

Health and Character Declarations Policy

Introduction

The Health Professions Order 2001 (the **Order**) provides that registration decisions, including decisions on whether a person meets the prescribed requirements as to good health and good character, are the responsibility of the Education and Training Committee (the **Committee**).

This document sets out the Committee's policy on dealing with health declarations and character declarations made:

- by applicants seeking admission or re-admission to the Register;
- by registrants seeking to renew their registration; and
- at other times by registrants ("self-referrals").

The Health and Care Professions Council Standards of Conduct, Performance and Ethics set out the HCPC's expectations of registrants. It is also expected that anyone who wishes to be admitted to the HCPC Register will meet those standards. They are the basis on which the HCPC assesses potential fitness to practise concerns about a registrant and they are also the standards that will be used by the Committee to help decide whether to admit a prospective registrant to the Register.

Registration Assessment Panels

Health and character declarations made to the Committee by a person seeking admission or re-admission to the Register or on renewal of their registration will, other than in the circumstances set out below, be referred to a Registration Assessment Panel. The Panel will be comprised of three members, at least one of whom will be a registrant from the same profession as the person concerned and one of whom will be a lay member. If detailed health issues need to be considered, the Panel may include a doctor or receive advice from a medical assessor.

The function of the Registration Assessment Panel is to provide a recommendation to the Committee on the course of action that should be taken in each case.

When considering health declarations, Panels should take account of whether the applicant/registrant has:

- sought medical or other support as appropriate;
- made reasonable adjustments to their working arrangements or agreed them with their employer; and
- restricted their scope of practice to those areas where they are capable of meeting the Standards of Proficiency.

When considering character declarations, Panels should take account of:

- the nature and seriousness of the offence or misconduct;
- when the incident occurred;
- the applicant's/registrant's character and conduct since the incident including any insight or remediation;
- 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.

Registration Assessment Panels will be convened on a regular basis to ensure that cases are dealt with expeditiously for all of the HCPC professions.

Admission and Re-admission

Applicants seeking registration by the HCPC must satisfy the Committee as to their good health and character.

Rule 5 of The Health and Care Professions Council (Registration and Fees) Rules Order of Council 2003 provides that:

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

- (a) the character reference provided under rule 4(2) or (3);*
- (b) any conviction or caution which the applicant has received in the United Kingdom for a criminal offence or a conviction received elsewhere for an offence, which if committed in England and Wales, would constitute a criminal offence;*
- (c) any determination by a body responsible for regulating or licensing a health or social care profession to the effect that the applicant's fitness to practise is impaired; and*
- (d) any other matters which, in the opinion of the Committee, appear to be relevant to the issue,*

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

(2) For the purpose of being satisfied as to the physical or mental health of the applicant, the Committee shall have regard to:

- (a) the declaration provided by the applicant under rule 4(2)(b), and*
- (b) such other matters as appear to it to be relevant,*

and for this purpose the Committee may seek information additional to that provided with the application for registration from the applicant and from any other person or

source as it considers appropriate and may require the applicant to be examined or further examined by a doctor nominated by the Committee.”

If an applicant declares a health or character issue, further inquiries should be made (in line with Rule 5(2) above) and the applicant must be advised that the information provided, and any further representations that they may wish to make, will be considered by a Registration Assessment Panel. The applicant must be given not less than 14 days in which to make any such representations.

The task of the Registration Assessment Panel in such cases is to make a recommendation to the Committee on whether the matters declared are of such a serious nature that the person concerned should not be admitted or readmitted to the register.

If an application for admission or re-admission is refused by the Committee, the person concerned has a right of appeal to the Council against that decision and will be informed of that right at the time they are informed of the Committee’s decision.

Renewal

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

- they continue to meet the HCPC’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 the HCPC about and which would affect their safe and effective practice of their profession.

Where a registrant is unable to make that declaration, the case will be considered through the fitness to practise process under Article 22(6) of the Order.

Self-referrals

Health and character declarations made by registrants in accordance with the Standards of Conduct, Performance and Ethics are considered through the fitness to practise process under Article 22(6) of the Order.

All convictions, cautions and other potential character issues or health issues must be declared to the HCPC¹. However, based upon the prior recommendations made by Registration Assessment Panels, the Committee has identified certain categories of cases where the information declared (whether on admission, re-admission or renewal) will rarely have a bearing upon a person's registration.

Except where the Head of Fitness to Practise² considers otherwise, no further action needs to be taken in relation to:

- a caution or conviction³ received by a person before or while undertaking a programme of study approved by the HCPC, or any other character matter, which:
 - was considered by the education provider as part of its admission procedures and the person was admitted to the programme; or
 - was considered by the education provider under its student fitness to practise process and the person was not excluded from the programme;
- managed health conditions;
- private family or personal disputes or civil matters;
- minor motoring offences such as parking fines; other fixed penalty offences; or public transport penalty fares;
- misuse of title concerns depending on the duration of misuse, frequency and seriousness of the misuse;
- matters already considered by the HCPC unless new information has been provided;
- disciplinary action taken by an employer which is unconnected to the practice of a relevant profession and does not relate to conduct involving
 - violence;
 - dishonesty;
 - inappropriate sexual behaviour;
 - substance abuse or the possession or supply of drugs; or
 - conduct of a racially motivated, homophobic or similar nature.

In order to ensure that applicants and registrants are treated equitably no further action needs to be taken in relation to a caution or conviction which is protected under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013 or the Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979.

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¹ other than a conviction or caution which is 'protected' under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013 or the Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979.

² or a person authorised to act on behalf of the Head of Fitness to Practise.

³ the Head of Fitness to Practise's discretion does not apply to protected cautions and convictions.