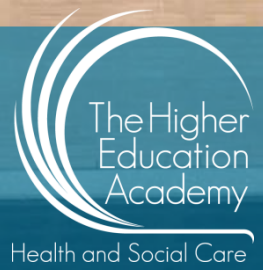


Assessing the suitability of students to enter and remain on qualifying social work programmes



Guidance for universities and their employer partners in England

The Higher Education Academy with The Joint University Council Social Work Education Committee and The College of Social Work

November 2014



Joint University Council
Social Work Education Committee

THE COLLEGE OF
SOCIALWORK

The voice of social work in England

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Forward

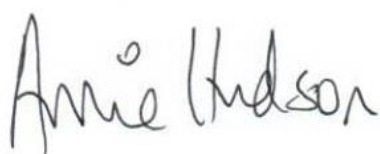
I am very pleased to be asked to write the foreword to this revised guidance produced by the Higher Education Academy (HEA) in conjunction with The College of Social Work (TCSW) and Joint University Council Social Work Education Committee (JUC-SWEC).

Everyone involved in the social work profession has responsibilities to promote and ensure high standards of professional practice and behaviour. These responsibilities extend to students who will become the next generation of qualified social workers and our future colleagues.

It is clearly imperative that universities and colleges, in partnership with employers, practitioners, and people who use services and carers take the utmost care to ensure that the best candidates are selected for social work training and education. We need to make sure that people are selected to social work qualifying programmes have the right combination of emotional resilience, intellectual ability and the potential to learn and grow into confident and capable professional practitioners. Social work training should be – and is – very demanding, expecting people to develop the capabilities they need to meet the unceasing challenges of social work practice in all settings.

All students admitted to social work courses must be Disclosure and Barring Service (DBS) checked, make a declaration in relation to their past and present conduct, and state that they are able to manage any significant health conditions. Universities and colleges, and their partners, must have in place processes to manage instances where students who are already on a social work programme are evidencing their unsuitability for a career in social work. These processes must be robust and capable of protecting the public, as well as being transparent and fair to students. They must also be effective in ensuring that students who cannot meet the Health and Care Professions Council's (HCPC's) registration requirements on qualifying are not permitted to remain on social work education programmes. TCSW's endorsement scheme for qualifying social work programmes, expects all providers to have in place procedures to screen out anyone who is not suited to the social work profession, both at the point of entry and throughout their course.

This new guidance makes a valuable contribution to ensuring the protection and safety of users of services and carers and to supporting high calibre student social workers.

A handwritten signature in black ink that reads "Annie Hudson". The signature is written in a cursive, flowing style.

Annie Hudson
Chief Executive
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We would like to thank all those who have contributed, and to acknowledge the comments and suggestions from the Health and Care Professions Council

Summary of recommended good practice

1. There should be clear, published procedures for managing concerns about suitability on all programmes. All parties (students, educators, employer partners and practice educators) should be made aware of these, and know where to access full information. Students should be alerted to sources of guidance and support in order that they are able to fully participate in the proceedings at all stages.
2. All students should learn about the Health and Care Professions Council (HCPC) expectations of 'fitness to practise', as set out in the *Standards of conduct, performance and ethics*¹ and the *HCPC Guidance on Conduct and Ethics for Students*². They should also learn about the professional expectations set out in the Professional Capabilities Framework (PCF)³ for social workers held by The College of Social Work (TCSW), together with TCSW's *Code of Ethics*⁴ (written primarily for members of TCSW) and the BASW *Code of Ethics*⁵. Case studies should be used to debate how these standards and codes might be interpreted. An initial learning agreement with students should be drawn up to cover their agreement to abide by the relevant codes and to declare any issues that might affect their fitness or suitability. Such issues may relate to a student's conduct or to their health, where the latter may have a bearing upon their ability to practise safely or to the required standards.
3. Procedures for managing suitability/fitness to practise on social work programme should be regularly reviewed, and the views of employer partners sought. TCSW *Criteria for endorsement* stipulate that, "Professional and active partnerships are in place to effectively design and deliver initial qualifying courses. This will include working collaboratively to ensure wherever possible that students are safe to practice throughout their course."⁶ Collaboration on this issue should be incorporated into the memorandum of co-operation. A shared understanding of the term 'fitness to practise' and 'suitability' should be established, consistent between the university setting and practice settings. The views of practitioners, service users and carers and students should also be sought and taken into account in developing relevant processes. Any guidance from the regulator (HCPC) and The College of Social Work should be incorporated, and may also provide a useful lever to encourage the higher education institution (HEI) to adopt best practice in some situations.
4. Where possible, HEIs should set up training for those involved in running such procedures, to include appropriate information about the legal context. This may be led by the relevant administrative or management section of the university (e.g. registry/legal/governance) in conjunction with social work faculties. Social Work faculties/departments are advised to develop close working relationships with the relevant university-level team/department.
5. There should be a designated member of the university academic staff (preferably a registered social worker) holding responsibility for the oversight of all concerns and procedures relating to students' suitability. This may be the course leader or the head of department, or a colleague with appropriate experience, depending on the context of the programme in the HEI.
6. At least one nominee from an agency in formal partnership with the university (normally this will be a registered social worker) should be involved in the decision-making process of any panel hearings.
7. Anyone may refer a student for investigation, but the person who investigates a concern must obtain credible supporting evidence, carefully recorded, and the focus of all suitability procedures should be on evidence and relevant professional standards, keeping in mind the ultimate responsibility of social workers and educators is to current and future service users.

¹ <http://www.hpc-uk.org/aboutregistration/standards/standardsofconductperformanceandethics/index.asp>

² <http://www.hpc-uk.org/publications/brochures/index.asp?id=219>

³ <http://www.tcsw.org.uk/pcf.aspx>

⁴ http://www.tcsw.org.uk/uploadedFiles/TheCollege/Members_area/CodeofEthicsAug2013.pdf

⁵ http://cdn.basw.co.uk/upload/basw_112315-7.pdf

⁶ http://www.tcsw.org.uk/uploadedFiles/TheCollege/Media_centre/InformationandGuidanceforHEIs.pdf

8. Any student whose suitability is being investigated should have access to representation and support. However, representation should not extend to the representative, rather than the student, responding to direct questions in respect of their conduct or related issues. The main function of any representative is to ensure full and informed participation in the processes. There should be a clear articulation of possible outcomes for students. When a student is subject to suitability proceedings, clear statements should be made regarding their status on the programme. This may include, for example, that they are suspended (without prejudice) from the programme in full until the outcome is known or that they are suspended from placement where concerns are about current risk. Alternatively, they may be asked to 'pause' their placement work without prejudice to the final outcome.
9. There should be clear and explicit guidance about appeals.
10. TCSW *Criteria for endorsement* stipulate that, "Attention should be paid to the provision of 'exit' routes for those students who are unable to meet academic and/or professional requirements of the programme".⁷ HEIs must ensure that there are appropriate exit routes and awards for students who choose not to complete the full award or for those who are deemed unsuitable for professional social work but who may have academic credits that can be recognised in an alternative award. Such awards must be clearly distinct from social work in their title and award criteria.

⁷ http://www.tcsw.org.uk/uploadedFiles/TheCollege/Media_centre/InformationandGuidanceforHEIs.pdf

1. Introduction

This document provides guidance and information about processes undertaken by higher education institutions (HEIs) and their partners to ensure the suitability of students entering, and while on qualifying programmes, leading to determination of their fitness to practise at the point of qualification, when they apply to register with the Health and Care Professions Council (HCPC) in England. This guidance has been developed under the auspices of the Higher Education Academy (HEA) in collaboration with The College of Social Work (TCSW) and the Joint University Council Social Work Education Committee (JUC-SWEC). The working group comprised academic staff from HEIs providing social work programmes, practitioners and representatives of both bodies. The HCPC has commented on the draft to ensure the accuracy of its position. A full list of contributors can be found on page four. The guidance replaces that published in 2007 by JUC-SWEC and the previous regulator, the General Social Care Council (GSCC.) Revision of this guide may be needed in the future to reflect any changes in requirements by the HCPC as regulator, by TCSW as the professional body concerned with the endorsement of qualifying social work programmes, or in the light of changing legislation and/or case experience.

Consideration of issues about students' suitability and their ultimate fitness to practise must be considered throughout their journey through the programme. At the admissions stage, programmes will concentrate on the overall suitability of applicants, encompassing a wide range of issues, from academic readiness, to communication skills, to understanding of the nature of social work (see for example TCSW's entry criteria using the PCF⁸). They will take into account any history of actions or behaviours that might be deemed problematic. At this stage, any concerns will need to be balanced with a judgement about the ability of candidates to learn and develop further in these areas. Prior to entry, applicants are required to disclose any conduct or health issues that may affect their ability to practise safely. They are also invited to discuss any health or disability issues in order that appropriate support can be offered.

Once on the programme, programme staff will need to identify and respond to referrals (from other students, practice colleagues and service users) about incidents or problematic behaviours that call into question a student's suitability for professional practice. The assessment threshold that TCSW require programmes to incorporate prior to the student's first placement – the “*Assessment of readiness for direct practice*”⁹ – offers a formal intermediate point at which suitability issues may be proactively assessed, prior to the first placement. All HEIs will need to have in place appropriate procedures to investigate any issues that occur relating to students on the course, while attending university, on placement or in their personal lives such that their suitability and ultimately their fitness to practise is brought into question. These issues are covered in sections six and nine.

This guidance does not cover issues arising in relation to fitness to practise for social workers who are students on post-qualifying programmes for continuing professional development.

