

Guidance on health and character: information for education providers

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Introduction

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

The relationship between a registrant and the service user is based on trust, confidence and professionalism and so it is important we 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.

As education providers, you need to know how to advise students and make decisions about how issues of student misconduct or changes in their health will be dealt with while they are studying.

The HCPC expects education providers to have their own policies in place for dealing with health and character issues of their students and to follow the law in their own country. This document provides guidance to education providers and sets out

- The Standards of Education and Training (SET) which education providers must meet.
- The process education providers should follow when dealing with a student with a health concern.
- The process education providers should follow when dealing with a student with a previous conviction or other character issue which may prevent them from joining the register.
- A selection of case studies

We would still recommend that education providers familiarise themselves with all other relevant guidance from the HCPC including our guidance on [Health, disability and becoming a health and care professional](#), [Guidance on conduct and ethics for students](#), and our full [Guidance on Health and Character](#) aimed at applicants and registrants.

The standards of education and training

We set the standards of education and training (SETs) which programmes are approved and monitored against. Our SETs must be read in the round but SET 2 – relating to programme admission – and SET 3 – relating to the management of a programme – are particularly relevant.

SET 2.4 says the admissions process must assess the suitability of applicants, including criminal conviction checks.

SET 2.5 The admissions process must ensure that applicants are aware of and comply with any health requirements.

SET 2.7 The education provider must ensure that there are equality and diversity policies in relation to applicants and that they are implemented and monitored

SET 3.16 There must be thorough and effective processes in place for ensuring the ongoing suitability of learners' conduct, character and health. 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 standards of proficiency

The standards of proficiency (SOPs) are the competencies that must be met to gain entry to the register. Our SETs are designed to ensure that Higher Education Institutions train students who are then able to meet the SOPs of their profession when they graduate.

SOPs 1: be able to practise safely and effectively within their scope of practice

SOPs 2.1: understand the need to maintain high standards of personal and professional conduct

SOPs: 2.4: understand what is required of them by the Health and Care Professions Council

SOPs 3: look after their health and wellbeing, seeking appropriate support where necessary

SOPs 3.2: understand the importance of their own mental and physical health and wellbeing strategies in maintaining fitness to practise

SOPs 5: recognise the impact of culture, equality and diversity on practice and practise in a non-discriminatory and inclusive manner

The standards of conduct, performance and ethics

The HCPC standards of conduct, performance and ethics (SCPEs) set out how we expect our registrants to behave and they outline what the public should expect from their health and care professional. While students follow [their own SCPEs](#) while on a programme, our SCPEs for registrants are important as they are used to help us make decisions about the character of professionals who apply to our Register.

SCPE 6.4 You must adjust your practice if your physical and/or mental health will detrimentally impact your ability to practise safely and effectively. These adjustments must promote safe and effective practice. Where it is not possible to make these adjustments within your scope of practice, you must stop practising.

SCPE: 9.1 You must make sure that your conduct justifies the public's trust and confidence in you and your profession.

SCPE: 9.5 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 restriction placed on your practice, or been suspended or dismissed by an employer, because of concerns about your conduct or competence.

Deciding whether to accept an applicant with a conviction

You may worry about accepting an application with a conviction or caution or what to do when a current student is convicted or receives a caution. In particular, you may be concerned about them not being able to join the HCPC Register 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 us to reject 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.

When an applicant applies with the HCPC, we ask them to declare if they have:

- 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);
- received cautions or convictions in countries outside the United Kingdom, if the offence is one that could have resulted in a caution or conviction in England or Wales;
- been subject to disciplinary action by a higher education institution, including both HCPC and non-HCPC approved courses; or
- another organisation responsible for regulating a health or social-care profession has taken action or made a finding against you.

When you make admissions decisions, you may want to consider the [standards of conduct, performance and ethics](#) and [guidance on conduct and ethics for students](#). 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 offence(s) or event(s);
- the seriousness of the offence(s) or event(s);
- when and where the offence(s) or event(s) took place;
- any information you have given to help explain the circumstances;
- the student's character and conduct since the offence(s) or event(s);
- the likelihood of repetition;
- the relevance of the matter to the practise of the relevant profession; and
- the wider public interest, including confidence in the profession concerned and the regulatory process.

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 a student'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.

The types of convictions which might result in an applicant not being allowed to Register or usually relate to offences of a sexual nature, violence or dishonesty.

We will consider rejecting an application for registration, or removing someone from the Register if already registered, if they 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

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. You may be concerned about this health condition's impact on that student's ability to practice.

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 such as the Equality Act 2010, which the HCPC would expect you to meet. As we have approved your programme, you also are responsible for ensuring that your students will be able to meet our standards of proficiency pre-registration. This includes our requirements regarding maintaining fitness to practise.

Standard 2.7 of our Standards of Education and Training requires education providers to have quality and diversity policies in place relating to applicants and that these policies are implemented and monitored. The specific steps and processes you follow to meet this standard will vary, but when assessing applications you should first consider the reasonable adjustments that you could make in order to accommodate the applicant.

As part of assessing an application you must decide whether any of the standards are likely to cause difficulties for the applicant and consider whether you can deliver the programme in a way that helps them meet these standards. This will include considering any reasonable adjustments that can be made.

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](#).

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.

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.

We advise education providers as well as applicants to our register to familiarise themselves with our guidance on health and character. While this document does not provide guidance to education providers about how they should take decisions, it can provide insight into how the HCPC views health and character declarations.

While not an exhaustive list, education providers should be able to answer 'yes' to the following questions:

- Is the student's health condition managed?
- Where the condition is managed is the student able to meet the learning outcomes of their programme? Can reasonable adjustments be made which enable the student to meet these outcomes?
- In light of the above, will the student be able to meet the Standards of Proficiency if admitted to the register?

Our guidance should be read in the round and so we would advise education providers to familiarise themselves with all relevant guidance in this area. For health conditions, our [Health, disability and becoming a health and care professional](#) provides detailed information about managing health conditions, including reasonable adjustments.

Misconduct during the programme

The HCPC does not make prescriptive standards relating to the processes an education provider must have in place to meet the SETs. Instead you will have developed 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. SET 3.16 states 'There must be thorough and effective processes in place for ensuring the ongoing suitability of learners' conduct, character and health.'

When looking at misconduct, you may want to refer to the Standards of conduct, performance and ethics. You may also want to look at our Guidance on conduct and ethics for students, which explains how students are expected to meet the Standards of conduct, performance and ethics whilst learning. In addition, the [Office of the Independent Adjudicator](#) has produced comprehensive guidance around running student FTP processes.

Any decision you make about a student's misconduct will not necessarily affect whether that person could join the Register once they complete their programme. The student would still need to go through our health and character process and provide any relevant information (including disclosing any misconduct while on their programme).

As an education provider, your role is to prepare students to meet their standards of proficiency when graduating. Where you have serious concerns about a student's conduct or performance on your programme (and therefore their ability to meet the HCPC's standards) we would expect you to remove such a student from that programme before they complete it.

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.

The standard and guidance apply to all areas of a programme which function to manage learner suitability, and within this it touches on formal processes to deal with concerns. The guidance is brief and signposts to other relevant documents, including the guidance on health and character and the guidance on conduct and ethics for students.