

**Health Professions Council
Education and Training Committee
Health and Character Declarations**

Executive Summary and Recommendations

1. Introduction

This paper sets out the policy and procedure that HPC should adopt when it receives:

- self referrals of health or character issues by registrants
- health and character declarations on renewal of registration
- Health and character declarations on application for admission or re-admission to the register

The Council's Standards of Conduct, Performance and Ethics sets out HPC's expectations of registrants and it is expected that anyone who wishes to be admitted to the HPC register will have kept to those standards. They are the basis on which HPC will assess complaints against a health professional and they are also the standards that will be used to help decide whether to allow a prospective registrant onto the register.

Furthermore, applications for registration with HPC must satisfy the Education and Training Committee as to their good health and character. Rule 5 of The Health Professions Council (Registration and Fees) Rules Order of Council 2003 provides:

“5. – (1) For the purpose of satisfying itself as to the good character of the applicant, the Committee shall have regard to-

- (a) the character reference provided under rule 4(2) or (3);

- (b) any conviction or caution which the applicant has received in the United Kingdom for a criminal offence or a conviction received elsewhere for an offence, which if committed in England and Wales, would constitute a criminal offence;
- (c) any determination by a body responsible for regulating or licensing a health or social care profession to the effect that the applicant's fitness to practise is impaired; and
- (d) any other matters which, in the opinion of the Committee, appear to be relevant to the issue,

and for this purpose the Committee may seek information additional to that provided with the application for registration from any person or source as it considers appropriate.

- (2) For the purpose of being satisfied as to the physical or mental health of the applicant, the Committee shall have regard to -
 - (a) the health reference or other evidence provided under rule 4(2)(b), (4) or (5); and
 - (b) such other matters as appears to it to be relevant,

and for this purpose the Committee may seek information additional to that provided with the application for registration from the applicant and from any other person or source as it considers appropriate and may require the applicant to be examined or further examined by a doctor nominated by the Committee.”

At its meeting on 15th February 2005, the Education and Training Committee resolved that “self-referrals” are to be dealt with in the first instance as character (and thus registration) issues rather than fitness to practise issues and should be treated in a similar way to convictions and cautions that are disclosed in the course of applying for or renewing

registration . In such instances a Registration Panel is asked to decide whether the conviction or caution (or any other disclosure made) is relevant to the person’s registration.

A Registrant who makes a declaration in line with paragraph 4 of the Standards of Conduct, Performance and Ethics will be advised that this information – and any other observations the registrant wishes to make – will be presented to a Registration Panel. The role of the Panel is to determine whether the issue is of such a nature that its consideration via the fitness to practise process is required. In cases where registrants self-refer, HPC will make it clear that, in the first instance, the matter will be assessed by a Registration Panel for guidance. The registrant will be also warned that if, on the basis of that guidance the Council considers that the registrant’s fitness to practise is brought into question, the matter may be referred to the Investigating Committee at which time the registrant will have a further opportunity to comment. At this point the matter becomes an Article 22(6) allegation and the procedures under Part V of the Health Professions Order 2001 apply.

A Registration Panel would comprise of a Chair, a registrant from the appropriate part of the Register, a lay partner and, if necessary, a doctor. Registration Panels will determine, on whether there is a fitness to practise issue that needs to be considered.

Investigating Panels (whose role is to consider “case to answer” decisions in relation to fitness to practise allegations) meet three times a month it is intended that Registration Panels will be drawn from and meet after the Investigating Panels, thus ensuring all necessary professionals are represented and that cases are dealt with expeditiously.

Health and character declarations that are made in the course of readmission, registration or renewal of registration would be dealt with in a similar way. If an applicant declares a health or character issue, further inquiries would be made (in line with Rule 5 of the Registration and Fees rules) and the applicant would be advised that their declaration, and any further

representations that they may wish to make, will be considered by a Registration Panel. The applicant would be given 14 days in which to make any representations. The role of the Registration Panel in such cases is to determine whether the declaration prevents the individual from being renewed, readmitted or registered. If that is found to be the case, the applicant would have the right to make a registration appeal.

The initial procedures in all cases would be dealt with on the documents alone and the Fitness to Practise team will take responsibility for this process.

By establishing a clear process, the HPC will be able to identify the types of issues that affect registration, admission or renewal and develop appropriate policies to address them.

ISSUES FOR CONSIDERATION

When renewing registration, a registrant is obliged to declare whether there have been any changes relating to their health or good character of which HPC has not been advised of and which may affect the practice of their profession. The information HPC should be advised includes criminal convictions or any changes to a registrant's health which may impair that registrant's ability to practise safely.

Registration Panels will determine whether a person is;

- of appropriate good character to be admitted to the Register; or
- whether the health issues applicant has raised are compatible with them being on the Register.

When considering character declarations, Panels should take into consideration;

- the nature and seriousness of the offence or misconduct

- the applicant's character and conduct since the offence

HEALTH

When considering health declarations, Panels should take in to account whether the applicant has;

- sought medical or other support as appropriate
- made reasonable adjustments to their working conditions or agreed then with their employer
- restricted their scope of practice to those areas where they are confident that they meet the Standards of Proficiency

2. Decision

The Committee is asked to approve the policy and procedure set out above that the HPC should adopt when in receipt of Health and Character declarations.

3. Background information

None

4. Resource implications

The Fitness to Practise department will be responsible for the management of this area.

5. Financial implications

None

6. Background papers

None

7. Appendices

None

8. Date of paper

25th May 2005

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