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How we consider information that applicants  
or registrants declare

# Guidance on health and character

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# Who is this document for?

We, the Health and Care Professions Council (HCPC), have written this document to provide guidance on our processes when assessing the health and character of people who apply to, or who are on, our Register.

You may find this document useful if you are:

- applying to us to be registered or considering applying to us to be registered (an ‘applicant’);
- currently registered with us (a ‘registrant’);
- working in education and making decisions about students applying to a programme; or
- working in education and advising students on applying for registration.

This is not a full list of possible audiences. However, it should help to give you an idea of whether this document will help you.

## About the structure of this document

To help you get the information you need, we have divided this document into seven sections. There are different sections for applicants, registrants and education providers. We have done this because the processes are slightly different for applicants and registrants. Some of the information provided for applicants and registrants may also be useful to education providers.

Sometimes we have repeated the same information in more than one section to make sure that we provide the relevant information to all those reading the document. Below is a guide to what we have included in the following sections.

- Section 1, **Introduction**, contains information about us, our standards and what we do. This section is for everyone.
- Section 2, **Information for applicants**, is aimed at people who are interested in working within one of the professions we regulate and applying for registration with

us. It gives information about the application process and the information we need to know about an applicant’s health and character. In this section, ‘you’ refers to the person applying to us.

- Section 3, **Information for registrants**, is aimed at people who are already on our Register. This section explains the process of making health and character declarations at different times, and how we consider the information we receive from these declarations. In this section ‘you’ refers to the professional registered with us.
- Section 4, **How we consider health information**, is aimed at applicants and registrants but may also be useful for education providers. This section explains how we look at information about your health and the processes we use. In this section ‘you’ refers to an applicant or registrant.
- Section 5, **How we consider character information**, is aimed at applicants and registrants but may also be useful for education providers. This section explains how we look at information about your character and conduct and our fitness to practise processes. In this section ‘you’ refers to an applicant or registrant.
- Section 6, **Information for education providers**, is aimed at admissions staff and staff on the programme team. This section provides guidance to staff who need to advise students on health or character requirements when the students are applying to enter a programme, or when they are applying to our Register. In this section ‘you’ refers to the education provider or staff on the programme team.
- Section 7, **More information**, explains how to find more information about us and contains a glossary of some of the terms we have used in this document.

# Section 1 – Introduction

## About us

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'. We currently regulate 15 professions.

- Arts therapists
- Biomedical scientists
- Chiropodists / podiatrists
- Clinical scientists
- Dietitians
- Hearing aid dispensers
- Occupational therapists
- Operating department practitioners
- Orthoptists
- Paramedics
- Physiotherapists
- Practitioner psychologists
- Prosthetists / orthotists
- Radiographers
- Speech and language therapists

We may regulate other professions in the future. For an up-to-date list of the professions we regulate, please see our website ([www.hcpc-uk.org](http://www.hcpc-uk.org)).

Each of these professions has one or more 'designated titles' which are protected by law (these include titles like 'physiotherapist' and 'dietitian'). Anyone who uses one of these titles

must be on our Register. Anyone who is not registered with us who misuses a designated title is breaking the law and could be prosecuted.

You can see our Register on our website. Anyone can search it, so they can check that their professional is registered.

Another important part of our role is to consider any concerns we receive about registrants. We look at every complaint we receive to decide whether we need to take action. We may hold a hearing to get all the information we need to decide whether someone is 'fit to practise'.

## How we are run

We were created by the Health Professions Order 2001. This sets out what we must do and gives us our legal power. We have a Council which is made up of registrants and members of the public. The Council sets our strategy and policies and makes sure that we are fulfilling our duties under the Health Professions Order 2001.

Health and care professionals must register with us before they can use a designated title for their profession. This means that even if you have completed a programme in physiotherapy for example, you will still not be able to call yourself a 'physiotherapist' unless you are registered with us.

## Approving education programmes

Part of our role includes approving education programmes. Health and care professionals must complete these programmes to become registered with us. However, completing an approved programme does not guarantee that someone will be able to register with us. Sometimes a student who has completed an education programme declares very serious information which may mean that we reject their application for registration. It is important to stress that this only happens very rarely.

## **Our Register**

Being on our Register shows that a professional meets our standards for their profession.

We have a Register to show the public that professionals are fit to practise, and that they are entitled to use the protected title for their profession. It shows that registrants are part of a profession with nationally recognised standards set by law.

When we say that someone is ‘fit to practise’, we mean that they have the skills, knowledge, character and health to do their job safely and effectively.

## **Health and character**

We must 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.

The relationship between a registrant and the service user is based on trust, confidence and professionalism. By checking a person’s health and character, we can help to reduce the risk of harm and support the public’s trust in the professions that we regulate.

When making decisions about character, we look at whether someone is of ‘good character’ or whether there is any evidence of past actions which might suggest that the person is not of ‘good character’. Evidence that someone might not be of ‘good character’ could include evidence of untrustworthiness, dishonesty, actions which harmed a service user or a member of the public or actions which might affect the public’s confidence in the registered professions.

When we talk about ‘health’ we mean health conditions which may affect either an applicant’s or a registrant’s fitness to practise. We are not asking whether an applicant or registrant is ‘healthy’. This is because someone may be unwell or may have a health condition which they manage appropriately but they may still be able to practise their profession safely. We do not need information about any health condition unless it affects a person’s fitness to practise. We recognise that a disability may not be seen as a health condition. So, we only need information about a disability or a health condition if it affects an applicant’s or registrant’s fitness to practise.

