

## Education and Training Committee –25 September 2008

### Information for Registration Panels

#### Executive summary and recommendations

#### **Introduction**

In March 2008, the Education and Training Committee considered a review of the health and character process, and the recommendations made by the executive in relation to the process.

The Committee agreed that formal information about the process and should be produced and provided to partners that sit on registration panels. The information has been drafted and is attached.

#### **Decision**

The Committee is asked to discuss and approve the attached document.

#### **Background information**

In June 2007 the Education and Training Committee considered and agreed proposals and timescales for a review of the health and character process. The review document was considered in March 2008. Guidance on the health and character process for applicants, registrants and education providers, is being drafted by the Policy and Standards Department.

#### **Resource implications**

None

#### **Financial implications**

None

#### **Appendices**

Registration Panels - Information for Partners

Date	Ver.	Dept/Cmte	Doc Type	Title	Status	Int. Aud.
2008-05-29	a	F2P	AGD	Health and Character Report - June 2008	Final DD: None	Public RD: None

**Date of paper**

9 September 2008

## **Registration Panels - Information for Partners**

### **Introduction**

In May 2005, the Council approved the policy and procedure that HPC should adopt when considering the following matters:

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

When HPC receives a declaration as set out above, the information is considered by a Registration Panel which acts on behalf of the Education and Training Committee.

This information has been produced for panel members to explain the types of health and character cases they will be asked to consider, and what decisions they can make in relation to each type of case.

### **Types of cases**

#### ***Self referrals***

When an individual is on the register, HPC encourages self declaration of any issue that may affect their fitness to practise. Standard 4 of the current standards of conduct, performance and ethics states that:

*“You must provide any important information about your conduct and competence.”*

When a self referral is received concerning the registrant’s competence or conduct (including character issues), further information will be sought where appropriate by a Case Officer. This may be from the registrant, or, for example, the registrant’s employer or the police, in order to provide as much information as possible to the panel. However, HPC is not able to demand that information is provided for the purposes of a health or character declaration (see Requesting Information below).

The panel must decide whether the matter declared is sufficiently serious to be considered through the fitness to practise process. If the panel recommends that the matter is referred to the fitness to practise process, it is dealt with as an allegation under Article 22(6) of the Health Professions Order 2001. This provision allows the Council to investigate a matter where an allegation is not made in the normal way. This power has been delegated to the Executive and legal advice is sought in each case.

Registrants are no longer required to declare health issues outside the admission, readmission and renewal processes. However, if a registrant does self refer a health issue, in most cases they will be managing their fitness to practise and demonstrating insight through making the declaration and a panel will not be asked to consider the case. If the declaration raises concerns, or it is not clear from the letter that the registrant is managing their fitness to practise, a panel will be asked to consider the case and can recommend a referral the matter to the fitness to practise process as set out above.

### ***Health and character declarations on application for admission or re-admission to the register***

When an individual applies to the register, they are required to declare any health or character issues, including any previous convictions or cautions and any disciplinary action that may have been taken against them. These cases also include circumstances where information was sent to the HPC about the applicant before they applied, or while their registration had lapsed. Where information is received in these circumstances, details are logged on a watchlist which notifies to the registrations department when someone with similar details makes an application. The case is then passed to the Fitness to Practise Department and considered in the same way as a declaration made by an applicant.

The panel is asked to consider whether the applicant's application for registration should be allowed.

### ***Health and character declarations on renewal of registration***

Every two years, registrants are required to renew their registration. This involves making a declaration that:

- they continue to meet the HPC's standards of proficiency for the safe and effective practice of their profession; and
- there have been no changes to their health or relating to their good character which they have not advised HPC about and which would affect their safe and effective practice of their profession.

The panel is asked to consider whether renewal of registration should be allowed.

### **Requesting information**

Depending on the information that is provided by the registrant/applicant, it may be necessary for further information to be obtained either from the applicant or from a third party such as an employer. This further investigation will undertaken by the Case Officer responsible for the case prior to the matter being considered by a panel.

HPC has no power to demand information from any party during the health and character process. Article 25(1) powers (the power to require information for the purposes of a fitness to practise investigation) do not apply to this process

Panels must make a decision based on the information that the registrant/applicant has provided, or that has been provided voluntarily by other parties.

## Decisions

The decision that the panel are asked to make is summarised in the table. The decision varies depending on the type of case being considered. The test should not be confused with that used for Investigating Panel cases, i.e. case to answer and panels should take care to use the correct terminology. Each case is considered on its own merits. The table below gives some examples of cases that have or have not been referred to the FTP process, but they should be considered as illustrative, not precedents.

In all cases the panel must provide detailed reasons for their decision. Should the applicant have a right of appeal and choose to exercise it, the reason given by the panel will form the basis of that appeal.

Type of Case	Test	Panel decision options	Right of appeal?
Self referral	Does the matter referred affect his/her fitness to practise	Recommend a referral to FTP process	No
		Do not recommend a referral to FTP process	N/A
Declaration on renewal	Does the matter referred affect his/her eligibility for registration	Renewal allowed	N/A
		Renewal rejected	Yes
Declaration or admission/re-admission	Does the matter referred affect his/her eligibility for registration	Registration allowed	N/A
		Registration rejected	Yes

Decision templates are provided for the panel chair.

## Appeals

Applicants and registrants have a right of appeal if their application or renewal is refused. The appeal is made to the Council against the decision of the Education and Training Committee, on whose behalf Registration Panels act.