
A guide for applicants and registrants on
how we consider information they declare

Guidance on health and character

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Who is this document for?

We, the Health Professions Council (the HPC), 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, but 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.

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 one, the **Introduction**, contains information about us, our standards and what we do. This section is for everyone.

- Section two, **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. ‘You’ in this section refers to the applicant applying to us.
- Section three, **Information for registrants**, is aimed at people who are already on our Register. In this section ‘you’ refers to the professional registered with us.
- Section four, **How we consider health information**, is aimed at applicants, registrants and education providers. In this section ‘you’ refers to an applicant or registrant.
- Section five, **How we consider character information**, is aimed at applicants, registrants and education providers. In this section ‘you’ refers to an applicant or registrant.
- Section six, **Information for education providers**, is aimed at admissions staff and staff on the programme team. In this section ‘you’ refers to the education provider or staff on the programme team.
- Section seven, **More information**, includes more information about us. This section contains a glossary of some of the terms we have used in this document.

Section 1 – Introduction

About us (the HPC)

We are the Health Professions Council (the HPC). 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 14 professions.

- Arts therapists
- Biomedical scientists
- Chiropodists / podiatrists
- Clinical scientists
- Dietitians
- 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.hpc-uk.org).

Each of these professions has one or more 'protected titles' (protected titles include titles like 'physiotherapist' and 'dietitian'). Anyone who uses one of these titles must be on our Register. Anyone who uses a protected title who is not registered with us 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 complaints 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 the things that 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.

Professionals must register with us before they can use a protected title for their profession. This means that even if you have completed a programme in, for example, physiotherapy, 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. 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 you meet our standards for your 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 that 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 against a registrant if their 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 an individual’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 health condition if it affects an applicant’s or registrant’s fitness to practise.

It is rare that any information you give us about your health or character will affect your registration with us. For example, in 2008–09, we received information about 248 cases related to applicants’ health or character. In only six cases, where people declared serious information, did we refuse registration. However, it is important that you give us this information so we have it for making decisions about whether you 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 your character.

It explains what happens to information which you give to us. It also explains what happens to information about you which someone else, such as a doctor or your character referee, gives to us.

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.

- Guidance on conduct and ethics for students
- Standards of conduct, performance and ethics
- A disabled person's guide to becoming a health professional
- Information about the health reference

You can download a copy of these publications from our website (www.hpc-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.

When you first apply for registration, as part of your application you need to send us information which includes a:

- health reference;
- character reference;
- photograph; and

- copy of your passport; or
- copy of your birth certificate.

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 on our website (www.hpc-uk.org).

When you fill in your application we ask you to declare information about your health and character. We work on the principle of 'self-regulation'. This means that 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

When you fill in your application form, we ask you whether you have a health condition that would affect your ability to practise. You only need to declare information if you believe that your health may affect your ability to practise safely and effectively.

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.

The health reference

Another part of the application form that you must send to us is the health reference. Our ‘rules’ say that you must give us a health reference if you want to be registered with us. The reference must be signed by a registered medical practitioner (a doctor). The doctor must not be related to you.

We ask the doctor to fill in the form to tell us that your health does not affect your fitness to practise. We do not ask the doctor to make a decision about whether you will be able to get a job. And we do not ask the doctor to make a decision based on their general assumptions about your health condition or your ability.

The doctor may:

- be your doctor (for three years or more);
- be a doctor who has examined your medical records covering the past three years; or
- have examined you.

A doctor can give us other relevant information on the reference form if they have your permission. However, we do not ask you or your doctor to provide a detailed medical history or give us information about disabilities or long-term health conditions unless they affect your fitness to practise.

If your doctor has signed your health reference and has not said that your health would affect your fitness to practise, you will be registered with us. (Though this will depend on the rest of the information that you need to provide,

including your character reference and registration fees.)

If your doctor has not filled in the health reference, we will usually ask you to give us a valid health reference.

You can find out more about the health reference in a publication we have produced called Information about the health reference.

If your doctor has given us information about your health, this does not necessarily mean that we will not register you. Instead, we will look at the information to decide whether we need to ask a registration panel to consider your application. Please see the section on page 7 called ‘The registration panel’ for more information on the process for those cases referred to a panel.

Having a disability should not be seen as a barrier to becoming a health professional. We have produced guidance for disabled applicants called A disabled person’s guide to becoming a health professional.

There is more information about how we consider health in the section ‘How we consider health information’ on page 15.

The character declaration

We ask you to fill in a character declaration as part of your application form. In this declaration you need to tell us if you:

- have ever been convicted of a criminal offence, received a police caution or been convicted of a criminal offence for which you received a conditional discharge;
- have ever been disciplined by a professional or regulatory organisation or your employer; or
- have ever had civil proceedings (other than a divorce or dissolution of a civil partnership) brought against you.