It is rare that any information we receive about a registrant’s or applicant’s health or character affects their registration with us. However, it is important that applicants or registrants tell us this information so we have it for making decisions about whether they should be registered with us.

# Section 2 – Information for applicants

This section provides information on the application process and the information that you need to give us about your health and character, and what happens to the information you give us. In this section ‘you’ refers to the person applying to join our Register.

## Other useful publications

A number of the topics in this section are also covered in other publications we have produced. You may want to refer to the following publications for more information.

- Standards of proficiency for each profession
- Standards of conduct, performance and ethics
- Guidance on conduct and ethics for students
- Health, disability and becoming a health and care professional

You can download a copy of these publications from our website ([www.hcpc-uk.org](http://www.hcpc-uk.org)).

## Applying to be on our Register

Completing an approved programme does not guarantee that you will become registered. But it does show us that you meet our professional standards and so are eligible to apply for registration. So that we can register you, we need more information from you.

To apply for registration you need to send us information which includes:

- a certified document containing your photograph; and
- a certified document proving your current address.

All of the information that we need from you helps us to make sure that:

- you are who you say you are;
- you meet our standards; and
- we can contact you if we need to.

You can find out more about the application process at [www.hcpc-uk.org/apply](http://www.hcpc-uk.org/apply)

When you fill in your application we ask you to declare information about your health and character. You have a personal responsibility, once regulated, to maintain and manage your own fitness to practise. This includes giving us any information about changes to your health or character which might affect your ability to practise safely and effectively.

As an applicant, we expect you to follow the same principle. Being registered places extra responsibilities on you to act in a professional way. This includes declaring any new information about either your character or health.

If you do not provide accurate information in your application, or if you fail to provide all the relevant information, you will be making a ‘false declaration’. Making a false declaration can result in you being removed from our Register.

## The health declaration

Standard 6.3 of our standards of conduct, performance, and ethics says: ‘You must make changes to how you practise, or stop practising, if your physical or mental health may affect your performance or judgement, or put others at risk for any other reason.’

When you apply to our Register we ask you to sign a declaration to confirm that you do not have a health condition that would affect your ability to practise your profession. We call this a self-declaration. You only need to declare information about a health condition if you believe that your health may affect your ability to practise safely and effectively. If you tell us you have a health condition that might affect your fitness to practise, we will use the



information you give us to decide whether you should be registered.

You do not need to tell us about your health condition or disability if it does not affect your ability to practise safely and effectively, or you know you are able to adapt, limit, or stop your practise if your condition does affect your ability to practise.

You should tell us about your condition if it affects your ability to practise safely and effectively, or if you are not sure whether you will be able to adapt, limit, or stop practising as needed if your condition affects your ability to practise.

When we talk about ‘health’ we are not making judgements about whether people are ‘healthy’ or in ‘good health’. We are also not making judgements about disabilities. You may have a disability or long-term health condition which would mean that you would not consider yourself to be in ‘good health’. However, as long as you manage your condition or disability appropriately, and have insight and understanding, this will not prevent you from registering with us.

Having a disability should not be seen as a barrier to becoming a health and care professional. We have produced guidance for disabled applicants, called Health, disability and becoming a health and care professional, which you should refer to for more information on this issue.

### **The implications of making a self-declaration**

When we ask you to declare whether you have a health condition that could affect your fitness to practise, we are trusting you as an autonomous professional (one who is independent enough to make decisions based on their own judgement) to make an informed and reasoned judgement about whether your health will affect your ability to practise safely and effectively.

You should fill in the health declaration honestly. If we find out later that you did not declare a relevant health issue when making your application, we will investigate, and this could affect your registration. It is important to know that making a declaration to us about a health condition that could affect your ability to practise is a positive action, which shows that you have an awareness of the possible effect of your health on your ability to practise safely and effectively.

If after reading this guidance you are still unsure about whether you should tell us about a health condition, you should tell us anyway and give us as much information as you can. We can then assess whether your condition could affect your ability to practise.

For more information about how we use the information you give us about your health, please see the section How we consider health information on page 16.

### **Insight and understanding**

If you declare a health condition to us, we will want to be sure that you have insight and understanding into your health and how that could affect your ability to practise safely and effectively. By insight and understanding we mean that you have a realistic, informed idea of the limits of your safe practice. ‘Safe practice’ means practice that does not put service users or you at risk. An applicant or registrant who has insight or understanding into their condition will adapt their practice where necessary to reduce, as far as possible, any risk to service users.

The two examples below show how the same health condition may (or may not) affect a professional’s ability to practise, depending on their insight and understanding.

#### **Example**

A recent graduate with epilepsy is applying for registration with us. While the applicant has had epilepsy since he was a child, he has been



taking the same kind of medication for over two years and has not had a seizure during this time. He has made plans for working with his condition. This includes telling his colleagues about it and keeping a small supply of his medication somewhere safe at work in case he needs it. The applicant's insight and understanding of his condition, and the way he is taking responsibility for his continuing treatment, means that his epilepsy should not affect his ability to practise his profession. He signs the health declaration to confirm that his health condition would not affect his fitness to practise.