2. The importance of determining suitability and fitness to practise

Social work is a profession that entails contact with the most disadvantaged people in society, who are themselves vulnerable or are in a vulnerable position, and social workers often practise in situations where there are high levels of risk to people who use services, their carers, members of the public and other professionals. Qualified practitioners are expected to adhere to high standards of professional practice and behaviour, as set out in the HCPC *Standards of conduct, performance and ethics*¹⁰ and the HCPC *Standards of proficiency for social workers in England*¹¹. They will be held to account by the HCPC should their conduct or performance be reported as unsatisfactory. The professional bodies also make clear their own expectations:

⁸

[http://www.tcsw.org.uk/uploadedFiles/TheCollege/_CollegeLibrary/Reform_resources/RecommendationsSelectionStudents\(edref2\).pdf](http://www.tcsw.org.uk/uploadedFiles/TheCollege/_CollegeLibrary/Reform_resources/RecommendationsSelectionStudents(edref2).pdf)

⁹ [http://www.tcsw.org.uk/uploadedFiles/TheCollege/_CollegeLibrary/Reform_resources/DevelopingSkillsReadiness\(edref10\).pdf](http://www.tcsw.org.uk/uploadedFiles/TheCollege/_CollegeLibrary/Reform_resources/DevelopingSkillsReadiness(edref10).pdf)

¹⁰ <http://www.hpc-uk.org/aboutregistration/standards/standardsofconductperformanceandethics/index.asp>

¹¹ <http://www.hpc-uk.org/publications/standards/index.asp?id=569>

TCSW through the *Professional Capabilities Framework*¹² and *Code of Ethics*¹³, and the British Association of Social Workers' *Code of Ethics*¹⁴.

During their professional education and training programmes, social work students will also be working with vulnerable people, albeit usually in more supervised and supported situations. They must, therefore, both understand the need for and meet high standards of conduct. While they are, by definition, learning to be social workers, and within reason should be able to learn from their mistakes, from time to time issues may arise which call into question the students' suitability for social work, and whether they would be able to meet the HCPC criteria of fitness to practise at the end of their course. Such issues must be addressed by the programme provider using procedures that are clearly set out, documented and robust, but which are also fair to the student. All students must, from before the point of entry, understand the professional nature of the programme on which they are studying, and so that, ultimately, people who use services and their carers are protected from people who are not able to maintain high standards. The reputation and integrity of the social work profession is also at stake; case law¹⁵ shows that this is a significant regulatory concern. In this respect universities and their partners are acting as the initial gatekeepers to the profession. The HEI has duties both in terms of public protection, and to the profession itself.

While many social work students will at some point experience episodes of ill health, or may have a disability, this may not be a problem in terms of 'fitness to practise' provided that the student is able to manage their condition appropriately. This may range from seeking appropriate support or treatment, to not attempting to continue their studies (particularly while on placement) if they are unwell, particularly if they may be putting themselves or others at risk due to their condition. The HEI and placement providers have duties under equality legislation to consider reasonable adjustments for disclosed disabilities (see especially s20 and ss91–92 and Schedule 13, Equality Act 2010¹⁶) and where these are agreed, they should be reviewed on a regular basis to ensure ongoing appropriateness and effectiveness in the light of changing needs and/or changing role expectations. HEIs may wish to use placement agreement meetings and paperwork and then, midway, review processes to consider and record discussions about reasonable adjustments. In deciding upon reasonable adjustments, HEIs are advised to take into account sector guidance (e.g. Quality Assurance Agency (QAA)¹⁷ and HCPC¹⁸).

While this guidance, together with the various codes of conduct and ethics, provides a useful framework against which decisions about suitability or fitness to practise are made, it should be recognised that such decisions are often complex; each individual case should be properly considered in the context of its particular circumstances. In effect, ethical judgments have to be made by the staff involved, and these may require careful interpretation of any 'rules' or expectations, taking into account the context of any problematic actions and/or any emergent pattern of behaviour. For all parties, such investigations are likely to be stressful. Any member of staff involved with such procedures has to balance consideration of widening access principles and a belief in students' ability to change, with the need to select and retain only those able to become safe practitioners. High standards of practice are required to manage the procedures properly, documenting appropriately all stages, while providing an appropriate level of support to the student and any practice educator, service user, student witnesses or staff member involved.

3. Terminology

The terms 'suitability' and 'fitness to practise' are both used to describe the attributes that student social workers should have, and/or the procedures used to respond to issues that call into question the student's ability to meet expected standards. Both terms have been used to describe this, either in terms of actions or

¹² <https://www.tcsw.org.uk/ProfessionalCapabilitiesFramework/>

¹³ https://www.tcsw.org.uk/uploadedFiles/TheCollege/Members_area/CodeofEthicsAug2013.pdf

¹⁴ http://cdn.basw.co.uk/upload/basw_112315-7.pdf

¹⁵ See for example Bolton v Law Society [1994] 1 WLR 512 and Gupta v General Medical Council [2002] 1 WLR 1681

¹⁶ See details at: <http://www.legislation.gov.uk/ukpga/2010/15/section/20>

¹⁷ <http://www.qaa.ac.uk/Publications/InformationAndGuidance/Documents/Quality-Code-Chapter-B4.pdf>

<http://www.qaa.ac.uk/publications/informationAndGuidance/Documents/Section3Disabilities2010.pdf>

¹⁸ <http://www.hcpc-uk.org/publications/index.asp?id=1111#publicationSearchResults>

behaviours ('misconduct'), or as a character trait ('unsuitable people'). The latter might for example encompass repeated acts, of a minor nature in themselves, but which might indicate a lack of honesty or trustworthiness of the individual concerned.

The HCPC defines fitness to practise in the following way: "When we say someone is 'fit to practise', we mean that they have the skills, knowledge, character and health to practise their profession safely and effectively"¹⁹, so this is the 'end product' to which all social work students and programmes are aiming by the point of qualification.

In this document we will largely use the term 'suitability' to cover the issues which are dealt with in relation to students prior to entry and during their time on the programme, and 'fitness to practise' as the end point that must be achieved by qualifying social workers. The use of the term 'suitability' in relation to social work students also enables us to take into account of a student's journey through a programme, their potential to achieve the expected outcomes, and their capacity for change, and insight – students may be 'unready' to qualify or meet expectations, rather than 'unsuitable'.

However, we recognise that different use of the terms may occur within HEIs, especially where there are common procedures for other professions (medicine, nursing, psychology or teaching for example that may use other terms (e.g. 'fitness to practise panels').

While the HCPC codes, the PCF and the codes of ethics published by TCSW and BASW all provide clear pointers to what might be deemed 'suitable' in a social work student, in practice it may be the *inappropriate* behaviour actions of students that call into question their suitability. In Appendix D of this guidance some examples are given of issues that have arisen for students that social work programmes have managed through their 'suitability' procedures.

In addition, all procedures have to take into account the extent to which the impact of a student's ill health or disability may mean that they are temporarily (or permanently) unable to meet some of the expected standards. Students must be made aware of their responsibility to inform the university if they believe their health may affect their ability to practise safely and effectively. In line with HCPC guidance, "as long as the condition or disability is managed appropriately, and the applicant or registrant has insight and understanding into their condition"²⁰, they would not be deemed unfit to practise. While universities and their employer partners have a duty under the equalities legislation to ensure that "reasonable adjustments" are made to ensure that students with an impairment are able to study, there may be some illnesses or disabilities that would make it very difficult for a student to meet the regulator's expected standards even with support and adjustments but, more commonly, it is when students fail to manage their condition that difficulties arise. The HCPC publish "A disabled person's guide to becoming a health professional"²¹ (currently being revised) and also *Guidance on health and character*²² that sets out the processes they use to assess the health and character of people who apply to, or who are on, their register.

It should be recognised by all concerned that a student's 'suitability' is not fixed and may be subject to change during their social work programme (just as 'fitness to practise' in professional life may also change over time). Students who were clearly suitable at the point of entry to the programme may later encounter life crises, or react to issues in the course of the learning in a way that raises concerns; such incidents may be resolved quickly or over time (e.g. through a temporary suspension of studies) after which they are ready to return.

4. The responsibilities of different parties

Students, university staff, practice educators and employers all have responsibilities in terms of managing suitability and fitness to practise issues.

¹⁹ <http://www.hcpc-uk.org.uk/complaints/fitnesstopractise/>

²⁰ <http://www.hcpc-uk.org/aboutregistration/healthanddisability/>

²¹ <http://www.hpc-uk.org/publications/index.asp?id=111#publicationSearchResults>

²² <http://www.hpc-uk.org/publications/brochures/index.asp?id=220>

Students

All students need to recognise their responsibilities and the expectations placed upon them given their aspiration to qualify as a social worker. This starts with the pro formas that universities usually require students to complete once they are offered a place, through which they must declare issues that may be of concern (e.g. criminal conviction, health conditions that may impact on their studies). Many universities also require students to sign a form annually to confirm and accept adherence to the HCPC Standards of performance, conduct and ethics, and a commitment to update their Disclosure and Barring Service (DBS) status if this changes

Students should think carefully about their behaviour on the course (e.g. attendance, behaviour in groups, academic integrity) and their behaviour on placement (following professional guidance, and seeking further guidance where needed). They must be aware that some behaviour or actions in the home, socially, in other paid employment or in their use of social media might adversely impact on their standing as prospective social workers. They will also need to consider the extent to which they take responsibility for reporting behaviours or incidents about other students, should they think these might put users and carers or the integrity of the profession at risk. The HCPC *Guidance on conduct and ethics for students* (based on the *Standards of conduct, performance and ethics* for registered social workers) provides a good overview of student responsibilities²³.

Students should be aware of their responsibility to inform the university if they believe their health may affect their ability to practise safely and effectively. This may mean that different arrangements are made to continue on the course, particularly if the student is on, or soon due to start a practice placement. In line with HCPC guidance, as long as a health condition or disability is managed appropriately, and the applicant or registrant has insight and understanding into their condition, they would not be deemed unfit to practise. For further information students should refer to the HCPC *Guidance on health and character*²⁴.

