

Fitness to Practice Guidance

June 2017.

These guidance notes have been produced in order to assist those engaged in fitness to practise procedures.

Introduction.

1. The purpose of the United Kingdom Board of Healthcare Chaplaincy (UKBHC) is to safeguard the public by encouraging healthcare chaplains to deliver the highest standards of care and support to patients and users of chaplaincy services. The UKBHC does this by supporting and promoting the work of healthcare chaplaincy through setting standards for education, practice, and revalidation, giving guidance to the registrants and maintaining a register of accredited chaplains. The Register is available to the public. This means that employers, commissioners and the public can check whether a person is on the register and is meeting its standards. The Register can be accessed at <http://www.ukbhc.org.uk/employers/register>
2. The register is a voluntary register of healthcare chaplains* in England, Wales, Scotland, Northern Ireland and the Islands. It contains the names of those who meet the requirements for registration and agree to behave in accordance with the UKBHC Code of Conduct. The Register and Fitness to Practice procedures are similar to statutory regulation, but there are two important differences. First it is not mandatory to register in order to practise. Second, if someone is removed from the register that alone does not prevent them from being able to work as a chaplain or minister of religion. It may however be subsequent to or contribute to other action. For example, disciplinary action by employers or other authorities, including those who have statutory powers such as the police or the Independent Safeguarding Authority, who can bar people working in health and social care in particular those who work with clients who are vulnerable.
3. Those who have been admitted to the UKBHC Register will have undertaken to uphold and abide by the UKBHC Code of Conduct. The code is a statement of the ethical values and principles that underpin good chaplaincy practice and provides guidance about what is expected of healthcare chaplains. The code can be accessed at <http://www.ukbhc.org.uk/publications/code-of-conduct>

***Chaplain:** A person who is appointed and recognised as part of the specialist spiritual care team within health care and social care settings.

Standards for Admission to the Register and Revalidation.

4. The UKBHC has established and developed professional standards for the admission of healthcare chaplains to a register of practitioners. The Standards can be accessed at <http://www.ukbhc.org.uk/publications/standards>

The UKBHC policy on Professional indemnity cover and registration can be accessed at <http://www.ukbhc.org.uk/chaplains/registration>

The UKBHC also maintains a national scheme for Continuous Development (CPD) and for the revalidation of registrants. The standards for the CPD scheme can be accessed at <http://www.ukbhc.org.uk/chaplains/cpd>

A fee for admission to the register and will be set by the UKBHC. The current schedule of fees can be accessed at <http://www.ukbhc.org.uk/chaplains/registration/registration-fees>

Raising a Concern.

5. If a member of the public or a professional colleague has a concern that a UKBHC Chaplain or a member of a Chaplaincy Team may not meet the UKBHC standards and draws this to the attention of the UKBHC, we will investigate and where necessary take action to protect the public. In most cases concerns should be raised locally. The employer or chaplaincy team can often resolve these issues quickly. If the complainant feels that it is not appropriate to report directly to the employer or chaplaincy team the matter should be reported directly to the UKBHC.

The person raising a concern may find it helpful to use the referral form. This can be accessed at;

<http://www.ukbhc.org.uk/sites/default/files/UKBHC%20Complaint%20Form.pdf>

If an individual needs help in filling in this form or set out an allegation, advice and help can be obtained by contacting the Registrar at:

iain.macritchie@nhs.net

and the UKBHC will do its best to help.

Fitness to Practise Committees.

6. The UKBHC has three committees that deal with fitness to practice allegations;

- **The Screening Committee.**
- **The Conduct and Competence Committee.**
- **The Health Committee.**

Each Committee is made up of registrants and lay people from outside the chaplaincy profession. Members of the committees will be appointed by the UKBHC following a selection procedure and successful completion of training for the role.

Meetings are held before panels of registrants and lay members, and a panel secretary to assist in the administration of the meeting.

Standard of proof.

7. **In fitness to practice proceedings the standard of proof will be the civil standard.**

The Screening Committee.