### **Example**

Someone with epilepsy is applying for registration with us. While this applicant has been prescribed medication by his doctor to help manage his condition, he often avoids taking the medication because he experiences side effects. Because of this, he has had seizures recently. He is unwilling to discuss with his doctor ways of better managing his epilepsy. This applicant cannot sign the health declaration because he is not managing his health condition appropriately and this is likely to affect his ability to practise safely and effectively.

In a case such as this, it is not the health or disability of the applicant that means we need to look at the situation. Instead, it is the concerns about the effect of their health condition or disability on their ability to practise safely and effectively.

### **Public protection and the information you give us about your health**

We were set up to protect the public. We do this by setting the standards our registrants must meet. This means that we only need to know information about your health which may affect the safety of the service users you come into contact with in the course of your work.

If you declare an ongoing health condition or disability to us, this does not mean that we need to be told about your full medical history, as we do not want to receive information that is not relevant to protecting the public. It is rare that any information you give us about your health will affect your registration. We look at every case individually and base our decision on the particular circumstances of each case. As a result, we do not have a list of health conditions which would or would not prevent you from practising as a registered professional. In any situation, the most important factor is not that you have a health condition or disability, but whether the health condition or disability affects your ability to practise safely and effectively.

### **Example**

A graduate has recently returned to the UK after travelling for several months. While away, she was involved in a serious accident and needed urgent treatment. She was then flown home for continuing treatment and therapy.

She is still recovering and getting her application for registration ready for when she is able to start work. She considers whether her health will affect her ability to practise safely once she has recovered from her injury enough to enter employment. She takes into account the fact that, once registered, she will have to take steps to make sure that she only practises in those areas where she is confident she can meet our standards. Because she is not going to enter work until she has recovered to a point that her health will not affect her fitness to practise, she signs her health declaration, giving no further information about her accident.

### **Example**

An applicant to the Register has been receiving treatment for alcoholism for six months. While the applicant is honest about his alcoholism and his treatment is progressing well, he is aware that he has only relatively recently

started his treatment programme and he is still concerned that his condition might be a factor that could affect public safety. As a result, he decides not to sign the health declaration, but instead gives us information about his condition and the treatment programme he is on.

More information about how we consider the health information you give us, including the issues we look at when deciding if your health affects your ability to practise, is on page 16.

### The character declaration

We ask you to fill in a self-declaration about your character as part of your application. In this declaration you need to tell us if you have ever:

- 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);
- been disciplined by another regulatory body, professional body or an employer; or
- had a judgment made against you in civil proceedings for any matter which is relevant to your fitness to practise, such as professional negligence or a dispute with a service user.

We ask you to declare this information as part of our process of checking that you are of ‘good character’. We ask about these areas as we believe that they help us to make a judgement about whether, on the basis of past behaviour, you are of good character and should be allowed to register. It is rare that any information we receive affects registration, but it is important that it is declared.

When you apply to join the Register, you must declare cautions or convictions including those that are considered ‘spent’ because they

happened some time ago, unless they are a protected caution or protected conviction. This also includes cautions or convictions that you may have received in countries outside the United Kingdom, if the offence is one that could have resulted in a caution or conviction in England or Wales.

There are some circumstances where you do not need to tell us about a caution or conviction. This varies depending on the country within the UK that you live in. You can find detailed information on this in the relevant legislation as set out below.

England and Wales

- Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975

Northern Ireland

- Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979

Scotland

- Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013

When considering whether you need to declare a caution or conviction, it is important that you follow the guidance as set out in the relevant legislation that applies to you.

**You must always** tell us about a caution or conviction if it is for a ‘listed offence’ under the relevant legislation of the country you live in (see above). Listed offences include serious violent and sexual offences and offences which may raise concerns about whether you should work with children or vulnerable adults.

You can find more guidance on listed offences and providing information about cautions and convictions on the websites of the disclosure services.

Civil proceedings are any action in a court other than being prosecuted for a crime. They

can include claims for compensation or for breaking the terms of a contract.

If you answer 'yes' to any of the above on the application form, you should provide extra details on a separate piece of paper. We will look at the information and decide whether it raises concerns. If it raises concerns, it will be passed on to a registration panel. The following section provides more information on the process for those cases referred to a panel.

### **The registration panel**

If information about your health or character needs to be considered by a registration panel, we will write to you to let you know. This is because it may delay your registration by a short time. We normally hold at least one registration panel a month for each profession we regulate to try to reduce any delays in becoming registered.

We will write and tell you about the date of the panel at least 14 days before it takes place. At this time, we will write and ask you to send us any more information that you would like the panel to look at.

The panel will include at least one person from the profession you want to be registered in and at least one lay member (someone who is not registered with us).

The panel make their decision based entirely on the documents you have provided. They may also consider other information that we may have collected. The panel meet in private so you cannot go to the meeting. We will send you a copy of all the information that the panel look at and you will have 14 days to respond to anything that you have not seen before.

The panel will decide whether the information you have declared affects your ability to practise safely and effectively or will affect public confidence in your profession. It is rare that information on health and character affects an application for registration.

### **Appeals process**

We will write to you and let you know the panel's decision. If we refuse your application, we will also provide detailed information about making an appeal. You will have 28 days from the date of our letter to make your appeal to us in writing.

The appeal will be heard by a registration appeal panel. The panel will include one of our Council members, at least one person from the profession you want to be registered in and a lay person.