All universities will publish their internal procedures for managing concerns about suitability or fitness to practise, and students should familiarise themselves with these. They should also know that such procedures should be set up so that students are entitled to a fair hearing, including a right to appeal. In some cases students may also be able to contact the Office of the Independent Adjudicator²⁵ (OIA, the independent body set up to respond to complaints from students at HEIs in England and Wales) should internal procedures be completed but the student remains dissatisfied.

The HEI

The university, as the education provider approved by the HCPC, holds the responsibility to manage suitability and fitness to practise issues. Their duties are set out below. Such procedures sit alongside their general procedures for managing student disciplinary issues, and their established regulations for assessment. Balanced with these duties the HEI also holds a duty of care towards students, and must meet the legislative requirements of the Equality Act 2010. Setting up and operating fair yet robust suitability/fitness to practise procedures will entail taking into account, and sometimes balancing, the different duties of the HEI, and ensuring wherever possible a good fit with university regulations, or where necessary, applying for and securing derogation or appropriate amendments. This is discussed further in section six.

Employer partners

Social work agencies that are linked to the HEI programme may become involved with suitability/fitness to practise issues in a number of ways. Most HEIs will discuss with their partners (as part of their Memorandum of co-operation) the best arrangements for such procedures. In many partnerships, employers will be asked to play an active part in the processes for managing concerns about students. Additionally, if an incident occurs while student is on placement, this may bring into play the employer's own disciplinary procedures. In such cases, parties should liaise to ensure that there is no double jeopardy or unfairness in the use of two processes and that the distinct areas of focus and responsibility are clear.

²³ <http://www.hpc-uk.org/publications/brochures/index.asp?id=219>

²⁴ <http://www.hpc-uk.org/publications/brochures/index.asp?id=220>

²⁵ <http://www.oiahe.org.uk/>

Practice educators

If incidents occur while a student is on placement that call into question the student's suitability/fitness to practise, the practice educator will usually be centrally involved in reporting – and possibly contributing to the investigation of – the issues. It may be a specific incident, or a series of events that are of concern. It is essential that the practice educator keeps a clear record of concerns, and any actions taken to address these (including those through normal channels of supervision). Any evidence that may indicate a student's lack of suitability should be highlighted and carefully evaluated.

In the first instance, such concerns will be handled through the procedures the university has set up to manage assessment issues (e.g. tutor or placement co-ordinator as first point of contact). Occasionally something very serious may occur that requires immediate action and the practice educator may wish to recommend suspension of studies while the matter is investigated. At the end of a placement, there may be times when a practice educator is so concerned about a student's behaviour and performance that they wish to recommend that a repeat placement is not offered, and referral to the programme's suitability/fitness to practise procedure and/or termination of training (in addition to a recommendation that the student does not pass the placement). Such recommendations are then made/endorsed by the practice assessment panel (or similar body) and formally ratified or amended by the relevant examination board, subject to university regulations. A robust evidence base will be needed if a repeat placement is not to be offered, so the practice educator must bear this in mind when recording concerns. In many universities, *non-repeats* cannot be agreed unless suitability processes have been followed to their conclusion and the student has been found unsuitable for social work training.

5. The professional and regulatory context for managing student suitability and 'fitness to practise'

The HCPC took over the regulation of social workers and social work education in 2011. A decision was made not to register students while they were on social work programmes, since the HCPC consider the most effective means of assuring the fitness to practise of social work students in England is through the *Standards of education and training* (SETs) and the approval of education and training programmes. The sections of the HCPC SETs most pertinent to this are:

- 3.16 *There must be a process in place throughout the programme for dealing with concerns about students' profession-related conduct.*
- 4.5 *The curriculum must make sure that students understand the implications of the HPC's standards of conduct, performance and ethics.*
- 6.5 *The measurement of student performance must be objective and ensure fitness to practise.*

Additionally many of the SETs relating to admissions specify criminal conviction checks, health requirements, and professional entry standards. Professional entry standards here refer to TCSW standards.

Thus, the approval process from the HCPC should ensure that an appropriate process for considering suitability is in place such that, at the point of successfully completing their programmes, qualifying social workers meet the criteria set out in the *Standards of proficiency for Social Workers in England*, and recognise their obligations in respect of the *Standards of conduct, performance and ethics*. This guidance is intended to support universities in their arrangements for undertaking this duty.

The HCPC set up a transitional '*Social work student suitability scheme in England*'²⁶ to provide a mechanism for dealing with concerns about students while the HCPC assess social work programmes against the SETs. The scheme can only be accessed by social work programmes that are transitionally approved and have not yet completed the full HCPC approval process. Social work programmes that have successfully completed the approval process are no longer eligible to access the scheme. The scheme which will run until all programmes have completed the HCPC approval process in 2015 enables the regulator to:

²⁶ <http://www.hpc-uk.org/education/studentsuitability/>

- provide an opinion, in exceptional circumstances, to a social work education provider on whether an applicant is of suitable character to be admitted to a programme;
- investigate where they consider that the education provider has failed to deal with a credible complaint about a student appropriately;
- consider the outcomes of an education provider's fitness to practise procedures to determine whether a student should be prohibited from a programme;
- maintain a record of students who are not permitted to participate in a social work programme in England; and
- manage open cases concerning individuals applying to be on the student register maintained by the GSCC and those individuals who are on the GSCC student register.

TCSW

In their arrangements for endorsement of social work qualifying programmes in England²⁷ TCSW refer to issues of student suitability for both admissions and the assessment of readiness for direct practice. For admissions there is a criterion that:

Admission and selection procedures are carried out in accordance with the Guidelines on calibre of entrants (selection, admissions and suitability)²⁸ held by The College of Social Work.

These guidelines state that:

HEIs must ensure that they have in place fair and robust processes for dealing with the evaluation of sensitive information on CRB (sic)²⁹ and health disclosures, and processes for making decisions regarding suitability with reference to and in line with HPC³⁰ (sic) Guidance on conduct and ethics for students and Guidance on health and character.³¹

In relation to health issues they state that:

Decisions about what is 'satisfactory' in relation to individual applicants should be agreed by HEIs and placement providers with reference to and in line with HCPC Guidance on health and character³².

In relation to criminal records they state that:

Decisions about what is 'satisfactory' in relation to individual applicants should be agreed jointly by the HEI and placement providers with reference to and in line with HPC Guidance on conduct, and ethics for students and Guidance on health and character.³³

There are also expectations for an assessment of "readiness for direct practice", to take place prior to the first placement. This

should be assessed through a structured process whereby students demonstrate their communication skills and ability to engage safely and effectively with service users.³⁴

²⁷http://www.tcsw.org.uk/uploadedFiles/TheCollege/Media_centre/InformationandGuidanceforHEIs.pdf

²⁸[http://www.tcsw.org.uk/uploadedFiles/TheCollege/_CollegeLibrary/Reform_resources/RecommendationsSelectionStudents\(edref2\).pdf](http://www.tcsw.org.uk/uploadedFiles/TheCollege/_CollegeLibrary/Reform_resources/RecommendationsSelectionStudents(edref2).pdf)

²⁹ NB since publication of this report, DBS has replaced Criminal Records Bureau (CRB)

³⁰ Now HCPC

³¹ [http://www.swapbox.ac.uk/1133/1/Admission%2520to%2520SW_Dec2011_final%2520doc\[1\].pdf](http://www.swapbox.ac.uk/1133/1/Admission%2520to%2520SW_Dec2011_final%2520doc[1].pdf) page 23

³²[http://www.tcsw.org.uk/uploadedFiles/TheCollege/_CollegeLibrary/Reform_resources/RecommendationsSelectionStudents\(edref2\).pdf](http://www.tcsw.org.uk/uploadedFiles/TheCollege/_CollegeLibrary/Reform_resources/RecommendationsSelectionStudents(edref2).pdf) page 5

³³[http://www.tcsw.org.uk/uploadedFiles/TheCollege/_CollegeLibrary/Reform_resources/RecommendationsSelectionStudents\(edref2\).pdf](http://www.tcsw.org.uk/uploadedFiles/TheCollege/_CollegeLibrary/Reform_resources/RecommendationsSelectionStudents(edref2).pdf) page 4

³⁴ [http://www.tcsw.org.uk/uploadedFiles/TheCollege/_CollegeLibrary/Reform_resources/DevelopingSkillsReadiness\(edref10\).pdf](http://www.tcsw.org.uk/uploadedFiles/TheCollege/_CollegeLibrary/Reform_resources/DevelopingSkillsReadiness(edref10).pdf)

Finally, TCSW's criteria for assessment, using the Professional Capabilities Framework, specify many aspects of professional behaviour that students are expected to demonstrate at relevant stages through their education and training.

6. The HEI context for managing suitability procedures

As a condition of HCPC approval, all universities approved to provide social work qualifying programmes must have in place provide for managing issues about student suitability for social work, such that their eventual registration with the HCPC as 'fit to practise' may take place.

Each university makes its own arrangements for such procedures. These may be separated into arrangements relating to the selection of students onto the programme on the one hand, and dealing with any issues that occur for students once they are on the programme on the other, although in some HEIs the same personnel and procedures are used for both (see Section 9). In universities where there are other professional programmes (e.g. nursing, medicine, psychology and teaching) with similar requirements for suitability or fitness to practise procedures, such processes and panels may be set up under shared faculty or inter-faculty arrangements, rather than being specific to social work. This can bring advantages in terms of expertise being shared on a university-wide basis across professions, but there may be disadvantages in losing the social work specific focus. In some institutions, such procedures may be managed through human resources/personnel departments. However, it is essential that the procedures established have appropriate professional social work input, including input from registered social workers external to the university social work staff, although of course the formal responsibility for the process and outcome is that of the specific HEI.

