

NMC Guidance 06/04

Requirements for evidence of good health and good character

Introduction

The “good health and good character” elements of getting onto the register and renewing registration are set down in legislation. The Nursing and Midwifery Order¹ (the Order) states that the Council must prescribe the requirements to be met as to the evidence of good health and good character to satisfy the NMC Registrar that an applicant is capable of safe and effective practice as a nurse or midwife. This requirement strengthens that aspect of *The NMC code of professional conduct: standards for conduct, performance and ethics*² (known as the Code) which says:

“As a registered nurse or midwife, you must act to identify and minimise the risk to patients and clients

you must act quickly to protect patients and clients from risk if you have good reason to believe that you or a colleague, from your own or another profession, may not be fit to practise for reasons of conduct, health or competence. You should be aware of the terms of legislation that offer protection for people who raise concerns about health and safety issues.” (Clause 8.2)

Evidence of good health and good character must be met, not only for initial entry to the register but also at each renewal of registration and for readmission following a lapse in registration, or restoration following a striking-off order under the fitness to practise procedures.

The Council has decided that the requirements for good health and good character must also be applied by programme providers (ie approved education institutions and their service partners) for entry to, and continued participation in, pre-registration programmes. The standards of proficiency to be met for successful completion of pre-registration nursing and midwifery programmes include practice in accordance with the Code.

Why has good health and good character been introduced?

Parliament introduced the requirement for evidence of good health and good character into the Order, to enhance protection of the public, following a number of high-profile cases involving the health and character of doctors and nurses. This requirement, together with the achievement of standards for entry to and maintenance on the register and compliance with the Code, helps ensure the fitness to practise of all those on the Nursing and Midwifery Council's register.

What are the requirements for entry to, and continued participation in, educational programmes?

The requirements only apply to students on programmes leading to first registration. For those students who transfer into programmes, having originally started elsewhere, the previous institution may be able to transfer the relevant information. Where there has been a break in education, new checks should be made. Programme providers will be expected to make the appropriate checks. Registrants undertaking post-registration education will usually be in employment and their good health and good character are dealt with at re-registration.

Entry to education

Good health will normally be checked through a health questionnaire completed by the applicant and assessed by a local occupational health (OH) department. Where an applicant declares an illness, the OH department doctor either undertakes a medical examination or seeks further information from the applicant's GP, or possibly both. Once the OH assessment has been done, the programme providers are advised as to the fitness of the applicant to undertake the programme. Further guidance is provided in the nursing³ and midwifery⁴ standards issued in support of the new rules.

Good character will normally be assessed by taking up character references from reliable referees, one of whom should have had recent contact with the applicant. Referees might typically be teachers, employers or other people who have known the applicant well, but they cannot include family members. Further information would be obtained from Criminal Record Bureau (CRB) checks where relevant.

Continued participation in education

The evidence gained on admission to an education programme forms a baseline. Programme providers are required to set up processes to monitor good health and good character throughout the programme to deal with any new issues that arise.

If a student develops a serious health problem that might interfere with their ability to provide safe and effective practice, they should be referred to a local OH department for further assessment. Once the OH department has provided advice, the programme providers should make a decision about the individual's fitness to continue on the programme; this should be in line with local policy. For example, if the health problem is sufficiently serious that were the student qualified and employed they would no longer be able to work, such as with a severe back injury, then this needs to be discussed with them and a decision made about whether they need to be discontinued from the programme. If a new or existing health condition, such as unstable epilepsy, diabetes or depression, were to develop or become worse, but was likely to respond to treatment, then perhaps a break in education would be required. Once the student had recovered they should be reassessed by the OH department to determine if they are fit to return to education. Programme providers should, at all times, involve the student concerned and the OH department in decisions about their future participation in education.

If a behavioural problem or criminal offence is committed that would affect the person's good character then similarly the programme providers (which include service providers) should refer to the NMC guidance in making decisions about continued participation in the programme. If the problem was sufficiently serious that, were the student qualified and employed, they would be dismissed, then the programme providers need to decide whether the student is fit to continue on the programme. If the problem were such that they would not be able to access placement experience necessary for completion of the programme, or would be unfit for employment at the end of the programme, then they should be discontinued. At all time public protection is paramount in making decisions about continued participation.

What are the Council's requirements for evidence of good health and good character?