8. The UKBHC through its Screening Committee will consider any allegation made against a chaplain on its register. This would include allegations that fitness to practice is impaired by reason of:

- Misconduct.
- Lack of competence.
- Physical or mental health.
- A conviction or caution in the UK for a criminal offence, or a conviction elsewhere for an offence which, if committed in the UK would constitute a criminal offence.
- A determination by a body in the UK responsible under enactment for the regulation of a health or social care profession to the effect that a registrant's fitness to practise is impaired, or a determination by a licensing body elsewhere to the same effect.
- Allegations that an entry on the register relating to the registrant has been fraudulently procured or incorrectly made.
- Theft.
- Offences against vulnerable Adults.
- Offences against Children.

Initial consideration of allegations.

9. When an allegation is received by the UKBHC it is logged and assessed in order to identify the nature of the allegation, and establish whether the chaplain is on the Register and the allegation is in the form required by the UKBHC.
10. The allegation must be from a person who identifies themselves by full name and postal address, identifies the registrant(s) complained about, and describes the incident(s) or behaviour leading to the allegation, supported by appropriate evidence and includes the name(s) and contact details of any witness, and whether they are prepared to give evidence. An acknowledgement of receipt of the allegation should be made within **five working days**.
11. The Registrar **will refer the allegation(s)** to the employer and/or the registrant's authorising faith community* or belief group*. In most circumstances it will be the employer and/or faith community or belief group who will take disciplinary action. The Registrar and subsequently the Screening Committee must satisfy themselves that any disciplinary action taken by an employer and /or faith community or belief group, against a UKBHC Chaplain, follows recognised good practice for example the guidance given to employers as set out by ACAS or the Labour Relations Agencies in Northern Ireland and Scotland.

***Faith community:** A recognisable group who share a belief system and usually undertake religious practices such as prayer, scripture reading, meditation and communal acts of worship.

***Belief group:** Any group which has a cohesive system of values or beliefs but which does not self-classify as a faith community.

12. The Screening Committee should **meet within six weeks of the receipt of the allegation**. The committee will consist of a chair and at least one UKBHC Chaplain and one lay member. Decisions will be by majority vote. A record of the proceedings and justification for decisions will be made and kept on file.
13. Where it is not possible to identify the registrant or where the allegation does not raise a question of impaired fitness to practise, the Screening Committee **will write to any referrer within seven weeks of receipt of the allegation**, informing them that the UKBHC is unable to consider the matter further. **Where the Committee decide there is no case to answer or realistic prospect of a finding of impairment to practise the case will be closed**. Justification for decisions will be recorded and kept on file.
14. **The referrer may appeal the decision of the Screening Committee.**

15. Where a registrant has been identified and the referrer has provided consent to disclose the allegation, the screening committee will send a copy of the allegation to the registrant and request information about their employment status. In appropriate cases the screening committee may then refer an allegation to the registrant's employer/faith community or belief group, for further investigation and resolution, including disciplinary proceedings, with a report to UKBHC Screening Committee regarding the outcome.
16. **In circumstances where consent by the referrer to disclose the allegation is not given and the Registrar believes that the registrant may pose a risk to the public the UKBHC Screening Committee will forward the allegation to the employer/faith community or belief group for further investigation. The referrer and registrant will be informed of this and the reason for the UKBHC action explained.**
17. If there is evidence that the registrant may pose a current risk to public safety the Screening Committee may make **an Interim Suspension Order** from the Register. This will be communicated to the registrant and the employer. The Suspension Order will be reviewed within **90 days**.
18. The screening process should normally be completed within **13 weeks** of referral to the employer and /or faith community. The case will then be referred by the Screening Committee to the Conduct and Competence Committee or Health Committee for a decision regarding registration.
19. The work of the Screening Committee will be conducted through the sharing and consideration of relevant papers. It should not require a hearing with the registrant/potential registrant.

Screening Committee Actions.

20. If following the employer and/or faith community/belief group investigation the Screening Committee decides that fitness to practise is not impaired the case will be closed.
21. If the Screening Committee decides that fitness to practise may be impaired a range of actions can be considered;
 - An Interim Suspension Order (see 15. above)
 - Referral for a consensual determination.
 - Referral to the Conduct and Competence Committee or
 - Referral to the Health Committee.
22. The registrant, employer and/or faith community/belief group will be informed of the Screening Committee decision.