Procedures for managing issues about student's suitability sit alongside university regulations for assessment, procedures for managing student disciplinary issues, and procedures for managing student ill health (called in some HEIs 'fitness to study' or similar). This may mean that at times a student's progress is being considered under more than one procedure. For example, a student may be involved in university-wide student discipline processes and/or criminal investigations, and the same concerns may have triggered the professional suitability process. On the other hand, during the course of a suitability investigation or hearing a student may instigate a complaint process or a Data Protection Act (DPA) subject access request. In such cases it is essential to maintain clarity about the respective roles and terms of reference of the different procedures, and about the respective timing and sequencing of decisions and processes. It may also be important to ensure that there is clear communication between relevant committees, or that a nominated member of staff from the social work team manages the lines of communication. In the case of alleged criminal activity it is usual to delay final panel hearings for suitability and disciplinary concerns until the outcome of the criminal investigation is known. That said, an outcome other than one proving guilt does not necessarily mean that there will be no further action under suitability processes given the different standards of proof within criminal and civil arenas.

Similarly, if a student's behaviour or actions on a practice placement trigger a disciplinary procedure in the agency, there will be a need to manage procedures, communications and appropriate information sharing.

Plagiarism is often considered as an academic offence to be dealt with through HEIs' academic misconduct procedures. However, there may be circumstances where the nature of the plagiarism calls into question the suitability of the student for professional practice. Such cases may involve questions about the student's honesty and integrity, and where these are thought to be in breach of the HCPC *Standards of conduct, performance and ethics* they should be dealt with through suitability proceedings, once a finding has been reached in respect of the alleged plagiarism.

There are other important connections to be made between appropriate behaviour as a student and appropriate behaviour as a professional, such as attendance and punctuality. While minor infringements of such expectations in the context of the university may lead to warnings, major infringements and/or repeated patterns of behaviour should lead to referral to suitability/fitness to practise processes and/or hearings. Student non-attendance may reflect a range of factors, from stress, ill health or disability, to family issues or a failure to engage with the programme. Non-attendance should be considered in terms of its extent, and whether or not there is a pattern. In some HEIs, non-attendance per se can be grounds for failing any module

(often set at 80%, or sometimes 70%), while others (a minority) have no specific attendance requirements (note the HCPC requirement for programmes to have explicit policies and procedures about attendance – SET 2.15³⁵). Non-attendance may also lead to ‘counselling out’ to an appropriate ‘exit route’. HEIs will wish to give careful consideration to pre-course and induction information to raise students’ awareness of their responsibilities on professional courses, and the HEI expectations of such students.

In considering issues that have occurred in a student’s private life, some difficult judgments may have to be made. Some events (e.g. gross misuse of social media, making discriminatory or abusive comments) may clearly trigger a suitability investigation, but in other situations it may be less clear whether or not the HEI should investigate (e.g. where the source of information is not reliable, or where the complainant withdraws from the process). There are issues here of civil liberties, and the extent to which universities should be in a position of surveillance over students, although this needs to be balanced with the duties and responsibilities we hold as members of a profession. HEIs will also need to consider – with care, and in line with their other policies and procedures – how to manage vulnerable witnesses as well as those who wish to report concerns anonymously.

It is important to remember that the HEI also holds a duty of care towards students, and must meet the legislative requirements of the Equality Act. This may impact on suitability procedures in relation to issues of ill health or disability, but may also be relevant if a student alleges that they have been subject to discrimination on the programme, including while on placement.

Finally, HEIs will also need to ensure that they are compliant with the requirements of The Data Protection Act (DPA) 1998 in relation to the personal and sensitive data they collect and the way in which this is processed and stored (www.ico.gov.uk). This may be particularly significant in terms of liaising with external agencies (e.g. placement providers). HEIs must ensure that their registration with the Information Commissioner is up-to-date and allows for information sharing with partner agencies and/or the HCPC in respect of suitability assessments prior to admission and also in respect of suitability investigations for registered students. This will usually require the consent of the student or applicant. All universities must ensure the appropriate recording, storage and destruction of personal and sensitive personal data relating to applicants and students in line with the DPA (and any subsequent amendments).

It is essential that all such procedures are managed appropriately and lawfully, drawing upon legal advice as required. Issues of consent to share can be particularly challenging where consent is refused. In such cases, HEIs will need to consider the lawfulness of sharing of data, especially where the content of relevant data falls into the ‘sensitive personal data’ category as defined in the DPA.

7. Consideration of prospective students’ suitability at admissions

In conjunction with their partners (employers and service users and carers), HEIs are ultimately responsible for making decisions about the suitability of students to enrol on social work programmes. All programmes should specify the professional nature for the programme to prospective students, highlighting the ways in which this may affect them.

Assessing the suitability of applicants for social work training is a complex and multi-faceted activity. Programmes to be approved by the HCPC must show how they meet the requirements of the *Standards of education and training* (SETs):

- 2.2 *The admissions procedures must apply selection and entry criteria, including evidence of a good command of reading, writing and spoken English³⁶.*
- 2.3 *The admissions procedures must apply selection and entry criteria, including criminal convictions checks.*

³⁵ <http://www.hpc-uk.org/assets/documents/1000295EStandardsofeducationandtraining-fromSeptember2009.pdf>

³⁶ With adjustment if needed - for example, deaf applicants could use a BSL interpreter.

- 2.4 *The admissions procedures must apply selection and entry criteria, including compliance with any health requirements.*
- 2.5 *The admissions procedures must apply selection and entry criteria, including appropriate academic and/or professional entry standards.*

In order to be endorsed by TCSW, programmes must also meet the criteria set by them in relation to selection.³⁷ More detailed guidance, compiled on behalf of the Social Work Reform Board, is available.³⁸

Determining a candidate's overall suitability for admission to a social work programme is complex, and academic qualifications, understanding of social work and readiness to start professional education and training must all be taken into account in a contextualised manner. The detail of the expectations and recommendations of admissions will not be reproduced here, but the key procedural issues are summarised, namely that universities should:

- require students to complete self-declaration forms with respect to any criminal convictions and other related matters;
- ensure that each student who starts a social work course has been or will be subject to enhanced Disclosure and Barring Service (DBS) check prior to commencing placement;
- have an agreed process to make decisions on an individual basis where declaration and/or checks identify convictions or health issues that raise concerns about suitability.

Pre-offer making

Upon receipt of the application, all HEIs should make use of a self-declaration form either prior to interview or immediately afterwards, but certainly before a formal offer is made. A formal offer should include a statement that it is made on condition of satisfactory criminal, barring and health checks. An example of a self-declaration form is included in appendix c.

The self-declaration form used should explore the following areas:

- criminal record – all cautions, convictions, warnings and reprimands, except where these do not have to be disclosed as a result of recent changes to guidance. This follows amendments to the law surrounding the rehabilitation of offenders via the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013). Please see these links for further details of what does and does not need to be disclosed: <https://www.gov.uk/government/collections/dbs-filtering-guidance>); <http://www.hpc-uk.org/assets/documents/100040C0Enc07-rehabilitationofoffendersact.pdf>;
- readiness to seek treatment and/or manage appropriately any known medical conditions, and any that develop during the course of their training, and agreement not to undertake placements if unwell or unfit to practise;
- all disciplinary issues (current and previous);
- whether applicants have been placed on lists that identify those who have been barred from working with children and vulnerable adults (Adults (POVA) register, the Protection of Children Act list (POCA) or Section 142 of the Education Act (2000) – formerly List 99);
- whether the applicant has previously enrolled on a social work programme, and the circumstances of their departure from any previous social work training;
- whether any child/children in their care (or the household in which they live/lived) have been placed upon a child protection register, been subject to a child protection plan or placed in care, and any relevant circumstances.

³⁷

[http://www.tcsw.org.uk/uploadedFiles/TheCollege/_CollegeLibrary/Reform_resources/RecommendationsSelectionStudents\(edref2\).pdf](http://www.tcsw.org.uk/uploadedFiles/TheCollege/_CollegeLibrary/Reform_resources/RecommendationsSelectionStudents(edref2).pdf)

³⁸Guidance for admissions tutors and partners implementing new arrangements for the recruitment and selection of social work

students in England <http://www.swapbox.ac.uk/1133/>

In some HEIs these forms also serve a separate purpose to identify reasonable adjustments that may need to be made due to health or disability (sometimes linked with occupational health assessment). In other HEIs these issues are handled separately. In either situation, the relationship between these different processes and the use to which information provided will be put, should be made clear to applicants.

The admissions tutor, or their nominee, should at this stage also check prospective applicants against the list of students who are not permitted to participate in a social work programme in England³⁹, held by the HCPC while their transitional '*Social Work student suitability scheme in England*' scheme is in place.

Information to applicants

Applicants should be clearly advised:

- of the consequences of non-disclosure or inaccurate disclosure prior to completing the self-declaration form;
- that any information given will usually be confidential within the boundaries of the course team with responsibility for the programme. While the initial purpose is to determine suitability to enter the programme, it will be held on file in case any subsequent disclosures or complaints need to be checked against this. If HEIs operate different processes whereby partners are involved in decisions about suitability in a way in which applicant names or identifiable features are shared, this needs to be acknowledged in relevant documentation so that applicants are clear about the limits to confidentiality;
- that although a declaration is not in itself sufficient to automatically deem an applicant unsuitable, the details and circumstances of any matters that are disclosed or subsequently come to light may require investigation;
- that they also have rights not to be discriminated against under the Equality Act 2010.

Non-disclosure

Where nothing relevant is disclosed at this point, offers of places should be made as usual, conditional upon satisfactory health and DBS checks. HEIs may wish to consider allowing incoming students provisional enrolment pending receipt of these.