You can ask to have your appeal decided on the basis of documents only, or you can go to the hearing yourself. You can also provide extra information for the panel to look at. The extra information could include character references or extra information from your doctor, if this is appropriate. Whichever way you ask to have your appeal considered, we can make the hearing accessible for you. We just need to know your needs beforehand so we can meet them for you. For example, we can provide documents in other formats, hold the hearing in an accessible building, provide a hearing loop if you have hearing difficulties, or provide a British Sign Language interpreter, or an assistant, as appropriate.

As well as any assistant or interpreter you need, you can bring someone with you to the appeal. This could be a solicitor, union representative, colleague, or friend, who can support or represent you.

If your appeal is not successful, you can appeal that decision in the county court (or sheriff court in Scotland).

# Section 3 – Information for registrants

This section explains the process of making health and character declarations either as a 'self-referral' or as part of renewing your registration. It also explains what happens to the information you tell us. In this section, 'you' refers to registrants.

## Other useful publications

In this section, we cover a number of the topics that are also covered in other publications we have written. You may want to refer to the following publications for more information.

- Standards of conduct, performance and ethics
- What happens if a concern is raised about me?

You can download these publications from our website ([www.hcpc-uk.org](http://www.hcpc-uk.org)).

## Professional responsibility

You have a professional responsibility to maintain and manage your own fitness to practise. You also have to make decisions about whether you are fit to practise your profession. This includes deciding whether changes to your health affect your fitness to practise.

As a registrant, you are expected to meet certain extra responsibilities linked to your professionalism. This includes the professional responsibility to declare information to us about any changes to your health or character.

## The standards of conduct, performance and ethics

Our standards of conduct, performance and ethics explain the ethical behaviour that we expect you to meet and keep to. The standards play an important role in helping us make decisions about whether someone is fit to practise.

The standards of conduct, performance and ethics say the following.

'You must tell us as soon as possible if:

- you accept a caution from the police or you have been charged with, or found guilty of, a criminal offence;
- another organisation responsible for regulating a health or social-care profession has taken action or made a finding against you; or
- you have had any restrictions placed on your practice, or been suspended or dismissed by an employer, because of concerns about your conduct or competence.'

Telling us this information is called a 'self-referral'.

## Telling us about changes to your health or character

As we have said above, you have a responsibility to maintain and manage your fitness to practise. This includes giving us important information about your character or health.

There are two different ways in which you can give us this information. You can either tell us at any point during your two-year registration cycle, which is called a 'self-referral'. Or, you can give us the information when you come to renew your registration.

When you renew your registration, you only need to declare changes to your health that affect your ability to practise. However, you can choose to tell us about changes to your health at any other time if you want to.

Please see page 14 of this guidance for more information about these requirements.

However, you must let us know straight away if:

- you accept a caution from the police or you have been charged with, or found guilty of, a criminal offence;

- another organisation responsible for regulating a health or social-care profession has taken action or made a finding against you; or
- you have had any restrictions placed on your practice, or been suspended or dismissed by an employer, because of concerns about your conduct or competence.

The requirement to tell us straight away about character issues means that you would usually give us this information through a self-referral rather than waiting until you next renew your registration. This means that almost all the self-referrals we receive are about character issues. The following guidance on self-referrals only applies to character. However, if you chose to make a self-referral about your health, we would consider the information in the same way.

Information supplied as a self-referral follows a slightly different process to information which is supplied when renewing registration. In cases where you are renewing registration, we pass information to a registration panel if this is necessary. If serious information about you is provided when you are renewing your registration, the panel can recommend that you should not be allowed to renew your registration.

A self-referral takes place outside the registration renewal process. When we receive a self-referral, we will consider the information to decide whether we should take any further action. We will pass the information received to the Fitness to Practise Department. If after assessing the information they decide that it raises concerns about your fitness to practise, they may decide that the matter should be investigated further.

### Self-referrals

We understand that you may be worried about the effect on your registration if you tell us about changes to your character. Declaring this information is part of your professional

responsibility as a registrant and we believe that it shows insight and understanding. We hope that this section will explain the process we use and also reassure you.

If there is a public protection risk, the police should tell us if you have committed or are suspected of committing an offence. They will normally tell us when you are arrested or charged rather than waiting until you have stood trial. This is so that we can act swiftly to put in place measures to deal with any danger.

However, you should still tell us as soon as possible if you are convicted of an offence, receive a caution, are disciplined by your employer or placed under any restriction because of concerns about your conduct or competence. You must do this by writing to our Fitness to Practise Department. You can find the address on page 24 in More information.

When you give us information about your character at any time other than through the registration application or renewal process, you are making what we call a 'self-referral'. If you make a self-referral and give us information about your character, we will consider that information and decide whether the issues could affect your fitness to practise. If the information suggests that your ability to practise safely and effectively is affected, we will investigate the matters in more detail. You can find out more about the fitness to practise process on our website ([www.hcpc-uk.org](http://www.hcpc-uk.org)).

If we do not think that the issues raised will affect your fitness to practise, we will write to you and let you know. We will not take any further action.

If we refer the case to our fitness to practise process, we will let you know. An Investigating Committee panel will meet to consider the issue. This panel will decide whether there is a 'case to answer' and, if so, whether the case should be considered at a full hearing by a panel of the Conduct and Competence Committee or Health Committee. Before the

Investigating Committee considers the case, you will have the chance to give this panel extra information if you want to.

The panel at a final hearing can make the following decisions. They can decide to:

- take no further action;
- send the case for mediation;
- caution you;
- place a conditions of practice order on you;
- suspend you; or
- in very serious circumstances, strike you off the Register.

