

Standards of Proficiency Review PLG

Meeting: 24th January 2006

Competence standards and the Disability Discrimination Act

Introduction

There has been discussion by some members of the group regarding issues of fitness to practise and fitness for purpose and the obligations of HPC, employers and higher education institutions under the Disability Discrimination Act. This brief explanatory paper addresses the definition of competence standards under the Disability Rights Act.

Decision

No decision is required; this paper is for information only.

Background information

The Disability Rights Act and the Code of Practice for Trade Associations and Qualifications Bodies can be accessed by visiting: www.drc-gb.org

The Council's consultation documents detailed overleaf can be accessed by visiting: www.hpc-uk.org/consultation

Resource Implications

None

Financial Implications

None

Appendices

Date	Ver.	Dept/Cmte	Doc Type	Title	Status	Int. Aud.
2005-12-08	a	POL	COR	Competence standards	Final DD: None	Confidential RD: None

Competence standards and the Disability Discrimination Act

The Disability Discrimination Act establishes legal rights for disabled people and legislates against discrimination on the basis of disability. Regulatory Bodies such as the HPC are classed as qualifications bodies under the Act.

The Council, as a qualifications body, can set competence standards for entry to the register. Competence standards are defined by the Act as ‘an academic, medical or other standard applied by or on behalf of a qualifications body for the purpose of determining whether or not a person has particular level of competence or ability’. To avoid unlawful discrimination, the qualifications body must ensure that the standard can be objectively justified. In particular the code of practice suggests that qualifications bodies should review their competence standards and that this might include:

- ‘Identifying the specific purpose of each competence standards which is applied and examining the manner in which the standard achieves that purpose;
- Considering the impact which each competence standard may have on disabled people and, in the case of a standard which may have an adverse impact, asking whether the application of the standard is absolutely necessary.’¹

The Standards of Proficiency

The Standards of Proficiency are the minimum *necessary* threshold standards for entry to the register. This means that have to be “absolutely essential” or “indispensable”.²

Members of the Education and Training Committee agreed on 28th April 2005 to review the Standards of Proficiency with the aim of ensuring that were not unnecessarily discriminatory in line with the code of practice detailed above. They concluded that the existing standards complied with this requirement.

Employers and higher education institutions have additional responsibilities under the act to explore reasonable adjustments which might allow a disabled applicant or registrant to meet the Council’s standards. Registrants must also make reasonable adjustments to their practice (including negotiating adjustments with their employer) to ensure that they practise safely and effectively within their scope of practice.

¹ Code of Practice for Trade Associations and Qualifications Bodies (produced by the Disability Rights Commission)

² ‘The Legal Context’ (discussed at PLG on 12th October 2005).

Conclusions

The group is invited to discuss the following conclusions:

The group will want to ensure that the existing standards and any proposed amendments or additional standards are absolutely necessary as competence standards for entry to the register.

Issues around health, disability and registration are addressed in more detail in documents entitled 'Becoming a health professional' and 'Information about the health reference' which were recently consulted upon and provide advice to applicants, higher education institutions and Doctors.

The consultation document 'Managing fitness to practise' addresses issues of scope of practice and is applicable to situations where a physical or other impairment might affect a registrant's fitness to practise in some way.

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