Disclosure

Where the self-declaration form and/or other assessment processes result in relevant information being disclosed, HEIs will need to follow the procedures they have established for assessing suitability. Although the details of these procedures and arrangements may vary between HEIs, they should be clear, transparent, and in accordance with relevant legislation (Equality Act 2010; Data Protection Act 1998) and good practice guidance (see for example, the Schwartz recommendations⁴⁰). It is recommended that the assessment is made via a process that includes agency representatives (see Section 9). It will be important to consider whether any disclosed issues such as criminal records or disciplinary issues might make it problematic for a student to be offered a placement with partner agencies. Decisions about health-related conditions however are more likely to be made internally by the HEI, drawing, as appropriate, on advice from occupational health and/or other medical consultants. Decision-making should be documented and information stored safely and shared appropriately. Details of appeals/complaints procedures should be explained to applicants. A disclosure may also involve referral to the HEI's internal criminal convictions sub-committee or equivalent prior to offers being made so that universities are able to exercise control over risk issues in respect of their wider duties of care.

Further guidance is also provided by the HCPC as to the criteria for candidates to be deemed suitable at the admission stage.⁴¹

³⁹ <http://www.hpc-uk.org/education/studentsuitability/>

⁴⁰ Fair admissions to higher education: recommendations for good practice (Admissions to Higher Education Steering Group – 2004) - the "Schwartz Report" - see for example http://www.spa.ac.uk/documents/Schwartz_Report_Review_Report_3_Final10.12.08.pdf

⁴¹ <http://www.hpc-uk.org/Assets/documents/I0003B81Social-work-student-suitability-scheme-annex.pdf>

Where the outcome of these investigations is that an applicant is assessed as not suitable, their application will be rejected as it will not meet the requirements for the programme. Education providers who have only transitional HCPC approval may seek an opinion about whether an applicant is of suitable character to be admitted to a programme from the HCPC through their transitional *Social Work student suitability scheme in England*.⁴² Where assessed as suitable, offers will be made.

HEIs may wish to carry out this suitability assessment process at offer-making, enrolment and re-enrolment stages in case any circumstances have changed.

Post-offer making

Between offer-making and the first week of the programme (preferably prior to enrolment), enhanced DBS checks should be completed and this must allow time for checks to be returned prior to the assessment of readiness for practice/first placement – this is usually earlier in order for the student to obtain full university registration status upon commencement of their studies. Health checks (whether the HEI is using occupational health or internal/GP assessments or self-declaration processes) will also be carried out at this time, although again, local arrangements for how and when these are conducted will vary. Where new or concerning information arises from checks, these need to be investigated, documented and the offer withdrawn if appropriate (since places will have been offered conditional upon such matters). Where no new information comes to light, the student's place is confirmed as usual. Where an applicant has disclosed a disability, discussions should start about any reasonable adjustments that might be required, both at the university and on placement, and consent to share such information with placement providers, to enable adjustments to be implemented, should be sought.

Students admitted through UCAS clearing or other late entrants

For a variety of reasons programmes may sometimes accept students quite close to the start of the programme. It is important that these procedures be followed closely. For late entrants to MA programmes there is a relatively short time until placement arrangements commence and the assessment of readiness for direct practice. For this reason, HEIs will wish to complete suitability checks in the short space of time between offer-making and commencement of the course where at all possible. Where not possible, applicants must be reminded that such checks are a condition of their offer and it is advised that documentation given to applicants confirms that non-completion or unsuccessful completion of such disclosure processes may result in their place being withdrawn. This avoids more complex processes needing to be used in order to remove a student once registered on their course.

Sponsored students

The university and employers must establish clear lines of communication for employer-sponsored students in relation to suitability. For example, if disciplinary proceedings by the employers are current, the student should not normally be sent out on placement.

8. Consideration of suitability issues for students following enrolment

The HCPC require universities to have a “process in place throughout the programme for dealing with concerns about students’ professions-related conduct” (SET 3.16)⁴³. Many HEIs describe these as ‘suitability procedures’, and the investigation into any concerns about suitability be described as ‘suitability investigations’. Some other HEIs (particularly where such procedures are shared with other professions) may use different terminology, such as a ‘fitness to practise panel’. At the end point of social work professional education and training, the newly qualified social worker applies to register with the HCPC and be deemed ‘fit to practise’.

There is an important distinction to be made between questions of professional suitability and questions of academic and practical competence, although serious concerns about the latter may also raise suitability issues. A student's competence is a matter for consideration by an examination board or assessment panel and will be determined from reports of performance in practise and academic achievement. In contrast, concerns about a student's suitability in terms of breaching the codes, professional misconduct, or for health

⁴² <http://www.hpc-uk.org/education/studentsuitability/> This is a transitional scheme that will run to 2015

⁴³ <http://www.hcpc-uk.org/aboutregistration/standards/sets/>

reasons, should be the subject of suitability procedures. Similarly, if it transpires that a student has failed to disclose something from their past at an earlier stage, the student should also be referred to the suitability procedure.

While different HEIs may adopt different detailed procedures (see Section 9), there are some key principles and practices which should be followed:

- students, as prospective registrants, should be made aware of the standards required of them, with reference to the HCPC *Standards of conduct, performance and ethics*⁴⁴. They should also be aware of the HCPC's supporting *Guidance on conduct and ethics for students*⁴⁵. Programme providers may also wish to refer to the Professional Capabilities Framework, to TCSW's Code of Ethics and BASW's Code of Ethics;
- students should be made aware of the suitability procedures at the start of their programme and should be clearly informed that acceptance onto the professional register is ultimately a decision for the HCPC;
- all internal staff, employer partners and practice educators should also be fully aware of the procedures, and the actions that need to be taken should a concern arise;
- if a complaint or allegation is made against a student while on the programme from any service user, employer, student, member of staff or member of the public, it is the responsibility of the HEI to investigate any concerns about a student's suitability for practice;
- similarly if a previously undisclosed offence comes to light or a student is convicted of an offence, or listed on any of the barring lists, this should be immediately investigated. Applicants and students should be informed that false or inaccurate statements or answers on self-declaration forms may be grounds for suitability investigation and could result in exclusion from the programme;
- where a serious concern is alleged, HEI procedures should permit the suspension of a student from practice and/or study; any social care employer sponsoring the student should also be informed (this will normally be specified in the contract);
- criteria for determining suitability in all cases should be explicitly stated and should directly derive from the formal requirements and the HCPC *Standards of conduct, performance and ethics* and the HCPC *Guidance on health and character*. Behaviour that is considered unsuitable may be cited from any area of the student's life (within the HEI, in practice learning, in employment or in private life) and be based on reasonableness. If an employer sponsoring a student on a social work training course becomes aware of any suitability concerns they should immediately inform the HEI. This requirement should be made clear to employers at the start of the programme;
- while a suitability hearing is not a formal legal procedure, HEIs should be aware of their responsibility to act in compliance with the principles of the Human Rights Act 1988 (HRA), to ensure that individuals have the right to a fair hearing within a reasonable time by an independent and impartial panel; that they have the right to know and understand the evidence being presented; that they have the right to be represented and the right not to be discriminated against under the Equality Act 2010;
- HEIs should have clear routes for students to appeal against the outcomes of a suitability investigation. In cases where a student has been suspended from practice, the suitability procedures should permit the continuance of this suspension pending any appeal;
- information concerning the circumstances, evidence and outcomes of suitability procedures should be clearly recorded by the HEI. Programmes that are eligible to access the HCPC *Social Work student suitability scheme in England* (those with transitional approval only) should notify HCPC if it has been

⁴⁴ <http://www.hcpc-uk.org/aboutregistration/standards/standardsofconductperformanceandethics/>

⁴⁵ <http://www.hcpc-uk.org/publications/brochures/index.asp?id=219>

decided that the student is not suitable to continue studying on the social work degree course within seven days of the conclusion of the process (including the period in which an appeal may be heard). If the student is sponsored, the employer must also be informed;

- similarly, where students withdraw from a programme midway through an internal suitability/fitness to practise procedure that may have led to removal, those education providers that are eligible to access the HCPC *Social Work student suitability scheme in England* will need to pass on information of the original concern to the HCPC for consideration, and make them aware of any student who withdraws while subject to a complaint/suitability investigation;
- it is recommended that, where possible, any such hearing is completed, even if the student does withdraw, to ensure that relevant evidence is presented and recorded, and the HEI's responsibility to safeguard service users is discharged (NB the HCPC does not stipulate completion of the hearing process);
- under their transitional scheme, the HCPC will assess the information provided and may decide to conduct an investigation to determine whether the student concerned is unfit to participate in any social work programme in England. As part of that investigation they may ask the education provider for further information including the full details of the events that led to the student being removed, being permitted to withdraw or withdrawing from the programme concerned. Following this, they will determine whether the matter should be referred for adjudication. The role of the adjudicator is to determine whether a student should be prohibited from participating in a relevant programme. The student will be able to provide representations to the adjudicator. The student and education provider will be informed of the decision to refer the case to the adjudicator, when the case will be considered and the outcome. A determination which prohibits the student from participating in a social work programme may apply permanently, for a specified period, or until specified conditions are met;
- where a student has withdrawn for academic, health or personal reasons, or no longer wishes to continue training, there is no requirement to notify the HCPC;
- any decision to exclude a student should be formally noted and recorded at the conclusion of the suitability process, and reported to the relevant examination board;
- if an employer and placement provider considers that an education provider has failed to deal appropriately with a credible complaint arising from a student's conduct on placement, they can raise their concerns with the HCPC.

Assessment of readiness for direct practice

The criteria for endorsement of qualifying social work programmes by The College of Social Work⁴⁶ include the requirement that a process be set up to assess each student's readiness to start their first placement. There is a range of ways that this might be undertaken, and assessment might include a tutor's report or a review of the initial learning contract. It is certainly a key point at which any areas flagged for review in terms of suitability should be considered.