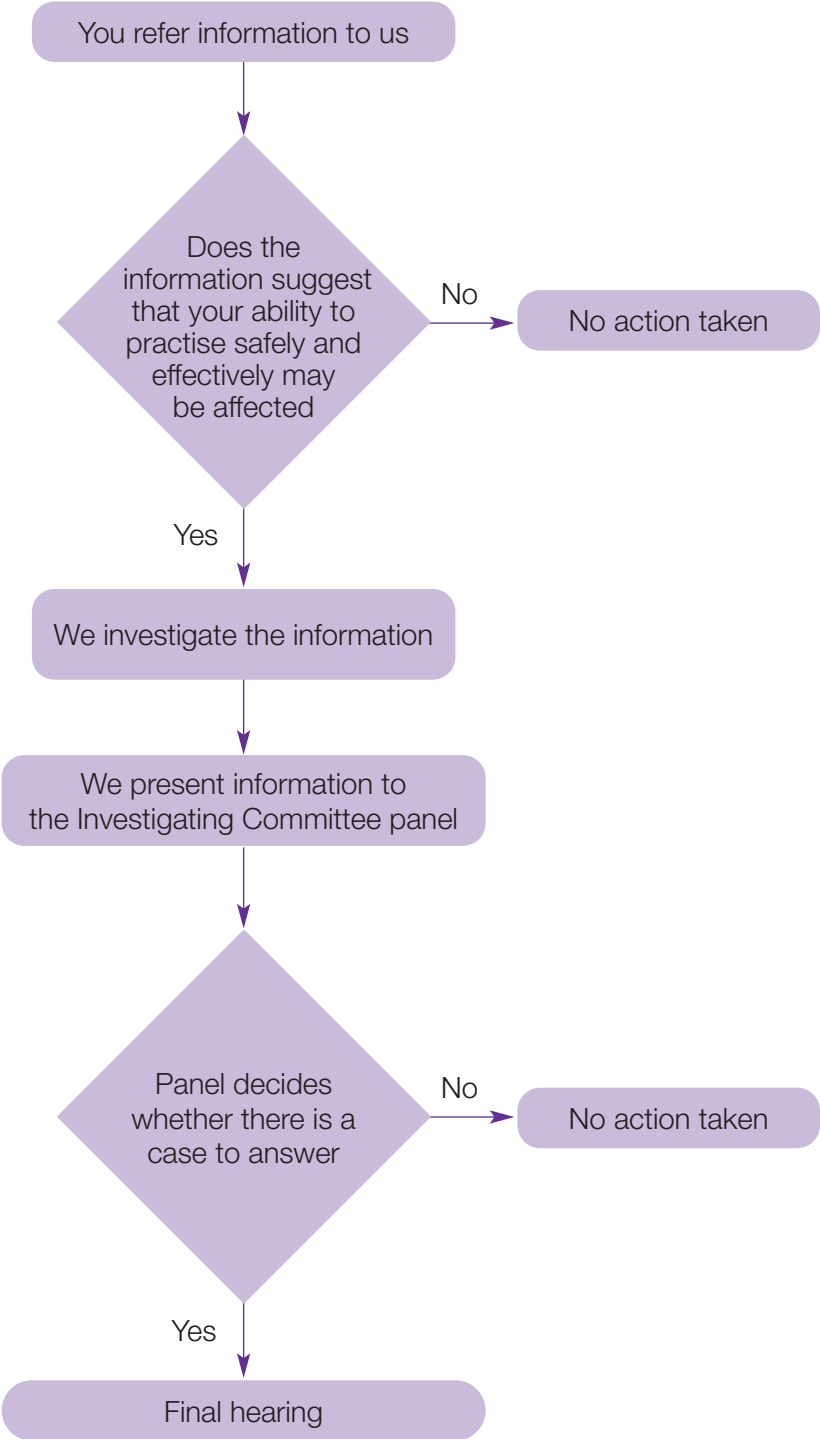
You have the right to appeal the decision to the High Court or, in Scotland, the Court of Session.

You only need to tell us about changes to your health when you renew your registration. We set this requirement because we expect you to manage your health appropriately during the course of your registration, which includes adjusting or stopping your practice if you need to (see [Renewing your registration](#) on page 14 for more information). However, if you do decide to tell us, we will look at that information and carefully consider whether we might need to take any action.

You must still keep to the standards of conduct, performance and ethics.

On the following page we have added a diagram which outlines the process for self-referrals.

### Self-referrals





## Renewing your registration

Each time you renew your registration, you must make a 'professional declaration'. This professional declaration confirms that:

- you have continued to practise your profession in the past two years, or have met our 'returning to practice' requirements;
- you continue to meet our standards of proficiency for the safe and effective practice of your profession;
- you continue to meet the standards for continuing professional development (CPD);
- you have an appropriate professional indemnity arrangement in place or you understand the requirement to have an indemnity arrangement in place when you start practising; and
- there have been no changes to your health or your 'good character' which you have not told us about and which would affect your ability to practise safely and effectively.

Changes to your good character could include:

- being convicted or cautioned for an offence or receiving a conditional discharge;
- disciplinary action taken by another regulatory body, professional body or an employer or restrictions placed on your practice by an employer because of concerns about your conduct or competence; and
- having had a judgment made against you in civil proceedings for any matter which is relevant to your fitness to practise, such as professional negligence or a dispute with a service user.

