Practice Note – Self Referral

Introduction

The Council's Standards of Conduct, Performance and Ethics (SCPE) state that a registrant must provide HPC with any important information concerning their conduct, competence or health. The SCPE state that registrants must inform us if they are

- convicted of a criminal offence (other than a motoring offence) or accept a police caution;
- disciplined by any organisation responsible for regulating or licensing a health or social care profession; or
- suspended or placed under a practice restriction by an employer or similar organisation because of concerns about their conduct or competence

When registrants provide this information to the HPC (in effect, make a self referral), it should not automatically be treated as if it was an allegation concerning the registrant's fitness to practise. Article 22 (1)(a) of the Health Professions Order 2001(the 2001 Order) sets out the types of allegations the HPC can consider when determining whether a registrant is fit to practise. Self referrals are usually written in a way which indicates that the registrant is looking for guidance from the HPC and to automatically treat such correspondence as an allegation is unfair and does not conform to the requirements about the form in which allegations must be made. An allegation has to be made against a registrant to the effect that his or her fitness to practise is impaired by reason of one of the grounds set out in Article 22(1)(a) of the 2001 Order. In self referring the registrant is simply meeting their obligations under the SCPE. It is in the public interest for HPC to encourage registrants to disclose such information and self referrals should not be treated in the same way as convictions that only come to the attention of the HPC via a certificate of conviction or caution provided by the courts or the police.

Self referrals are dealt with in the first instance as character (and thus registration) issues rather than fitness to practise issues. To this effect that are treated in a similar way to convictions and cautions which are disclosed in the course of applying for or renewing registration. In these instances a panel of the Registration Committee is asked to decide whether the caution or conviction (or any other disclosure made) impacts upon the person's registration.

However, self –referrals made at other points are dealt with slightly differently. The HPC will respond initially to self-referring registrants by making it clear that the matter was going to the Registration Committee for guidance. The HPC will also warn at this point that if on the basis of that guidance the Council believed that the registrant's fitness to practise was brought into question, the matter might be referred to the Investigating Committee at which time the

registrant would have an opportunity to comment. At this point the matter becomes an Article 22(6) allegation.

Article 22(6) of the 2001 Order enables the Council to ask for an investigation to be undertaken into a registrant's fitness to practise if it appears such an investigation should be made. Such an investigation is treated as if it was an allegation made under Article 22 (1) of that Order. Using this approach, the registrant is then given the opportunity to comment and has the same rights as any other registrant facing an allegation.

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