The practice assessment panel (PAP)

PAPs have a role in moderating the assessment of practice learning. As such they will deal with all situations where a student has failed a placement. While in some HEIs there is an automatic right for students to re-do their placement, the PAP should carefully consider whether or not a student is offered a repeat placement if the nature of the failure raises questions about suitability. In such cases, a referral to the suitability process must be made in order for the concerns to be formally investigated, as non-repeat of a placement in such circumstances will preclude the student from completing their training.

In addition, the focus of the PAP must be on ensuring that there is sufficient evidence to pass a placement if that is the recommendation. There may be times when a PAP may overturn the decision of a practice

⁴⁶ <http://www.tcsw.org.uk/professional-development/endorsement/>

educator, simply because there is insufficient evidence to pass (or, on the other hand, to fail). In such cases, careful records should be kept of decisions made and the relationship between PAP, examination boards, and appeal processes should be made clear.

9. The role of external examiners

External examiners (EEs) are appointed by universities to ensure academic and professional standards are maintained. Overall, the EE has a role to ensure that only those students who are competent, who meet the standards set by the regulatory bodies and the course, and who are able to meet the relevant code of practice or standard of conduct, proficiency and ethics are awarded a qualification in social work.

EEs should familiarise themselves with the relevant procedures for investigating concerns about students suitability (or fitness to practise), both internal to the HEI and those from the HCPC as the regulator. The external examiner may wish to comment as to how effectively the HE systems work, and may be consulted by the programme in any review of the procedures as a 'critical friend'.

External examiners should not directly be involved in suitability investigations or decisions other than as a member of the examination board, which may be noting the decision of a suitability investigation. However, an EE may come across information that raises concerns about students' suitability or fitness to practise in a variety of ways, such as:

- through sampling assessed work and seeing practice shortcomings that give rise to concern in relation to ethics and values, rights and safety of service users and carers;
- through their direct contact within the university, witnessing or being party to information that gives rise to concern;
- through recognising shortfalls in the way HEI systems have processed and/or concluded investigations into fitness to practise or conduct.

Any such concerns should be raised with the programme director, or if necessary in the examination board meeting itself.

Appendix A: Relevant legislation

Data Protection Act (DPA) 1998

The DPA imposes restrictions on organisations that collect personal data and use personal information. To hold or process 'personal data' the university must be registered under the DPA 1998, with the Information Commissioner. That registration shows the reasons for holding or processing 'personal data'. Organisations must be open about how the data is used and follow the eight principles of good information handling practice. These say that data must be:

- fairly and lawfully processed;
- processed for limited purposes;
- adequate, relevant and not excessive;
- accurate and up to date;
- not kept longer than necessary;
- processed in accordance with the individual's rights;
- secure; and
- not transferred to countries outside the European Economic Area unless the country has adequate protection for the individual.

At least one of six conditions must be met for personal information to be considered unfairly processed. The conditions include consent given by the individual.

Furthermore, any information that a student discloses to the HEI in relation to their health or criminal offences is called sensitive personal data. The DPA places even greater obligations on organisations as to how they deal with personal data, and at least one of several extra conditions must be met in order for data to be shared or otherwise processed. These include:

- having the explicit consent of the individual;
- being required by law to process the information for employment purposes;
- needing to process the information to protect the vital interests of the individual or another person; and
- exercising functions given by an enactment.

For further information and advice, please see: http://ico.org.uk/for_organisations/data_protection/the_guide

Safeguarding Vulnerable Groups Act 2006

The Safeguarding Vulnerable Groups Act 2006 was created following the Bichard enquiry, which was established after the Soham Murders. The Act established the Independent Safeguarding Authority to manage the two lists of those people who have been barred from working with children or vulnerable adults. These replace previously held lists referred to as POCA and POVA lists.

The Rehabilitation of Offenders Act 1974

This Act enables some convictions to be deemed 'spent' after a period of time referred to as the rehabilitation period. This means that such convictions do not have to be disclosed in many circumstances and this prevents a person's record affecting the future lives in some situations, thus enabling their rehabilitation. There are exemptions to this and some professions such as social work and others where individuals work with vulnerable members of society are among the exemptions. This means that individuals are required to disclose even spent convictions under this Act.

In 2013, amendments were made to this Act and a 'filtering' process is now in place. This means that some cautions and convictions do not now need to be disclosed even in the context of applying for work or training where exemptions are in place. Some offences are never protected, and these are known as 'listed' offences (these are generally violent and/or sexual offences) and so must continue to be disclosed. Other offences, as a result of these amendments, may be protected from the requirement to disclose.

Main points arising from the amendments are as follows:

- cautions are now protected from disclosure six years after receiving the caution or two years if the offender was under 18 at the time of receiving the caution;
- convictions for which a non-custodial sentence was imposed are now protected from disclosure after 11 years or after 5.5 years if the offender was under the age of 18 at the time of conviction;
- protection from disclosure *does not apply* where a custodial sentence is imposed in respect of the offence or where the offender also has other convictions.

Please see also: <http://www.hcpc-uk.org/apply/uk/rehabilitationofoffendersact/>

Human Rights Act 1998

The HRA incorporates many Articles of the European Convention on Human Rights. Article six, the right to a 'fair trial', reinforces the previously recognised basic principles of natural justice in making civil determinations. Although there is much debate within case law about the direct applicability of Article six in situations other than the final stage whereby someone's right to practise their profession is at risk, it is advisable to ensure processes are broadly compliant with the Article. This is in order to ensure robust and fair processes but also in order to operate processes in line with social work values wherever possible. In order to be compliant with the Article, processes determining professional suitability should be conducted in a fair and timely manner and decision-making should be carried out by an independent and impartial 'tribunal' that has clear and legitimate authority for the decisions it makes.

http://www.equalityhumanrights.com/uploaded_files/humanrights/hrr_article_6.pdf

Equality Act 2010

This Act replaces various pre-existing equality legislation (such as the Disability Discrimination Act (DDA)) in order to simply and draw together anti-discrimination legislation.

The Act (s. 4) introduced additional 'protected characteristics' (there are now nine: age, disability, sex, pregnancy and maternity, race, religion/belief, sexual orientation, gender reassignment, marriage and civil partnership). It also identifies forms of prohibited conduct (s. 13–s.19) that include direct and indirect discrimination, combined discrimination and discrimination arising from disability. Section 20 of the Act confirms the ongoing duties to make reasonable adjustments in respect of disability, thus continuing legal obligations introduced in the DDA.

Sections 90–94 in particular apply to HEIs and section 60 (this relates to pre-employment health checks) is also likely to be of relevance.

The Act also introduced the Public Sector Equality Duty (s. 149)

For further information and guidance, please see:

The Act itself –

<http://www.legislation.gov.uk/ukpga/2010/15/contents>

For guidance –

<http://www.equalityhumanrights.com/advice-and-guidance/further-and-higher-education-providers-guidance>

<http://www.ecu.ac.uk/publications/files/equality-act-2010-briefing-revised-08-12.pdf/view>

And especially in respect of reasonable adjustments –

<http://www.equalityhumanrights.com/private-and-public-sector-guidance/education-providers/higher-education-providers-guidance/key-concepts/what-is-discrimination/reasonable-adjustments>

http://www.ecu.ac.uk/publications/files/managing-reasonable-adjustments-in-higher-education.pdf/at_download/file

Appendix B: Self-declaration form example

The following example has been taken from a range provided in the appendices of the *Guidance for admissions tutors and partners on implementing new arrangements for the selection of students to social work degree courses (October 2011)* available at: <http://www.swapbox.ac.uk/view/keywords/admissions.html>.

Minor amendments have been made to ensure that the exemplar form now complies with changes to the Rehabilitation of Offenders Act and the new regulatory context. No one example is offered here as being necessarily better than any other, and HEIs will need to make an informed choice about preferred paperwork on the basis of fit with their wider systems and processes. In particular, it is recognised that some HEIs have separate declaration forms for health, criminal convictions and personal circumstances whereas this form seeks to combine all elements.

Declaration of suitability for social work

Name:
(Please print your full name here)

Address:.....
(Please print)
.....

Contact number (home and mobile):
.....

Email:.....

Social Work programme applied for:.....MA/BA.....

When you have completed this form, please check the details, sign and date it and bring it with you when you attend for interview in an envelope marked – “*CONFIDENTIAL – Social Work Suitability Declaration*” and hand this in upon arrival.

I. Introduction

The Health and Care Professions Council (HCPC) and The College of Social Work standards require that students who are being admitted to the social work programme have undertaken:

- a) enhanced checks by the Disclosure and Barring Service (DBS) [*Formerly known as Criminal Records Bureau*]; and
- b) a health check, usually by means of a self-declaration, but with an additional statement from a GP or consultant where deemed necessary.

In addition to these statutory requirements, universities may seek other relevant information to help them make a well-informed judgement about an applicant’s suitability to enter social work training.

This programme wishes to preserve entry to a wide range of people from diverse backgrounds and does not wish to automatically exclude students who have a criminal or disciplinary record, or have previously experienced poor health, or have had contact with social service departments. We recognise that in many instances there is no simple criterion of suitability and thus each case will be assessed individually using our professional judgment.

You will be informed if your declaration is deemed to require further consideration. In the event that this results in your offer being withdrawn, you will be informed of the general reason (subject to any restrictions on passing on confidential information contained within the Data Protection Act 1998).

The arrangements for subsequent (post-offer) DBS, vetting and barring checks will be discussed during the selection day and explained subsequently to those offered a place on our programmes. Please read and complete the following sections carefully. If you are unsure how to proceed or have any queries, contact the Admissions Tutor xxxxxxxxx who will advise you. The information that you provide will be treated as confidential within the organisational boundaries of the BA and MA Social Work programmes but may be shared with the HCPC, or other relevant bodies, for the purpose of deciding suitability for registration.