If the information you provide about your health or character is serious enough, we will pass it to a registration panel. You can find out more about the registration panel in the section below.

## The registration panel

If we send information about you to a registration panel, we will write to you to let you know. This is because this may delay the renewal of your registration by a short time. We normally hold at least one registration panel a month for each profession we regulate to try to reduce any delay in renewing registration.

If you have to make a declaration about your health or character when you renew your registration, you will stay on the Register while we process your declaration.

You may want to refer to the sections How we consider health information on page 16 and How we consider character information on page 18 for some of the issues that we consider when looking at health and character information.

At least 14 days beforehand, we will write and tell you the date when the panel will meet. We will ask you to send us any more information that you would like the panel to consider. We will send you a copy of all the information that the panel look at and you will have 14 days to respond to anything that you have not previously seen.

The panel will include at least one person from your profession and at least one lay member.

The panel make their decision based entirely on the documents you have provided. They may also consider other information that we may have collected. The panel meet in private, so you cannot go to the meeting.

The panel will decide whether the information you have declared affects your ability to practise safely and effectively or undermines public confidence in your profession. It is rare

that health and character information affects your ability to renew your registration.

### **Appeals process**

We will write to you and tell you if we refuse to renew your registration. You can appeal this decision by writing to us within 28 days of the date of our letter.

The appeal will be heard by a registration appeal panel. The panel will include one of our Council members, at least one person from the profession you are registered in and a lay person.

You can ask to have your appeal decided on the basis of documents only, or you can go to the hearing yourself. You can also provide extra information for the panel to look at. The extra information could include character references or extra information from your doctor, if this is appropriate. Whichever way you ask to have your appeal considered, we can make the hearing accessible for you. We just need to know your needs beforehand so we can meet them for you. For example, we can provide documents in other formats, hold the hearing in an accessible building, provide a hearing loop if you have hearing difficulties, or provide a British Sign Language interpreter, or an assistant, as appropriate.

As well as any assistant or interpreter that you need, you can bring someone with you to the appeal. This could be a solicitor, union representative, colleague, or friend, who can support or represent you.

If your appeal is not successful, you can appeal that decision in the county court (or sheriff court in Scotland).

If we write to you to say that your registration renewal has not been successful, we will give you detailed information about making a registration appeal.

# Section 4 – How we consider health information

This section explains how we consider information that you declare about your health. In this section we use ‘you’ to refer to both applicants and registrants. When we look at information about your health, we consider whether the health condition affects your ability to practise safely and effectively.

## Information we consider

A panel may look at an applicant’s health declaration and any other relevant information when making decisions about their health.

When we make decisions about a registrant’s health, we look at any information that the registrant has declared when they renewed their registration.

## Guidance on how we will consider information about health

We look at each case individually and make our decision based on the particular circumstances of the case. As a result, we do not have a list of health conditions which would prevent you from practising as a registered professional.

The panel look at various issues when making a decision about whether your health would affect your ability to practise safely and effectively. They may look at:

- how you currently manage your condition;
- whether you have shown insight and understanding into your condition;
- whether you have medical or other support;
- whether you have made reasonable adjustments to your placement conditions or employment conditions; or
- whether you have agreed reasonable adjustments with your placement providers or employers.

In most cases where registration panels have looked at information about an applicant’s health, we have not refused their application for registration. This may be because the applicant has shown insight and understanding into their condition or perhaps because their condition does not actually affect their ability to practise safely and effectively. It is also rare that a registrant’s health condition affects their registration, often for similar reasons.

An example of a health condition which might affect registration is an alcohol dependency problem which the person is not managing appropriately and which is affecting their ability to practise. However, it is still important that we treat every case individually and that we avoid stereotypes and misinformed judgements.

## How we consider information supplied to us through health self-declarations

When you apply for registration with us, we ask you to sign the health self-declaration to confirm that you do not have a health condition that could affect your ability to practise your profession safely and effectively. Once you are registered, when you renew your registration every two years you are asked to confirm that your health does not affect your ability to practise. In both these situations we trust you as an autonomous professional to make an informed and reasoned judgement about whether your health will affect your ability to practise.

When you apply for or renew your registration, you only need to declare changes to your health that affect your ability to practise. However, you can choose to tell us about changes to your health at any other time during your registration if you want to. We set this requirement because we expect you to manage your health appropriately during the course of your registration, which includes adjusting or stopping your practice if you need

to. Please see the section on self-referral on page 11 of this guidance for more information about these requirements.

Most of the time, when you tell us about a health condition (if you are applying to the Register), or if you tell us about a change in your health (if you are a registrant), you are showing insight and understanding and managing your fitness to practise. By insight and understanding we mean that you have a realistic, informed idea of the limits of your safe practice. 'Safe practice' means practice that does not put your service users or you at risk.

In serious circumstances, we may pass the information to a registration panel who will consider whether your fitness to practise is affected by your health. The panel meets in private to consider, on a case-by-case basis, all the information they receive.

The panel will make decisions based on looking at the factors outlined on the previous page. You may have already made or identified amendments you can make to your practice in response to your health. If so, we do not need to take action to protect the public. At this point, if you are applying to the Register, the panel will agree that you should be registered. However, if the registration panel are concerned that the way you manage your health condition or disability could affect your ability to practise, they may recommend that you should not be allowed to register.