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.

All of the professions that we regulate are exempt from the requirements of the Rehabilitation of Offenders Act 1974. This means that when you apply to join the Register, you must declare any convictions or cautions that you have. This includes any convictions or cautions that are considered 'spent' because they happened some time ago. It also includes convictions or cautions that you may have received in countries outside the UK, if the offence is one that could have resulted in a conviction or caution in the UK.

Civil proceedings are any action in a court other than being prosecuted for a crime. They can include lawsuits brought to claim 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. Please see the section below called 'The registration panel' for more information on the process for those cases referred to a panel.

The character reference

As well as the character declaration, you must also provide a character reference.

A character reference needs to be provided by 'a person of professional standing in the community'. This can include:

- a registrant;
- a doctor;
- an academic tutor or lecturer;
- a solicitor;
- an accountant;
- a bank manager;
- a justice of the peace;
- a minister of the church;
- a rabbi; or
- an imam.

This is not a full list. The person who gives the character reference must also have known you for at least three years and must not be related to you. We will accept a character reference from your academic tutor or course leader, if they have known you for three academic years.

When the person completes your reference, we ask them to declare the number of years they have known you. They must also confirm that they know of no reason why you would not practise your profession with honesty.

You can find more information about how we consider character in the section 'How we consider character information' on page 17.

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 meets in private so you cannot go to the meeting. We will send you a copy of all the information that the panel looks 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.

If you want, you can come to the appeal hearing and be represented by someone (who does not have to be legally qualified). You can also provide extra information for the panel to look at. The extra information could include more character references or extra information from your doctor, if this is appropriate.

If your appeal is not successful, you can appeal that decision in the county court (or sheriff's 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. This section also explains what happens to the information you tell us. In this section, 'you' refers to registrants.

Other useful publications

We cover a number of the topics in this section in other publications we have written. You may want to refer to the following publications for more information.

- Standards of conduct, performance and ethics
- Managing fitness to practise
- What happens if a complaint is made about me?

You can download these publications from our website (www.hpc-uk.org).

Professional self-regulation

We work on the principle of 'professional self-regulation'. This means that you have a personal 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 that:

"You must tell us (and any other relevant regulators) if you have important information about your conduct or competence, or about other registrants and health professionals you work with. In particular, you must let us know straight away if you are:

- convicted of a criminal offence, receive a conditional discharge for an offence, or if you accept a police caution;
- disciplined by any organisation responsible for regulating or licensing a health-care or social-care profession; or
- suspended or placed under a practice restriction by an employer or similar organisation 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, including 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. You do this by declaring it on your renewal form.

However, you must let us know straight away if you are:

- convicted of a criminal offence, receive a conditional discharge for an offence or accept a police caution;

- disciplined by any organisation responsible for regulating or licensing a health-care or social-care profession; or
- suspended or placed under a practice restriction by an employer or similar organisation because of concerns about your conduct or competence.

The requirement to tell us straight away means that you would usually give us this information through a self-referral rather than waiting until you next renew your registration.

Information supplied as a self-referral follows a slightly different process to information which is supplied during registration renewal. In both cases, we pass information to a registration panel if this is necessary. If information is provided during registration renewal, the panel can recommend that you should not be allowed to renew your registration. A self-referral takes place outside the registration renewal process. If information is very serious, a registration panel can pass it to the fitness to practise process, so that they can look at the effect of the information on your registration.

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.

The process for looking at information which you tell us about involves passing information to a registration panel. If the information is considered serious, it is then passed to the Fitness to Practise Department. This extra stage means that it is less likely that information which you tell us affects your registration.

All of the professions we regulate are ‘notifiable occupations’. This means that the police should tell us automatically if you are cautioned or convicted of an offence.

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 practice 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 in the section called ‘More information’ on page 22.

If you make a self-referral and give us information about your character, we will consider that information and we may ask a registration panel to look at it. You can find out more about registration panels in the section called ‘The registration panel’ on page 13. The registration panel will decide whether the issue should be referred on to our fitness to practise process. You can find out more about this process on our website (www.hpc-uk.org).

If we do not refer the issue to our Fitness to Practise Department, we will write to you and let you know. We will not take any further action.

If the information you declare to us is extremely serious, we may decide to investigate it immediately instead of referring it to a registration panel.

If we refer the case to our Fitness to Practise Department, we will let you know. An Investigating Committee panel will then investigate the matter and 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 Court of Session in Scotland.

You only need to tell us about changes to your health when you renew your registration. (Please see the section called ‘Renewing your registration’ on page 13 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.