If you are not offered a place on the programme (offers are always conditional upon satisfactory health and DBS/suitability checks and may also have academic conditions), your envelope will be destroyed and your declaration unread. If you take up a place elsewhere, your form will be destroyed. Otherwise, your form will be kept securely by the University, after it has been reviewed, and placed on your student file if you enrol here. Please note that at the end of your individual interview, you will be asked to confirm whether you have disclosed information in sections 2 and 3 of this document and invited to discuss the circumstances with the interview panel. This is so that you have an opportunity to explain and reflect upon criminal convictions and cautions and disciplinary issues, you will NOT be asked about the remaining sections of the form at this stage.

All information will be stored and used in compliance with the Data Protection Act 1998, which also provides the statutory right of access to personal information.

Please note, if you refuse to provide additional relevant information or otherwise assist in this process, the offer of a place on the programme may be withdrawn. Failure to disclose relevant information which is subsequently discovered could lead to a suitability investigation and your exclusion from training.

While the university is making a prospective judgement as to your suitability to train as a social worker on its programme, the Health and Care Professions Council ultimately makes the decision as to whether you are suitable for entry on the professional register upon successful completion of the course. Further information on the HCPC processes for considering these issues is available on their website: <http://www.hpc-uk.org/publications/>.

The university decision-making processes are informed and guided by the HCPC documentation and requirements. Applicants concerned about issues of assessment relating to health or character issues should consult the **HCPC Guidance on Health and Character**, with particular reference to **section four, 'How we consider health information'**, or **section five, 'How we consider character information'**, and **section six, 'Information for education providers'**. Other relevant HCPC documents include *Standards of Conduct Performance and Ethics*, *Guidance on Conduct and Ethics for Students*, and *Standards of Education and Training*.

2. Criminal convictions and cautions/warnings

Social work is exempted from the provisions of the Rehabilitation of Offenders Act 1974, and information about previous convictions, cautions, warnings or ongoing police matters must be provided. A conviction does not automatically debar a student and the programme will seek further information about the circumstances to make an informed and considered judgement about a candidate's suitability in such instances and in some cases we may refer the case to the University's Fitness to Practise panel for review prior to deciding whether an offer can be made. You can make further representations in writing, giving details of the offence/experience under review, and you may be invited to discuss your application directly with the Admissions Tutor or the Programme Director. Since 2013, some 'minor' offences that were committed several years ago no longer need to be disclosed, so long as the sentence was non-custodial in nature and the offence was not a 'listed' offence (violent offences, sexual offences and those that relate to safeguarding children and vulnerable adults are all listed offences). Listed offences must always be disclosed, regardless of the time since the offence. There are details of the time limits that apply and exceptions to this at: <http://www.hpc-uk.org/apply/uk/rehabilitationofoffendersact/>.

We will usually follow HCPC guidance on these matters. However, if you are in any doubt at all as to whether something should be disclosed or not, you are advised to disclose rather than to withhold information in a way that later becomes problematic. You are welcome to contact the admissions tutor for guidance on this matter.

Bearing the above guidance in mind, please tick yes or no for each question

	YES	NO
Have you ever been convicted of any offence by any court?		
Have you ever been cautioned?		
Have you ever been reprimanded?		
Have you ever been bound over?		
Have you ever received a final warning?		
Do you have any prosecutions pending?		
Have you ever been disqualified from working with children by an order under the Criminal Justice and Court Services Act (2000) or other provision?		

If you have answered 'YES' to any of these questions, please give full details (date, court, offence, sentence, outcome, charge, etc.) and continue overleaf if necessary.

3. Disciplinary record, unprofessional conduct, and barring lists

Social service agencies and members of the public who receive services are entitled to expect the highest standards of reliability and integrity from social workers and it is imperative that the qualifying award is held only by those whose personal and professional conduct merits this trust. The BA and MA Social Work programmes require that you make a declaration in this regard. Please answer the following questions carefully. If you answer 'YES' to any of the questions, you may be contacted by the Admissions Tutor who will seek further information about your circumstances and may make other relevant inquiries to colleges and former employers to enable an informed decision to be made about your application. At this stage, you can make further representations in writing and you may be invited to discuss your application directly with the Admissions Tutor or the Programme Director.

Please tick yes or no for each question

	YES	NO
Are you currently the subject of any disciplinary investigation?		

Have you ever had a disciplinary finding against you?		
Have you ever had your employment terminated for unprofessional behaviour or misconduct?		
Have you ever been suspended or disqualified from any professional training programme?		
Have you ever been suspended or deregistered for professional misconduct by any other professional register/body?		
Have you ever been listed upon the Protection of Vulnerable Adults (POVA) register, the Protection of Children Act list (POCA), or Section 142 of the Education Act (2000), (formerly List 99)?		
Have you previously enrolled upon a social work training programme?		

If you have answered 'YES' to any of these questions, please give full details in the box below (outcome, date, employer, course, college, reason for non-completion, etc.) and continue overleaf if necessary.

4. Personal health and circumstances

Social work is a demanding and sometimes stressful occupation and successful completion of the BA or MA in Social Work programmes requires full participation at university and upon practice learning placements. Furthermore, the practice of social work is often undertaken with people who are vulnerable, at risk, or whose capacity to manage their own affairs is temporarily or permanently impaired. Accordingly, the programme seeks to ensure that all students are capable of enduring the stresses and strains of training and do not present any threat to the safety of service users, or to themselves.

Please note that you are not required to make a declaration about health problems that do not impinge upon your capacity to study or practice, or that in the normal course of your social work duties, would not present a risk to self or others. Please also note that in the event of health problems arising during the course, the programme will, within its rules and regulations, respond sympathetically and try to ensure that a student is able to complete in due course. However, chronic poor physical or mental health may make it difficult or impossible for you to complete the course and may also place clients at risk.

We also need to know whether you have had children in your personal care placed upon a child protection register or placed in care, or have lived in a household where children have been registered or placed in care. These circumstances do not automatically debar you from entry to the programme, but we need to make an informed judgement about what risks, if any, they may pose for you and for other people. This information may also have a bearing upon the range of practice placements available to you.

If you answer 'YES' to any of the questions, you will be contacted by the Admissions Tutor who will seek further information about your circumstances, and may make other inquiries to enable an informed decision to be made about your application. At this stage, you can make further representations in writing, and you may be invited to discuss your application directly with the Admissions Tutor or the Programme Director. In the case of medical conditions, with your consent (implied where you complete the GP contact details

below), further information may be sought from your doctor, or a medical consultant. We may also seek advice from our own medical and occupational health officers.

a. Please tick yes or no for each question

	YES	NO
Do you have any physical or mental health condition (or associated treatment) that may impact upon your ability to safely and effectively perform any part of the work of a social worker or social work student?		
Do you have any physical or mental health condition that in the normal course of your social work duties might present a direct risk to other people, or which might affect your judgement or performance in a way that poses risk to self or others?		
Has any child or children in your care, or within the household in which you live or have previously lived, been subject to an investigation under the safeguarding children procedures process?		
Has any child or children in your care, or the household in which you now or previously have lived, been placed upon a social service child protection register/been made subject to a child protection plan or been looked after/placed in care?		
Have you had any involvement in an adult protection/safeguarding case as an adult carer?		

If you have answered 'YES' to any of these questions, please give full details in the box below and continue overleaf if necessary.

General Practitioner contact details:

(Please print)

Name:

Address:

.....

Telephone:

b. To be completed by all applicants: confirmation of commitment to manage own health and refrain from work when needed

Although we wish to minimize intrusive additional checks in respect of health unless essential, we must be guided by the professional standards and expectations. Whether you have disclosed a current or previous health condition above or not, please complete the following declaration by ticking and signing where indicated:

I confirm that I understand the importance of taking responsibility for managing any health condition that I currently have or that may develop during my training;

I understand that this includes, but is not limited to, taking responsibility for seeking appropriate medical or other professional guidance as required;

I also undertake to refrain from work/placement when unwell, if not doing so may pose a risk to others or to myself or when not doing so may adversely affect my performance.

Signed

Date

5. Disability

Disability need not be a barrier to training and qualification and in accordance with the provisions of the Equality Act (2010) the University will endeavour to make 'reasonable adjustments' where you have informed us of a disability through the standard admissions or student support processes. **Please note** that for the purposes of this declaration *you do not need to make any statement about your disability unless this relates to a health condition covered in the previous section.* The University believes that you should have a choice about when, and whether, you wish to declare a disability, although we hope to provide an a context in which disclosure is seen as a positive and enabling act.

If you do wish to discuss what adjustments might be required, you may do this informally prior to interview, or may wait until after the results of your interview have been communicated to you. Once you have been offered a place we will meet with you to discuss your requirements, and will formally record what adjustments and arrangements can be made and how these will be reviewed. The needs of students with disabilities will be prioritised in the allocation of practice learning placements. If you have any further enquiries or concerns in regard to disability please contact the Admissions Tutor directly.

Please note that any disclosure of a disability on this form will not trigger referral to student support services, nor serve to initiate the processes of agreeing reasonable adjustments as the purpose of this form is to assess suitability for entry to the programmes. You are encouraged to self-disclose any disability needs to the relevant university service prior to admission or as soon as possible after admission to ensure that reasonable adjustments can be explored and implemented where needed.

6. Your declaration

Please tick next to each statement and sign below

I understand that the information that I have provided will be checked against my Enhanced Disclosure and Barring Service disclosures and that my signature affirms that this is a full and accurate declaration. In the case of Employment/Sponsored Route students, a duty of care may oblige the University to divulge disclosures to the sponsoring agency, and information will be shared between the University and the employer, if this is deemed necessary, within the provisions of the Data Protection Act 1998. You must provide a copy of your enhanced DBS to the University prior to admission.

I understand that if I refuse to provide additional relevant information or otherwise assist in this suitability process that the provisional offer of a place on the programme may be withdrawn.

