



# **Health and Good Character guidance**

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## Introduction

The GCC has been entrusted with maintaining a register of chiropractors as its core function, and therefore it must ensure those applying for registration meet its standards, and those already registered remain at those standards.

[The Code: Standards of conduct, performance and ethics for chiropractors](#) is the key document setting out what is expected of chiropractors, including the behaviour they are expected to practise and which relates to both health and character.

The Registrar has a legal duty to ensure applicants are of good character under S3(2)(b) of The Chiropractors Act. In addition, the GCC rules require that applicants for registration satisfy the registrar as to their good health and also make provision where this is seriously impaired once registration has been granted.

We undertake checks on both health and character to make sure that applicants are able to practise safely and effectively and registrants continue to be fit to practise. This then reduces the risk to service users and helps to maintain the public's confidence in the profession.

## The purpose of this guidance

This document provides guidance on our processes when assessing the health and character of people who apply to, or who are on, our Register.

You may find it useful if you are:

- applying to join or re-join the register
- already registered and need to make a declaration: or
- working in education and advising students on their applications.

It explains when you need to tell us about any relevant health conditions and character issues.

This guidance sets out the information we take into account when deciding whether or not an applicant meets our requirements to be registered.

## What is good character?

While the requirement to establish the 'good character' of applicants and registrants is written in law, no definition is given. Therefore the GCC has adopted the test of 'good character' as written in [A common approach to good character across the health professions regulators](#) (December 2008) published by the Professional Standards Authority.

The document identifies four key elements forming the basis on which we approach good character.

These are to determine 'whether an applicant [or registrant] has acted, or there is reason to believe they are liable in future to act and will be considered so we can reach a decision:

- (i) in such a way that puts at risk the health, safety or well-being of a patient or other member of the public
- (ii) in such a way that his/ her registration would undermine public confidence in the profession
- (iii) in such a way that indicates an unwillingness to act in accordance with the standards of the profession
- (iv) in a dishonest manner.

In making decisions about a chiropractor's character, the registrations team will also have regard to the GCC's published [Guidance on Sanctions](#), to provide a benchmark of the seriousness of any findings or convictions received by you; or allegations or other information about his or her conduct or behaviour.

The purpose of this is to ensure consistency across decisions made by the GCC. So that the same standards apply to someone joining a chiropractic programme as applies to applicants to join/ re-join the register and those already registered.

Conduct or behaviour that would lead to a registrant from being prevented from practising should also prevent an applicant from entering the profession in the first place.

## Information for applicants on character

This section is for you if you are applying for registration for the first time, restoring your name to the register, or apply for retention on the register.

Our legislation requires that you provide a declaration as to their 'good character'. By this we mean that your character is such that you are capable of safe and effective practice as a chiropractor.

### How we are notified

Before we can register you we ask questions about your character on the application form, which is where you self-declare any:

- Convictions you have had, or police cautions etc.
- Disciplinary matters by other regulators, either in the UK or overseas
- Student fitness to practise matters
- Civil proceedings brought against you (other than divorce or dissolution of a civil partnership).

In addition to the declaration you need to provide:

- a character reference
- certificate of current professional status from all regulatory bodies with whom you are/ have been registered; and

- police record checks if you had to pass the Test of Competence before applying.

If a concern is raised from either the declaration or the supporting documents we may ask for further evidence documenting the issues. You might therefore be asked to submit some or more of the following:

- a DBS check
- court extract and police records
- a copy of documentation showing details of disciplinary matters either by a regulator or by the chiropractic education institution
- details of civil proceedings
- a supporting statement from you
- additional references from those familiar with the concerns and attesting to your character
- information from a clinical tutor/ head of school.

Where a conviction occurred while on the chiropractic programme we will check with the academic registry team to ensure this was declared and to establish whether any action was taken.

### Protected convictions and cautions

You only need declare cautions and convictions that are not protected unless they are on the [list of offences that will never be filtered](#), which includes the most serious of crimes.

- a **protected caution** is protected from disclosure six years after it was accepted. If the offender was under 18 when the caution was

accepted then that period is reduced to two years.