The Council has considered a number of options for what could constitute evidence of both good health and good character. In our view, any requirements must be practical and workable and, while protecting the public, must not impose a burden on any third parties involved.

Every practitioner renewing their registration, or applying to come onto the register for the first time, or seeking re-admission or restoration to the register, will be required to make a self-declaration to the effect that their health and character are sufficiently good to enable them to practise safely and effectively. Those applying for entry to the register, whether for the first time or after a break in registration, will, in addition, be required to provide a supporting declaration.

Registrants are personally and professionally accountable for determining whether their health and character are sufficiently good to enable them to practise safely and effectively. Self-declaration is not new as registrants are already required to make a declaration about complying with the continuing professional development (CPD) and practice standards for maintaining their registration.

What does good health mean?

For the purposes of the NMC's legislation, the term "good health" is a relative concept. In other words, a registrant may have a disability, such as impaired hearing, or a health condition, such as depression, epilepsy, diabetes or heart disease, and yet be perfectly capable of safe and effective practice. However, there are some conditions which would be likely to affect a practitioner's ability to practise safely and effectively. These include alcoholism or drug abuse. The reasons people are currently removed from the register on grounds of ill health include serious mental ill health, drug addiction or alcoholism, all of which cause the individual to be a risk to themselves or to their patients and clients.

What about a practitioner with an infection?

An individual who is infected with, for example, HIV, Hepatitis B or Hepatitis A might be precluded from being able to practise in some posts. However, such an infection

would not preclude them from being registered. It is essential, therefore, that registrants applying for posts or registering with an agency are aware of and comply with good health requirements for employment as well as for registration. See for example, draft Department of Health guidance on serious communicable diseases published in December 2003⁵.

What does good character mean?

Good character is not easy to define. An important determinant of good character is the individual's commitment to compliance with the Code. The absence of convictions or formal cautions issued by the police is not sufficient evidence of good character and there are some convictions which the Council would not regard as being incompatible with fitness to practise and, therefore, registration. It depends on the seriousness of the conviction and the circumstances in which the offence was committed. The absence of relevant convictions, as determined by the Council, is integral to the meaning of good character. Another factor that might throw into question a registrant's good character is if they are currently suspended by another regulatory body or have been found guilty of misconduct or lack of fitness to practise by such a body. Likewise if they are subject to a determination by a licensing body elsewhere to the same effect.

How is the self-declaration of good health and good character made?

Each time a registrant is required to make a declaration of good health and good character, she will have to declare that she is of sufficiently good health and good character to be capable of safe and effective practice. This will be the case if:

- she has no known ill health condition; or
- in spite of suffering from ill health, it does not affect her ability to practise safely and effectively;
- she intends to comply with the Code;
- she has no relevant convictions or formal cautions issued by the police;
- she has not been found guilty of misconduct or lack of fitness to practise by another regulatory body and is not subject to a determination by a licensing body elsewhere to the same effect; and
- she is not currently suspended by another regulatory body or licensing body.

What does the supporting declaration to a self-declaration of good health and good character mean?

Those making the supporting declaration must believe that, to the best of their knowledge, the applicant is of sufficiently good health and good character to practise safely and effectively.

Who can make the supporting declaration?

The *Education, Registration and Registration Appeals Rules*⁶ (the Rules) set out the Council's requirements, summarised below, as to who can provide the supporting declaration. In all cases the person making the supporting declaration **must not** be a relative* or employee of the applicant.

UK applicant applying to join the register on completion of a pre-registration programme or following a return to practice programme

If the applicant is a nurse, the supporting declaration must be signed by the registered nurse, whose name has been notified to the Council, who is responsible for directing the educational programme at the relevant approved educational institution, or her designated registered nurse substitute.

If the applicant is a midwife, the supporting declaration must be signed by the lead midwife for education (LME), whose name has been notified to the Council, who is responsible for midwifery education in the relevant approved educational institution, or her designated registered midwife substitute.

If the applicant has not applied to join the register within six months of the award of her registrable qualification but does make an application within five years of completing a pre-registration programme, she will be required to provide an additional declaration. This will have to be signed by someone who is already registered in the part or sub-part of the register in which the applicant is applying to be registered. This registrant must have known the applicant for at least one year, been in contact with her during the preceding six months and be able to attest to the matters set out in the declaration.