Making amendments to your practice, when they are necessary, is part of managing your fitness to practise. We have produced a document on this topic, which you can download from our website ([www.hcpc-uk.org](http://www.hcpc-uk.org)).

If you are a registrant and can demonstrate that you have adapted your practice in response to your health, we would not need to take action to protect the public. The registration panel would not pass the case on to the Fitness to Practise Department and we

would not take any further action. However, in very serious circumstances, the panel can pass the case on to our fitness to practise process for a hearing. In every case referred for a hearing, we will ask whether you will give your permission to be examined by a doctor so that the panel can make an informed decision.

The cases we consider under our fitness to practise process are usually those where a registrant has continued to practise while unfit to do so, and this has directly led to harm, or the risk of harm, to the service user or to the registrant. In these cases, it is not the health or disability of the registrant that means we have to take action, but the poor conduct or practice that it has contributed to.

# Section 5 – How we consider character information

This section explains how we consider information that applicants and registrants declare about their character. In this section we use 'you' to refer to both applicants and registrants.

## Information that we consider

We look at a number of pieces of information when making decisions about an applicant's character. These include:

- whether the applicant has declared any convictions or cautions;
- whether another regulator or professional body has made a decision about the applicant; and
- any other information which might be relevant such as disciplinary action taken by an employer.

When we make decisions about a registrant's character, we look at:

- any information that the registrant has declared on their registration renewal form; or
- any information that the registrant has passed to us through self-referral.

## Issues the panel considers

When making decisions about character, we are considering whether your behaviour in the past means you can practise in a way which does not put the public at risk or affect public confidence in you or your profession.

The information you give us about your character when you are applying for or renewing your registration may be considered by a registration panel. Please see the section on page 9 for more information about registration panels.

When you give us information about your character at any time other than through the

registration application or renewal process, we will consider the information. If it is serious, we will refer it to our Fitness to Practise Department for them to consider. Giving us information in this way is called a 'self-referral'. We consider self-referrals in this way to make sure that the management, investigation and decisions made about self-referral cases are consistent with the other decisions our panels make through our fitness to practise process. Please see the section on page 11 for information about the self-referral process.

When someone declares a conviction or caution, we may re-examine the nature of the evidence but we will not retry the case or impose punishment for a second time. If you are an applicant, the registration panel considers the effect it will have on your application for registration. If you are a registrant, our panels will consider the effect it will have on your registration. They may look at whether the conviction or caution affects public confidence in your profession.

Whether information about your character is considered by a registration panel, or through our fitness to practise process if you have made a self-referral, the panel will consider only the factors relevant to your case. The panels will consider on a case-by-case basis all the information we receive, looking at the particular circumstances around the event. This means that we can only provide guidance on how we will consider the information and we cannot provide answers about what the outcome of the case will be.

When looking at issues around your character, the panel may consider:

- the number and nature of offences or events;
- the seriousness of the offences or events;
- when and where the offences or events took place;

- any information you have given to help explain the circumstances; and
- your character and conduct since the offence or event.

This is not a full list of factors which can help to decide the seriousness or significance of the issues we consider.

A panel may consider the circumstances surrounding the case and whether you show that you understand what made you behave in the way you did. A panel may also consider the punishment that was given, but they recognise that the sentence given does not necessarily reflect the seriousness of the offence. When the panel make a decision, they look at a number of factors, including whether the conviction or caution might undermine public confidence in the particular profession.

The types of convictions which might result in a registrant being struck off the Register usually relate to offences of a sexual nature, violence or dishonesty. It is likely that similar convictions would also prevent you from becoming registered with us.

We will consider rejecting an application for registration, or removing you from the Register if you are already registered, if you are convicted of a criminal offence or accept a police caution that involves one of the following types of behaviour.

- Violence
- Abuse
- Sexual misconduct
- Supplying drugs illegally
- Child pornography
- Offences involving dishonesty
- Offences for which you received a prison sentence

This is not a full list of the types of convictions or cautions that could lead to us rejecting your application for registration or removing you from the Register. If you have a criminal conviction, we will decide on your case by considering the particular circumstances of the case. The types of convictions or cautions that are unlikely to give us concern about your fitness to practise are set out in our Health and Character Policy.

More information and guidance about how we consider fitness to practise concerns is available on the fitness to practise section of our website.

### **Cautions and convictions received when you were young**

You must declare any cautions or convictions that you may have, even if you received them when you were under the age of 18. This includes any cautions or convictions that are considered ‘spent’ because they happened some time ago, unless they are a protected caution or protected conviction. Protected cautions or convictions are ones that you do not need to tell us about.

There are some circumstances where you do not need to tell us about a caution or conviction. This varies depending on the country within the UK that you live in. You can find detailed information on this in the relevant country’s legislation as set out below.

#### England and Wales

- Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975

#### Northern Ireland

- Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979

#### Scotland



- Rehabilitation of Offenders Act 1974  
(Exclusions and Exceptions) (Scotland)  
Order 2013

When considering whether you need to declare a caution or conviction, it is important that you follow the guidance as set out in the legislation for the country that you live in.

You must always tell us about a caution or conviction if it is for a 'listed offence'. There is more information about listed offences, protected cautions and protected convictions on pages 8 and 9.

Unless an offence is very serious, it is unlikely that a caution or conviction that you received when you were young would normally affect your application for registration. However, you should still declare them if they are not protected.