- a **protected conviction** is protected from disclosure after 11 years. If the offender was under 18 when convicted then that period is reduced to five and a half years. In either case a conviction will only be protected if the offender received a non-custodial sentence and has no other convictions.
- a caution or conviction will NOT be protected if it is for a '[listed offence](#)' under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975. Listed offences include serious violent and sexual offences and offences which are of specific relevance to the safeguarding of children and vulnerable adults. A caution or conviction for a listed offence must always be disclosed to us.

## Range of possible decisions

You will find information on how we consider character information is given on page 8. If you are applying either for initial registration or for restoration to the register we can only either grant registration or refuse it. The Registration Rules do not allow for any other decision as would be the case if you were already registered.

If you are refused registration, you may appeal that decision and we will let you know how at that time

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<sup>1</sup> As the Rehabilitation of Offenders Act 1974 does not apply to GCC registration that you must declare to us any convictions or other findings against you, such as cautions, that you have received, even if they are 'spent'

## Information for registrants on character

### How we are notified

All registrants must retain their name on the Register of Chiropractors annually, a process that includes submitting your application form to declare any matters in relation to your character.

On the form you will be asked about your character, where you must self-declare any:

- convictions<sup>1</sup> you have had, police cautions etc., not previously declared
- disciplinary matters by other regulators, either in the UK or overseas, or while on a chiropractic programme
- civil proceedings brought against you (other than divorce or dissolution of a civil partnership)

If a matter is declared, we will ask for further evidence documenting the facts, which may include:

- a DBS check
- court extract and police records copies of documentation showing details of disciplinary matters either by a regulator or by the chiropractic education institution
- details of civil proceedings
- a supporting statement from you

under that Act, unless considered as a protected caution or protected conviction.

- additional references from those familiar with the concerns and attesting to your character

In addition, you must declare any criminal convictions, cautions, reprimands, warnings or Fixed Penalty Notices (other than for road traffic offences) received within 7 days<sup>2</sup>. If you don't and don't have a reasonable explanation, the fact of your failure to notify within the timeframe may be treated as unacceptable professional conduct.

While criminal convictions are, by law, passed automatically to the GCC Investigations Team, other matters relating to character will be considered by the Registration team initially and involve the application of the factors and principles set out within the framework on page 8.

## Range of possible decisions

The Chiropractors Act requires that, if you are convicted by a court, you will automatically be referred to the GCC Investigating Committee for consideration. The Investigating Committee will then decide whether the criminal offence has material relevance to the chiropractor's fitness to practise chiropractic, in which case it would then go forward to a hearing of the Professional Conduct Committee to determine.

If you self-declare a caution etc, we will consider the offence and may ask for some information and evidence, including your observations. Using the Good Character Framework set out in

this document, a decision will be taken, which will either be to allow you to remain registered or referred to the Investigating Committee.

The Registrar is not able to remove someone from the register without consideration of Council and then only where the application is fraudulently procured or incorrectly made.

If you make a declaration on your annual retention application form on a matter related to your character, the Registrar has the additional option to refuse to retain your name on the register, resulting in you being removed from the register. Where this is a possibility we would take into consideration the needs of patients/public.

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<sup>2</sup> At a meeting on 2 March 2011 Council agreed that the initial registration form and annual retention form would be amended to include a requirement to inform

the GCC of criminal convictions and cautions within seven days.

## GCC's good character assessment framework

In deciding whether or not an applicant/ registrant passes the test of being of good character, all available evidence will be considered about your character so that an informed decision can be taken. This may include evidence relating to:

- a. criminal convictions
- b. cautions, bind-overs, conditional discharges, admonishments or reports to a procurator fiscal
- c. findings by a body responsible for the regulation of a profession
- d. findings made by an chiropractic education institution
- e. findings made by a Criminal or Civil Court relating to you.
- f. any evidence in criminal or civil proceedings relating to you, including claims for negligence and disciplinary proceedings
- g. allegations, complaints or information about the conduct or behaviour of you which have been brought to the Registrar's attention, such as while at college, and which are incompatible with the standards set out in [The Code: Standards of Performance, Conduct and Ethics for Chiropractors](#)
- h. your observations; and
- i. testimonials and character references about you.

