Register. Whether you have considered an applicant's conviction or caution (received before admission to your programme or during the programme) is one of the factors we will consider when they apply for registration. However, it is rare for us to refuse an applicant from an approved programme. You can find out more about this on page 5 of the Guidance on health and character in Information for applicants.

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

You may receive an application from someone with a health condition or you may become aware of a health condition once the student is on your programme. You may be concerned about this health condition's impact on that student's ability to practice.

When we talk about 'health' we do not mean people who are 'healthy' or in 'good health'. Instead, we consider the effect that a health condition may have on someone's ability to practise safely and effectively.

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

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

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

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

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

We have produced a guide for prospective registrants and admissions staff, called [Health, disability and becoming a health and care professional](#).

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 into and understanding of their condition; and
- whether they have medical or other support.

When you make admissions decisions about applicants, you may want to set up an advisory panel to help you make the decision. You may also want to refer to the section How we consider health information on page 16.

We advise education providers as well as applicants to our register to familiarise themselves with our Guidance on Health and Character. While this document does not provide guidance to education providers about how they should take decisions, it can provide insight into how the HCPC views health and character declarations.

While not an exhaustive list, education providers should be able to answer 'yes' to the following questions:

- Is the student's health condition managed?
- Where the condition is managed is the student able to meet the learning outcomes of their programme? Can reasonable adjustments be made which enable the student to meet these outcomes?
- In light of the above, will the student be able to meet the Standards of Proficiency if admitted to the register?

Our guidance should be read in the round and so we would advise education providers to familiarise themselves with all relevant guidance in this area. For health conditions, our [Health, Disability and Becoming a Health and Care Professional](#) provides detailed information about managing health conditions, including reasonable adjustments.

## Misconduct during the programme

You will have your own procedures for handling misconduct which happens while a student is on a programme. These procedures are often separate from those which may look at concerns about academic performance.

When looking at misconduct, you may want to refer to the standards of conduct, performance and ethics. You may also want to look at the guidance we have produced called Guidance on conduct and ethics for students. Any decision you make about a student's misconduct will not necessarily affect whether that person could join the Register. The student would still need to go through our health and character process and provide any relevant information.

If you remove a student from your programme because of misconduct, you should tell us. If we believe the misconduct is serious enough, we can keep the information and look at it if the person ever applies to us for registration in the future.