### **Driving offences**

You may have received a conviction or caution for a driving offence. When making a decision about the offence, the panel may consider the sentence you were given. If it was a drink-driving offence, they may also consider whether the alcohol level was significantly higher than the legal limit, or if someone was injured as a result.

It is rare for driving offences to affect an application for registration, but you should still declare them as we need to make our decisions on a case-by-case basis.

However, you do not need to declare fixed-penalty motoring offences such as speeding offences.



# Section 6 – Information for education providers

In this section, we cover three areas of interest to those working in education and training. This section provides guidance if you are advising applicants who have declared convictions, cautions or a health condition and are making decisions about their entry on to an approved programme. We also provide information for you if you are advising students about the process for applying to join the Register.

This section is also useful if you are advising students and making decisions about how issues of student misconduct or changes in their health will be dealt with while they are studying. You can use this guidance as part of your decision making, but we cannot cover every circumstance in the advice we offer.

In this section ‘you’ refers to the education provider or staff on the programme team.

## Other useful publications

In this section, we cover a number of the topics that are also covered in other publications we have produced. You may want to refer to the following publications for more information.

- Standards of education and training
- Standards of education and training guidance
- Standards of conduct, performance and ethics
- Guidance on conduct and ethics for students
- Health, disability and becoming a health and care professional

You can download these publications from our website ([www.hcpc-uk.org](http://www.hcpc-uk.org)).

## The standards of education and training

We set the standards of education and training (SETs) which programmes are approved and monitored against.

SET 2 is about the admissions procedures to a programme. SET 2.3 says that you, as an education provider, must apply selection and entry criteria, including criminal convictions checks. SET 2.4 says you must also apply selection and entry criteria including keeping to any health requirements which are appropriate to the programme concerned. This means that the requirements you set may depend on the nature of the profession and the programme you are providing.

SET 3.16 says that you must have a process in place throughout the programme for dealing with concerns about students’ profession-related conduct. 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.

The SETs are currently under review and due to be published in 2017, so these standards may be subject to change.

## Deciding whether to accept an applicant with a conviction

Someone with a criminal conviction or caution may apply to your programme. Or you may become aware of a conviction or caution once they are on the programme. You may be concerned about whether you should allow the applicant on to your programme or to continue on your programme. This may be perhaps because you are worried that they may not be able to register with us 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 to us

rejecting 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.

You can find more guidance about how we look more broadly at convictions and cautions and character on page 18 in the section How we consider character information.

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 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. 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. You can download a copy of this guide from our website ([www.hcpc-uk.org](http://www.hcpc-uk.org)).

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.

Most applicants who declare health conditions find that their declaration does not affect their application for registration. This is because often the applicant shows insight into and understanding of their condition. Or, the health condition concerned does not affect their ability to practise safely and effectively.

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.

### **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.

# Section 7 – More information

You can find more information about us and our processes on our website ([www.hcpc-uk.org](http://www.hcpc-uk.org)). Here we publish information about how we work, including the standards that we produce, our registration and fitness to practise processes, all of our forms, news releases and much more.

If the information that you need is not on our website, you can also contact us at:

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# Glossary of terms

<b>Autonomous</b>	As an autonomous professional, you make your own decisions based on your own judgement.	<b>Education provider</b>	The place where a programme is delivered or where a qualification is awarded.
<b>Certified</b>	When you apply for registration, we ask you to supply 'certified' documents. This means that they are confirmed as a true copy of the original document by a person of professional standing in the community. This is a professional person such as a doctor, solicitor, Justice of the Peace, or minister of religion. The person you ask to certify your documents must write on them 'I certify that this is a true copy of the original document' and must sign them and print their name and professional title.	<b>Fit to practise</b>	When someone has the skills, knowledge, character and health to do their job safely and effectively.
<b>Civil proceedings</b>	An action in a civil court which does not involve a crime or criminal proceedings. Civil proceedings can include claims for compensation or for breaking the terms of a contract.	<b>Lay member</b>	A panel member who is not a registrant or eligible to be registered by us.
<b>Criminal conviction check</b>	A check to see if someone has been convicted of a criminal offence or has received a police caution.	<b>Professional body</b>	These organisations carry out work which may include promoting a profession, representing members, producing curriculum frameworks, overseeing post-registration education and training, and running continuing professional development programmes.
<b>Disabled person</b>	The Equality Act 2010 defines a disabled person as 'someone with a physical or mental impairment and the impairment has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities'. 'Long-term' is defined as lasting at least twelve months.	<b>Register</b>	A published list of professionals who meet our standards. The Register is available online ( <a href="http://www.hcpc-uk.org">www.hcpc-uk.org</a> ).
		<b>Registrant</b>	A professional who appears on our Register.
		<b>Regulator</b>	An organisation that protects the public by making sure people keep to certain laws or requirements.
		<b>Self-declaration</b>	The declarations of health and character that applicants or registrants must sign to confirm that their health and character does not affect their ability to practise safely and effectively.

<b>Self-referral</b>	When a registrant gives us information about their health, character or conduct at any time outside of the registration application or renewal process.
<b>Service user</b>	Anyone who uses or is affected by the services of registrants.
<b>Standards of conduct, performance and ethics</b>	Standards that we expect from health and care professionals who are registered with us.
<b>Standards of education and training</b>	Standards which education providers must meet to make sure that all those students who complete an approved programme meet the standards of proficiency.

# Notes



# Notes



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