When reviewing evidence provided by you, the registrations team will consider whether there is or has been:

- a serious departure from the principles set out in [The Code](#); that is behaviour fundamentally

incompatible with being a chiropractor. If a student at the time then this is likely to have led to student fitness to practice proceedings

- professional incompetence where there is a risk to patient safety
- evidence of harmful deep-seated personality or attitudinal problems
- a risk of doing serious harm to others, either deliberately or through incompetence; particularly where there is a risk/ continuing risk to patients/ public
- an offence involving serious violence resulting in a custodial sentence
- evidence of repetition of similar behaviour since the incident
- abuse of a position of trust
- violation of patient's rights or exploiting vulnerable people
- offences of a sexual nature
- matters involving dishonesty, especially where it is denied, persistent or covered up
- acting without integrity and abusing professional standing
- persistent lack of insight into the seriousness of their actions or the consequences
- whether the behaviour was an isolated incident, which was not deliberate
- any repetition of the behaviour since the incident
- evidence that effective rehabilitation or corrective steps have been taken
- recency of the conviction/ offence/ behaviour and whether it occurred while on a chiropractic programme, or while registered



- the applicants / registrant circumstances – age at the time of the conviction or behaviour, any mitigating factors

When considering the seriousness of convictions, findings, conduct or behaviour, if any of the following are present then it will automatically be considered as serious.

- dishonesty, fraud, deceit or misrepresentation
- drug or alcohol dependency (which is also considered separately as a health issue)
- violence or intentional or deliberate or reckless disregard of human life
- sexualised behaviour as defined in [Clear sexual boundaries between healthcare professionals and patients; responsibilities of healthcare professionals](#) published by the CHRE in January 2008
- sexual offences
- abuse of trust or other inappropriate behaviour with vulnerable persons
- breach of confidentiality
- trafficking, diversion or illegal manufacture of any medicines (including controlled drugs) or medicinal products
- threats to public health, safety or welfare
- unlawful discrimination, harassment or victimisation, contrary to the requirements of the Equality Act 2010
- blatant disregard for the law or the system of registration
- any other behaviour which is incompatible with [The Code](#)
- in the case of an applicant for initial registration, where a

decision to suspend or remove you from the register would be likely in accordance with the [Guidance on Sanctions](#), had you been registered.

The GCC places great emphasis on the importance of full disclosure by you as part of the application process.

If you don't disclose matters potentially relevant to your character we are likely to take the view that this is evidence of a lack of understanding or insight, which may result in a decision to refuse registration or referral to the Investigating Committee.

It is therefore in your interest to declare any and all matters that may be relevant to a decision about 'good character'.

## Criminal convictions

If you have a conviction, caution, reprimand or warning the following will also be considered in addition to those considerations above:

- the seriousness of the conviction, finding, conduct or behaviour
- its relevance to maintaining public confidence in the chiropractic profession
- the length of time since sentencing, or the conduct or behaviour was committed
- your age at the time of the conviction or finding was received, or the conduct or behaviour was committed
- your personal mitigation in respect of the conviction, finding, conduct or behaviour
- the extent to which the conviction, finding, conduct or

behaviour is counterbalanced by testimonials and character references about your subsequent and recent conduct or behaviour

- the extent to which you disclosed (or failed to disclose) the existence of the conviction, finding, conduct or behaviour, during the application process.

## **Drink and drug related offences**

Matters relating to character, such as convictions and cautions, will also be considered separately as a health concern if alcohol and/ or drugs are involved.

## **How we consider character information**

We review all of the documentation provided by the applicant to give us a better understanding of your character. This helps us to consider your actions, specifically to understand whether the behaviour may recur or if patients / public may be put at risk.

A review is then completed against the criteria identified on page 8, this is to ensure consistency in our approach and also to show that all criteria have been considered. If a decision to register is made, in the case of initial or restoration of registration, a short statement is written giving the assessors reasons for making that decision.