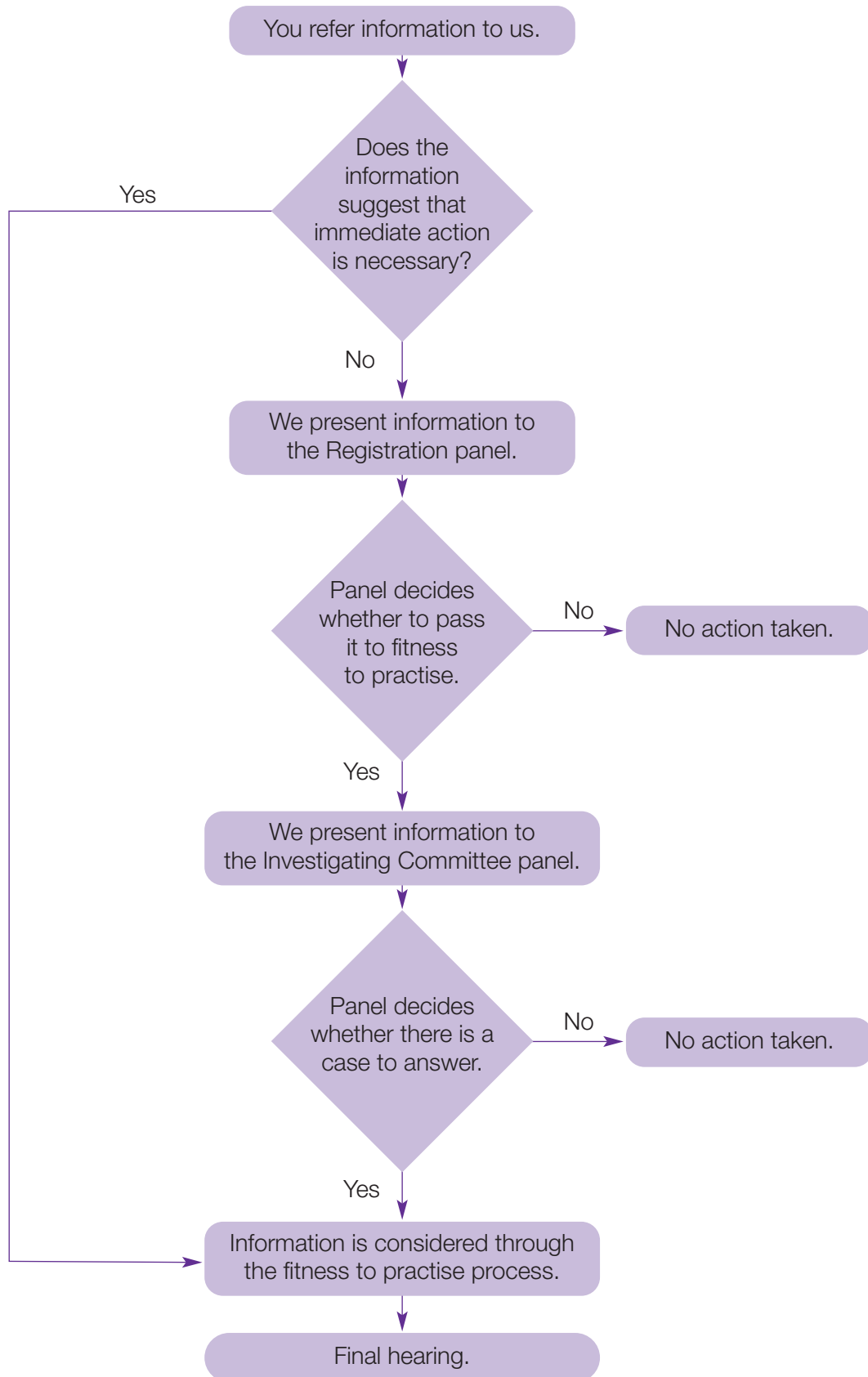
You must still keep to the standards of conduct, performance and ethics.

Standard 12 says:

“You have a duty to take action if your physical or mental health could be harming your fitness to practise. You should get advice from a consultant in occupational health or another suitably qualified practitioner and act on it. This advice should consider whether, and in what ways, you should change your practice, including stopping practising if this is necessary.”

On page 12 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 sign a 'professional declaration'. By signing the professional declaration you confirm that:

- you have continued to meet our standards of proficiency for the safe and effective practice of your profession; 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 your employer or professional body or restrictions placed on your practice by your employer because of concerns about your conduct or competence; and
- civil proceedings.

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 made a declaration about your health or character on your renewal form, 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 15 and 'How we consider character information' on page 17 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 looks 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 meets 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.

