

Self-referral by Registrants

A recommendation from the Investigating Committee to the Education and Training Committee

Background

The Council's Standards of Conduct, Performance and Ethics (SCPE) state that registrants must provide the Council with any important information concerning their conduct, competence or health. In particular, the SCPE state that registrants must inform the Council if they are

- convicted of a criminal offence (other than a motoring offence-other than those involving alcohol or drug misuse or resulting in death) or accept a police caution;
- disciplined by any organisation responsible for regulating or licensing a health or social care profession; or
- suspended or placed under a practice restriction by an employer or similar organisation because of concerns about their conduct or competence

It is in the public interest for the Council to encourage self-referral by registrants but, in the past such self-referrals have been treated as if they were fitness to practise allegations. The Investigating Committee believes that such an approach is wrong for three reasons:

- treating self-referrals as allegations means that there is no incentive for a registrant to comply with the SCPE. Self referrals should not be treated in the same way as convictions that only come to light via a certificate of conviction or caution provided by the courts or the police;
- self referrals are usually written in a way which indicates that the registrant is looking for guidance from the HPC. Therefore treating such correspondences as an allegation is unfair and does not comply with the requirements of the 2001 Order; and
- if a self-referral is treated as an allegation it is likely that the Investigating Committee will determine that, because of a lack of evidence there is no case to answer. If a detailed allegation is then made in relation to the same matter, it will not be able to proceed – no matter how compelling the evidence – because it would expose the registrant to double jeopardy.

In the Investigating Committee's view, self-referrals should be treated in the first instance as character (and thus registration rather than fitness to practise) issues in a similar way to convictions and cautions which are disclosed in the course of an application for admission to, or renewal of, registration.

It should be made clear to self-referring registrants that the matter was going to be dealt with in this way but with a warning that, if it appears that the registrant's fitness to practise is called into question, the matter will be referred to the Investigating Committee at which time the registrant would have an opportunity to comment. At that point the matter would become an allegation and using that approach would ensure that the registrant is given the opportunity to comment and has the same rights as any other registrant facing an allegation.

Recommendation

The Investigating Committee recommends that the Education and Training Committee establish appropriate procedures by which a panel comprised of members of that Committee or, if it thinks fit, the Registration Committee may consider and report upon self-referrals.