Where either a question remains as to what decision is appropriate, or a decision not to register is a possible outcome, we will review the documentation separately. If the

conclusion is to refuse registration the Registrar will write to you giving an explanation along with details of how to appeal the decision.

In some circumstances the Registrar may consider that a face to face interview with you is appropriate to ask you specific questions. If this is the case a member of the registrations team will contact you to arrange a suitable time.

## Health

### Health in chiropractors

Having a health condition is not in itself a reason to refuse registration or refer you to our Health Committee.

If we are satisfied that you are successfully managing a health condition by taking steps that will avoid any risk to patients/ public and ensure you have the ability to perform your job safely, we are unlikely to turn down your application on medical grounds.

As a consequence, if you have existing or pre-existing medical conditions, it is very much in your interests to provide us with as much information about the condition or conditions as you can and how you are managing this to allow us to make an accurate decision on the application.

When we talk about 'health' we are not making judgements about whether you are 'healthy' or in 'good health'. We also do not make judgements on disabilities. This is because you may have a disability or a long-term condition that means you do not consider yourself to be in 'good health'. As long as any condition or disability is well managed and you have the insight and understanding to be able to adapt your practise accordingly then the condition or disability would not, of itself, lead to registration being refused.

## Information for applicants on health

This section is for applicants who are applying to join the register for the first time, restoring your name to the register, or applying to retain on the register.

### How we are notified

You will need to agree to a declaration on the application form as to whether you suffer any ongoing medical problems, either physical or mental, which may adversely affect your ability to competently and safely practise chiropractic or the safety of others.

In addition to the declaration you will need to send us a report from your General Practitioner. This is because the Registration Rules require that we are satisfied you are of good health, both mentally and physically before agreeing to register you.

### What you need to tell us

The question we ask around health on the application form relates specifically to your ability to deliver services as a chiropractor. We do not need to know about health conditions or disabilities if they do not impact on your ability to deliver the services you are offering.

However, you will need to tell us about any condition you have that impacts on your ability to deliver the services you are offering, or if you are not sure whether you will be able to adapt, or need to stop practising due to the condition.

If you declare a health condition, we need to be sure that you have insight and understanding into your health and how it impacts on your ability to practise safely and effectively. By which we mean that you have a realistic understanding of the limits any condition puts on your ability to undertake the services you are offering, so that neither yourself nor patients / public are put at risk.

We would normally expect details of any condition to appear in the medical report you provide from your GP. Sometimes the information is unclear or incomplete for our purposes and we might wish to approach your GP to ask some specific questions about how any condition may impact on your practise, this is usually restricted to whether the condition would seriously impair your fitness to practise rather than specifics about the condition itself.

If the information from your GP is unclear or incomplete, we may ask you to attend for a health assessment or both with someone nominated by us. If this happens we will liaise with you to make sure it is someone you are comfortable with and can easily access.

## Alcohol/ drug

Health concerns involving alcohol and drugs are considered as especially serious. Notification is often as a result of a related conviction. This happens most often in cases of drug or drink driving. We consider these as serious because there is concern that your judgement may have been

compromised, that could negatively impact on your ability to practise safely.

In order to make an informed decision we will take into consideration:

- the age of the conviction/ health issue
- the number of similar occurrences
- whether you have shown insight into your behaviour

In most cases the report from your GP<sup>3</sup> along with a supporting statement setting out the details, including any mitigation, will be enough. However, if the conviction or health issue happened while you were on a chiropractic programme the Registrar may also seek information from the academic registry team to understand whether the offence was reported and, if so, whether any action was taken.

If any of the following is apparent we may ask that you attend a health assessment with a consultant psychiatrist and undergo tests for alcohol/ drug addiction, to ensure there are no underlying health issues. This may happen where:

- there is a concern of potential addiction
- there are previous convictions involving either alcohol or drugs
- you are or have previously been treated for alcohol/ drug or other health issues: or
- alcohol or drugs are linked to your workplace.

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<sup>3</sup> If the GP does not have access to your notes covering the past four consecutive years then we

will consider on a case by case basis whether a mental health assessment may be needed.