Consensual Determination.

23. Consensual determination avoids full hearings and means witnesses are not required to attend unnecessarily reducing stress and inconvenience to them.
24. Such a determination will only be appropriate in those cases where an assessment has been made of the nature of the nature, scope and viability of the allegation and there is a case to answer and the chaplain is willing to admit to the allegation, facts and impairment.
25. Consensual determinations will be considered by either a Conduct & Competence Committee or the Health Committee.

Conduct and Competence Committee.

26. The Conduct and Competence Committee will be established by the UKBHC Board. **The committee will consist of at least three members, a chair, one UKBHC chaplain and one lay member. Members of the Committee must not have been members of the Screening Committee.** Decisions will be by majority vote. A record of the proceedings and a justification for the decisions will be recorded and kept on file.
27. The Committee will meet as required and receive cases from the Screening Committee. The following will invariably lead to removal from the register:
 - Non-payment of registration fees, where these are outstanding for more than six months.
 - Registration no longer felt appropriate or necessary by the individual chaplain.
 - Failure to meet the requirements for revalidation.
 - No longer in good standing with their faith community or belief group.
 - Registration fraudulently procured or incorrectly made.

Conduct and Competence Committee Sanctions.

28. If the Conduct and Competence Committee consider that fitness to practice is not impaired the case will be closed.
29. If the Committee consider that fitness to practice is impaired then the following actions may be taken;
 - Caution order,
 - Conditions of practice order,
 - Suspension order,

- Removal from the Register.

30. The registrant, employer, faith and/or belief community will be informed of the Committee's decision.
31. The Committee may recommend help with further training and mentorship. If performance to an acceptable standard cannot be achieved or maintained then removal from the Register will be considered. Following such a period of mentorship a request to maintain registration or remove registration must be supported by two UKBHC registered chaplains and referred back to the Conduct and Competence Committee.

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Health Committee.

32. The Health Committee only deals with allegations that fitness to practice is impaired because of mental or physical health. The Screening Committee will refer a case if it considers there is a case to answer about an allegation that a chaplain's fitness to practice is impaired.
33. The Health Committee will be established by the UKBHC. The Committee will consist of at least three members, a chair, a UKBHC registered chaplain and a lay member. Decisions will be by majority vote. A record of the proceedings and a justification for the decisions will be recorded and kept on file. Members of the Committee must not be members of the Screening Committee.

Health Committee Sanctions.

34. If the Health Committee decide that fitness to practice is not impaired then the case will be closed.
35. If the Committee decide that fitness to practice is impaired;
 - Caution order,
 - Conditions of practice order,
 - Suspension from the Register order,
 - Removal from the register.

Appeals.

36. The UKBHC will not hear appeals against the findings of the employer, faith community or belief group.

37. Where the UKBHC removes a chaplain from the register an appeal must be lodged **within 28 days**. The appeal will be heard by a panel of a Chair, a UKBHC Chaplain and a lay member. None of these individuals will be involved in any of the previous proceedings. The appeal will normally be heard **within 6 weeks**.

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38. Where the UKBHC agrees to offer further support as set out in paragraph 26 above, the assessment of the UKBHC registered chaplains will be final.

Voluntary Removal from the UKBHC Register.

39. This procedure allows a UKBHC chaplain who admits that their fitness to practice is impaired and who do not intend to continue practising to be removed from the register without the need for a hearing and where the public will be best protected by their immediate removal from the register. A chaplain may submit an application for voluntary removal at any point during the fitness to practise process. Details of the procedure can be accessed at:

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Disclosure and publication of fitness to practise information.

40. In order to protect the public the UKBHC will publish on its website the outcomes of its fitness to practice determinations. The UKBHC does not publish any information relating solely to the health of a registrant in order to protect their confidentiality.

The Disclosure and publication of fitness to practice policy can be accessed at:

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