If you want, you can go to the appeal hearing and be represented by someone (who does not have to be legally qualified). You can also provide extra information for the panel to look at. The extra information could include a character reference or extra information from your doctor, if this is appropriate.

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

We provide detailed information about making a registration appeal if we write to you to say that your registration renewal has not been successful.

Section 4 – How we consider health information

This section explains how we consider information that you declare about your health. 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 reference, health declaration and any other 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 on their registration renewal form.

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 got 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.

Managing fitness to practise

This section is only for registrants. In this section 'you' means a registrant.

Most of the time, when you tell us about a change in your health, 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 to make sure that you do not put your service users at risk and that there is no danger to yourself.

In serious circumstances, we may pass the information on 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 above. You may have already made amendments to your practice in response to your health so we do not need to take action to protect the public. In these cases, the registration panel would not pass the case on to the Fitness to Practise Department and we would not take any further action.

Making amendments to your practice, if 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.hpc-uk.org).

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 you. 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.

Information that we consider

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

- the information provided on the character reference;
- 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.

All decisions are made by registration panels (please see the section on page 13 for more information about registration panels). When someone declares a conviction or caution, the panel do not re-examine the nature of the evidence or retry the case. If you are an applicant, the panel considers the effect it will have on your application for registration. If you are a registrant, the panel considers the effect

it will have on your registration. The panel might look at whether the conviction or caution affects public confidence in your profession.

The panel 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 offences or events.

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 showed 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 makes 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 have produced standards of conduct, performance and ethics which give you information on ethical behaviour for both registrants and applicants. These say:

“...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.

Convictions and cautions received when you were young

All of the professions that we regulate are exempt from the requirements of the Rehabilitation of Offenders Act 1974. This means that you must declare any convictions or cautions that you may have, even if you received them when you were under the age of 18.

Unless the offence is very serious, it is unlikely that these types of convictions or cautions would normally affect your application for

registration. However, you should still declare them.

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 or parking offences.

Section 6 – Information for education providers

In this section, we cover three areas of interest to those working in education and training. The section provides guidance if you are advising applicants who have declared convictions or 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.

This section offers guidance which you can use as part of your decision-making, but cannot cover every circumstance.

Other useful publications

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

- A disabled person's guide to becoming a health professional
- Information about the health reference
- Standards of conduct, performance and ethics
- Standards of education and training
- Standards of education and training guidance
- Guidance on conduct and ethics for students

You can download these publications from our website (www.hpc-uk.org).

The standards of education and training

We set the standards of education and training (SETs) which programmes are approved and monitored against. After carrying out consultation with the public, we have recently published revised SETs.

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 comply with 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.

We have added a new SET (3.16), which 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.

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 are usually incompatible with being 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 also prevent an applicant registering with us.

We also provide some general guidance in our standards of conduct, performance and ethics. These standards apply to both registrants and prospective registrants. By 'prospective registrants' we mean people who are applying to join the Register, which includes students on approved programmes. The standards say:

"However, 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".

You can find more guidance about how we look more broadly at convictions and cautions and character in the section 'How we consider character information' on page 17.

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. However, it is rare for us to refuse an applicant from an approved programme. You can find out more about this in the section of this document called 'Information for applicants' on page 5.

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 as a member of staff working in admissions on a programme approved by us. You have duties under part 4 of the Disability Discrimination Act 1995. Also, because your programme is approved by us, you have the responsibility to make sure that individuals who complete your programme meet our standards of proficiency.

How you meet these duties is up to you, but 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 A disabled person’s guide to becoming a health professional. You can download a copy of this guide from our website (www.hpc-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 and understanding of their condition; or
- whether they have got 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 an insight 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 15.

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 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 out more information about us and our processes on our website (www.hpc-uk.org). Here we publish information about how we work, including the standards that we produce, 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

Civil proceedings	An action in a court which does not involve a crime or criminal proceedings. Civil proceedings can include lawsuits to get compensation or deal with a contract term which has been broken.	Regulator	An organisation that protects the public by making sure people keep to certain laws or requirements.
Criminal conviction check	A check to see if someone has been convicted of a criminal offence or has received a police caution.	Service user	Anyone who uses or is affected by the services of registrants.
Education provider	The place where a programme is delivered or where a qualification is awarded.	Standards of conduct, performance and ethics	Standards that we expect from health professionals who are registered with us.
Fit to practise	When someone has the skills, knowledge, character and health to do their job safely and effectively.	Standards of education and training	Standards which education providers must meet to make sure that all those students who complete an approved programme meet the standards of proficiency.
Lay member	A panel member who is not a registrant or eligible to be registered by us.		
Professional body	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.		
Register	A published list of health professionals who meet our standards. The Register is available online (www.hpc-uk.org).		
Registrant	A professional who appears on our Register.		

Notes

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