## Range of possible outcomes

Information on how we consider health is given on page 14. If you are applying for either initial registration or restoration to the register the outcome can only be to grant registration or to refuse it. The Rules do not allow us to make any other decision as would be the case if you were already registered.

In the unlikely event a decision is made to refuse registration, you can appeal that decision.

## Information for registrants on health

### When to notify the GCC

All registered chiropractors must follow [The Code](#), which places on them a requirement to “*protect patients and colleagues from harm if your health, conduct or performance, or that of a regulated healthcare professional, puts patients at risk*”.

As part of your annual retention you declare any changes to your health that have impacted on your ability to offer chiropractic services, although you can do so at any time during the year.

We only need to know about those health issues that are ongoing and may prevent you from practising safely and effectively. This would include conditions:

- involving drugs or alcohol
- that have an effect on your ability to fully carrying out your duties as a chiropractor: and

- that impact on your health.

### Alcohol/ drug

We consider these as especially serious as there is a concern that your judgement may have been compromised negatively impacting on your ability to practise safely.

Cases where you received a conviction are automatically referred to the GCC's Investigating Committee in accordance with The Act. However matters that do not result in convictions are considered by the Registrar.

If you have a health condition related to alcohol or drugs you will be encouraged to provide information so that we can make an informed decision. Additionally you will be asked for a report from your GP if this is the only instance of the conviction or health issue, to ensure there is no history of addiction for which you have sought treatment. In most cases this will be enough to satisfy the Registrar.

However, we may ask you to undergo a mental health assessment with a consultant psychiatrist and undergo tests for alcohol/ drug addiction if any of the following are apparent:

- where there is concern of potential addiction
- where there are previous convictions involving either alcohol or drugs
- where you are or have previously been treated for alcohol/ drug or other health issues: or
- where alcohol or drugs are linked to the workplace.

## Implications of making a declaration

Where we are satisfied that any health condition does not impact on your ability to undertake the services offered or, is well managed and appropriate adaptation taken, any action is unlikely.

Where there is a question as to your ability to carry out your function as a chiropractor we may refer the matter to the Investigating Committee. While the Registrar has the power to refuse an application for retention on the Register, there would need to be a direct and immediate danger to patients/ public.

## GCC's health assessment framework

When considering health issues the GCC looks specifically to see whether any of the following are present:

- drugs/ alcohol are involved (convictions are also considered separately as a matter of character)
- the chiropractors judgement is impaired
- the ability to perform the function of a chiropractor is impaired
- there is a risk to patients or the public, which may be direct or indirect
- the likelihood of a health condition recurring
- whether the health condition is communicable, i.e., ICD-10
- lack of insight into the condition and how it affects their role as chiropractor

While we do not normally need anything additional from you other than the declaration, should one or more of the above criteria apply we may ask for:

- a report from the GP
- references from those familiar with your condition explaining how it impacts on your ability to carry out their chiropractic role, for example colleagues
- a supporting statement from you
- details of any mitigation
- evidence that the condition is well managed
- a report from a health professional nominated by us

The GCC places great emphasis on the importance of full disclosure as part of the application process.

If you don't disclose matters potentially relevant to your health we may take the view that it is evidence of a lack of understanding or insight, which may result in a decision to refuse registration or refer you to the Investigating Committee.

It is therefore in your interests to declare matters that may be relevant as set out above.

## How we consider health information

We review all of the documentation you provide so that we fully understand how the health condition affects you. This helps us to consider how it may impact on patients/ public or the public, if at all.

A review is then completed against the criteria identified above, this is to

ensure consistency in our approach and that all criteria have been considered. Where a decision to register is made, in the case of initial or restoration of registration, a short statement is written giving the reasons for making that decision.

If either a question remains as to what decision is appropriate, or a decision not to register is a possible outcome, we will review the documentation on a case by case basis. If the conclusion is to refuse registration we will write to you giving an explanation along with details of how to appeal the decision.

## Appeals

If your application for initial registration, restoration or retention on the register is refused, you have the right to appeal that decision within 28 days of the date of the letter of notification. Full details of the appeals process can be found on our website [\[here\]](#).

## Version control

Version number	Author	Date	Changes
1.0	J Button	July 2019	