I also understand that failure to disclose relevant information is regarded as a serious matter and that if it is discovered after I have been accepted upon the programme, it could result in a suitability investigation which may lead to exclusion from training.

I undertake to inform the programme team (after enrolment) or the Admissions Tutor (prior to enrolment) about any relevant changes in my circumstances that may affect any assessment of my suitability.

I give my agreement for the programme to obtain a health report from my GP, consultant, or other relevant person, if necessary, for the purposes of this pre-course assessment of suitability for professional training.

I agree that the information that I give may be used to assess my suitability for social work training and that, subject to the principles outlined in the Data Protection Act (1998) and other relevant legislation or statutory guidance, it may be shared with the Health and Care Professions Council and other relevant bodies if required.

Signature: _____

Date: _____

Appendix C: Examples of issues that might trigger investigation under suitability procedures

- Falsification of academic records.
- Inappropriate use of Facebook/Twitter and other social media, revealing personal information that is incompatible with the professional social work role.
- Contacting or enabling contact with service users through Facebook, texts, Twitter, etc. (unless expressly permitted by the agency).
- Employment in a role outside the programme that might compromise professional identity/reputation of self or the profession.
- Conviction for certain criminal offences.
- Domestic circumstances and alleged offences where the police have been called, or where there are safeguarding issues are involved (domestic violence with children in the house, child abuse) even where the student is a victim or not the active perpetrator.
- Extensive or repeated plagiarism. This may take place in the context of college-based assignments, when not only the extent of the plagiarism but the student's stage on the programme will be taken into account. Many HEIs now use Turnitin⁴⁷, so that gross plagiarism, including the purchase of essays from the Internet, are detected. However, it has also been known to take place in the context of placements (e.g. a student claiming s/he had done work actually carried out and written up as case studies by a previous or fellow student).
- Extensive or repeated attendance problems.
- Inappropriate behaviours or actions with service users on placement (e.g. relationships, social contact, money).
- Practice that is so lacking in competence that it is deemed to pose service users and/or other staff at risk.
- Issues arising in paid employment that cast doubt on a students' honesty/integrity/fitness for practice.
- Health issues where the student fails to adequately manage their condition/s such that their ability to practise safely is compromised.
- Inappropriate behaviours or actions with students/staff on the course (e.g. threatening behaviour, racist/sexist language, dishonesty).

⁴⁷ <http://turnitin.com/>

Appendix D: Examples of suitability procedures

Two examples are given here: **staged procedures** and **joint procedures** with agency partners.

Staged procedures

Stage one

The programme director, or nominee, having received notification of the cause for concern, takes the necessarily preliminary steps to assess the gravity of the situation, the evidence for concerns and the appropriate first step. This might, depending upon the particular context and internal regulatory/assessment framework, entail:

- referral in the first place to the university examination/assessment boards;
- a temporary suspension of studies, including practice placement, while the matter is investigated. In all cases this will be without prejudice to the final outcome and is a precautionary measure intended to protect all concerned including the student;
- an initial meeting with the student (often with their tutor and a friend/representative);
- a meeting with the person who raised the concern to review the evidence and ascertain if the cause of concern are (a) justified, and (b) remediable (again often this will include the student's personal tutor);
- if the concerns are deemed to be remediable, and not causing immediate risk to service users the student may be set clear targets for change, together with specific criteria for their achievement within an appropriately short time scale (usually weeks);
- reviewing whether or not the targets have been met in the agreed time-scale;
- deciding in the light of this whether the student will be permitted to remain registered on the degree course, possibly subject to a continued programme of targets, to be monitored by the programme director either until no further cause for concern exists or there is reason to move to stage two.
- where the programme director considers that targets have not been met, or that the concerns are not remediable or are very grave, stage two is invoked.

In some programmes, an independent investigator (preferably a registered social worker) is employed to explore the issues at this stage. Whether this function is carried out by the programme director or their nominee (this might be a colleague if the programme director has a conflict of interest or is unavailable), or by an independent person appointed by the university, it is critical that social work standards and values as outlined in the documents previously referred to are central to professional judgements made. The nature and context of the social work task varies significantly from that of other professions, and it is important that the social work specific context is fully understood by those investigating and making decisions. Another possibility is for provision to be made so that the investigator is able to consult, in confidence, an appropriate professional in practice, such as the Local Authority Designated Officer (LADO).

The programme director keeps a record of all matters resolved within stage one and will regularly provide the head of school/programme management group with a factual anonymised report.

Stage two

The programme director notifies the student in writing that the case is to be referred to the 'Suitability for Social Work Panel'. The panel may include a range of people, such as:

- the head of school/department;
- the chair of the relevant examination boards (or his/her nominee);
- the dean (or similar);
- the agency co-chair of the programme management group (who represents the partner social service agencies);
- A senior social work professional from a partner agency;
- a representative from another profession (where the panel considers issues arising from professional programmes other than social work).

The student would normally have the right to attend, and to be accompanied by a friend/representative if they so wish. Submission of a written statement is usually accepted. Documents to be used by the panel are usually shared with the student in advance.

The panel may ask for additional enquiries to be undertaken and the student may ask the panel to seek statements from relevant people, or to ask certain persons attend the hearing. The panel will use its discretion in acting on such requests.

The evidence presented at the hearing may be oral, or written, or may also be in the form of medical report or record subject to student consent.

The panel may:

- 1 Decide that there are insufficient grounds for concern and dismiss the matter;
- 2 Decide that there are grounds for concern but not sufficiently serious to recommend termination of the programme of study. The panel may decide to recommend another penalty such as a formal warning which is placed on the student's record. The panel may also recommend a course of action with clear objectives and outcomes, which may include counselling and/or treatment with defined period for review. The student's personal tutor will be informed of the plan and be expected to provide support. In such circumstances, the panel will agree the arrangements for monitoring progress. At the end of the review period the panel may make a recommendation to faculty board or similar university committee about whether the matter has been concluded satisfactorily or whether further steps should be taken, including termination of the student's programme of study.
- 3 Decide that there are sufficient grounds to conclude that the student is unsuitable for professional social work and to recommend to faculty board that the student's programme of study should be terminated.

Students will normally be able to appeal the outcome of the panel hearing should there be relevant grounds.

Joint procedures with agency partners to decide suitability at admissions, placement eligibility and deal with concerns about students on the programme

In some universities a multi-agency panel is convened that includes representatives from key local authority partners (e.g. the **Local Authority Designated Officer (LADO) alongside appropriate HEI personnel**). This panel is specifically set up for social work suitability issues, and enables the social work programme to benefit from the expertise and procedures used by a local agency partner for managing conduct/fitness to practise and safeguarding issues internally. The system has the advantage of combining two potentially separate decisions – admission to programme and acceptance onto placement. The focus of the meetings is very much on evidence (positive and negative). The panel is scheduled to meet to link to the admissions timetable, and is then reconvened if issues about suitability occur during the programme. Decisions made at this panel are notified to the 'fitness to practise' committee of the relevant academic unit; who will consider the recommendation of the multi-agency panel.

Appendix E: HCPC criteria for candidates deemed suitable at the admission stage

Suitable character – the criteria:

1. In determining whether a person is of a suitable character, a provider must have regard to the criteria set out in paragraph four. For the purpose of this scheme, a person is of “suitable character” if they are of a character suitable to participate in a programme leading to qualification as a social worker and, in particular, to engage with service users during a placement which forms part of such a programme.
2. In applying the criteria, the task is not to punish the person for their past conduct but to assess whether, having regard to any past criminal or other conduct, there are reasonable grounds for considering that the person may engage in future conduct which is detrimental to service users or public confidence in the social work profession.
3. In a small number of cases, the nature and gravity of a person’s past conduct will mean that they pose a significant risk to service users. However, in many cases discretion will need to be exercised in applying the criteria. In doing so, the following should be taken into account:
 - the nature of the offence(s) or other conduct and any punishment or other sanction imposed;
 - the time period which has elapsed since the most recent offence(s) or conduct and the person’s conduct during that period;
 - the age of the person at the time of the offence(s) or conduct;
 - whether the offence(s) or conduct are indicative of a pattern of behaviour, propensity or wider character issues.
4. The criteria are:
 - A. Whether the person has been convicted of (or accepted a caution for) an offence involving:
 - violence;
 - abuse;
 - sexual misconduct;
 - unlawfully supplying drugs;
 - child pornography;
 - dishonesty; or
 - other criminal activity of a deliberate or reckless nature (e.g. arson).
 - B. Whether the person has been convicted of (or accepted a caution for) an “automatic inclusion” offence under the Safeguarding Vulnerable Groups Act 2006 (Prescribed Criteria and Miscellaneous Provisions) Regulations 2009 or the equivalent legislation in Scotland or Northern Ireland.
 - C. Whether the person has been sentenced to a term of imprisonment (including detention in young offenders institution);
 - D. Whether the person has engaged in conduct which has endangered, or is likely to endanger a child or vulnerable adult, including:
 - harming, or attempting to harm, a child or vulnerable adult;
 - causing a child or vulnerable adult to be harmed;
 - inciting another to harm a child or vulnerable adult;and for this purpose “harm” and cognate expressions includes, but is not limited to, physical, psychological, sexual or financial harm.
 - E. Whether the person has engaged in conduct:
 - involving sexual material relating to a child or sexually explicit images depicting violence or degradation;
 - of a sexual nature involving a child, vulnerable adult or service user;

- involving dishonesty or financial impropriety;
 - involving repetitive or persistent behaviour which calls into question the person's suitability to work with children, vulnerable adults or service users.
- F. Whether the person has been excluded from the practice of social work or engaging in social care or any similar activity by a body responsible for regulating or otherwise controlling such practice or activity.

The HCPC also publishes guidance on how the character of every applicant to the register (at point of qualification) is checked: see

<http://www.hcpc-uk.org/aboutregistration/standards/character/>.

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