Applicant for readmission to the register who has not completed a return to practice programme

The supporting declaration must be signed by someone who is already registered in the part or sub-part of the register in which the applicant is applying to be registered. This

* A 'relative' in relation to any person is defined in the Rules as:

- (a) Her spouse;
 - (b) Her lineal ancestor, lineal descendant, brother, sister, aunt, uncle, nephew, niece or first cousin of hers or of her spouse; or
 - (c) The spouse of any relative mentioned in paragraph (b),
- and for the purposes of deducing any such relationship 'spouse' includes a former spouse, a partner to whom the person is not married, and a partner of the same sex.

registrant must have known the applicant for at least one year, been in contact with her during the preceding six months and be able to attest to the matters set out in the declaration.

Applicant from another country in the European Economic Area

For these applicants the supporting declaration will comprise two documents, one relating to good health and the other to good character:

Good health - the document required by the competent authority of her member state of origin, attesting to her good health, issued within the three months preceding the date of her application. Where such a document is not required by that authority, the applicant will be required to provide another document issued by a competent authority which attests to her good health.

Good character - the document required by the competent authority of her member state of origin, attesting to her good character, issued within the three months preceding the date of her application. This document must confirm that she has not been suspended or barred from practising in the profession to which her application relates because of professional misconduct or a criminal conviction. Where the competent authority does not issue such documents, the applicant will be required to provide a declaration on oath or solemn declaration to the same effect, made by the applicant before a competent judicial or administrative authority or, where appropriate, a notary or qualified professional body of the relevant state. This declaration must be authenticated by a certificate issued by the authority, notary or body.

Applicant from overseas (non-EEA) country

The supporting declaration must be signed:

- on behalf of the licensing body in the country in which the applicant is registered to practise; or
- by a member of the occupational health department where she has been appointed or employed who, on the basis of a health assessment undertaken by that department, is able to attest to the matters set out in the declaration; or
- by a registered medical practitioner who has undertaken a health assessment of the applicant within the last six months.

If the applicant is required to undertake a period of supervised practice (nurse) or an adaptation programme (midwife), she will, on successful completion of that, be required to complete another self-declaration as to her good health and good character and provide another supporting declaration which, in this case, must be signed by:

- Nurse - the nurse registrant whose name has been notified to the NMC and who was responsible for supervising and assessing the applicant during her period of supervised practice
- Midwife - the lead midwife for education in the relevant approved educational institution or her designated registered midwife substitute.

What is the personal responsibility of someone making a declaration?

Ill health, which affects a registrant's ability to practise safely and effectively, can arise at any time. Normally, in these circumstances, registrants will cease practising until they are well enough to return to practice. Sometimes, however, practitioners are not aware of the problem or are not aware that their ability to practise is compromised by ill health; in continuing to practise, they are putting patients/clients, colleagues and themselves at risk of harm. Such individuals should be referred to the Council alleging their unfitness to practise due to ill health.

What are the consequences of making a false declaration?

It is a criminal offence for anyone knowingly to make a false declaration of good health or good character, either as to their own health or character or as a third party signatory. Good health and good character relate to fitness for registration not for a particular role. Registrants who subsequently discover that a declaration made in good faith was in fact false should inform the Council in writing immediately.

References

- 1 The Nursing and Midwifery Order 2001 (SI 2002/253). The Stationery Office, Norwich, www.hmso.gov.uk
- 2 *The NMC code of professional conduct: standards for conduct, performance and Ethics* (2004). Nursing and Midwifery Council, London, www.nmc-uk.org
- 3 *Standards of proficiency for pre-registration nursing education* (2004). Nursing and Midwifery Council, London, www.nmc-uk.org
- 4 *Standards of proficiency for pre-registration midwifery education* (2004). Nursing and Midwifery Council, London, www.nmc-uk.org
- 5 *Draft guidance on health clearance for serious communicable disease*. Department of Health, London, www.dh.gov.uk

Health clearance for serious communicable diseases: new health care workers draft guidance for consultation. Scottish Parliament, Edinburgh,
www.scottish.parliament.uk

Better Health – Better Wales. National Assembly for Wales, Cardiff,
www.wales.gov.uk

- 6 Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules 2004 (SI 2004/1767). The Stationery Office, Norwich,
www.hmso.gov.uk

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