

Assessment of good character

Definition of good character

Under the Order any person applying to be registered is required to satisfy the registrar that his fitness to practise is not impaired, and that he is of good character.

In deciding whether or not an applicant is of good character, the registrar (and any RPSGB employee to whom the registrar delegates this function) is required to consider the matters set out in the assessment framework (see below).

The function of advising the registrar whether an applicant is of good standing is carried out by the RPSGB's employees working in the education and registration directorate. Where the registrar decides that an applicant is not of good character and rejects the application, the applicant may appeal to the registration appeals committee.

For the purpose of the RPSGB's registration procedures, good character is defined as *'the absence that a person has committed (and/or has any disposition towards) conduct or behaviour that is inconsistent with the Standards of Conduct published by the Society, or the exercise of the pharmacy profession.'*

Good character assessment framework

In deciding whether or not an applicant is of good character, the registrar will consider whether or not there is any evidence about his character.

Such evidence may include:

- Criminal convictions;
- Cautions, bind-overs, conditional discharges, admonishments or reports to a procurator fiscal;
- Findings by a body responsible for the regulation of a health or social care profession;
- Allegations, complaints or information about the applicant which have been brought to the attention of the Registrar; and
- Testimonials and character references about the applicant.

The registrar may seek further information from the applicant, or make further inquiries in relation to evidence about his character.

In deciding whether evidence of conduct or behaviour committed by the applicant (or evidence of a disposition by the applicant to commit conduct or behaviour) is inconsistent with the standards published by the Society, or the exercise of the pharmacy profession, the following factors will be considered to assign weight and significance to any evidence:

- The seriousness of the conduct or behaviour;
- The relevance of the conduct or behaviour to the practice of pharmacy
- The relevance of the conduct or behaviour to the honour and dignity of the profession of pharmacy;
- The recency of the conduct or behaviour;
- The applicant's age at the time the conduct or behaviour was committed;

- The applicant's personal mitigation in respect to the conduct or behaviour committed;
- The applicant's efforts (or lack of) to rehabilitate himself since the conduct or behaviour was committed;
- The applicant's insight (or lack of) in relation to the conduct or behaviour committed;
- The extent to which the conduct or behaviour is counterbalanced by testimonials and character references about the applicant's subsequent and recent conduct and behaviour;
- The extent to which the conduct or behaviour is characteristic of the applicant, or indicative of a propensity by the applicant to commit such conduct or behaviour;
- The extent to which the applicant disclosed (or failed to disclose) the existence of the conduct or behaviour, during the application process;
- The extent (or lack of) co-operation by the applicant with any inquiries into the conduct or behaviour made by the Society.

When considering the seriousness of the conduct or behaviour in question, the following aggravating factors will, where present, automatically qualify the conduct or behaviour as serious:

- Conduct involving dishonesty, fraud or misrepresentation
- Conduct indicating drug or alcohol dependency
- Conduct or behaviour that has resulted in a criminal conviction or finding of misconduct/unfitness to practice by any body responsible for the regulation of a health or social care profession
- Conduct or behaviour involving violence exhibiting intentional or deliberate disregard of human life
- Conduct or behaviour involving non-consensual sexual acts
- Conduct or behaviour involving any sexual acts with children
- Conduct or behaviour involving trafficking in, or illegally manufacturing, any controlled drug
- Conduct or behaviour that poses a threat to public health, safety or welfare
- Conduct or behaviour involving discrimination on the grounds of race/colour/religion
- Conduct or behaviour indicating a blatant disregard for the law or the system of registration

Procedure for the assessment of good character

For all applications with declared legal or disciplinary proceedings the relevant documentation is passed for assessment:

Applications with Road Traffic Offences in which the applicant committing the offence has been offered the option of paying a fixed penalty are not treated as a 'conviction' for the purposes of the application and are not subject to assessment. This is so

even if the applicant refuses the option of paying the fixed penalty and is subsequently convicted of the offence by a Court.

Applications with declared legal or disciplinary proceedings that are not Road Traffic Offences detailed above are assessed by two members of staff from the education and registration directorate using the good character assessment framework template.

If a recommendation cannot be made on the evidence provided by the applicant, a member of staff sends a letter to the applicant requesting further evidence.

A joint recommendation is made by the staff members and the completed template is forwarded to the registrar or deputy secretary and registrar for ratification. The registrar (or deputy registrar) may either:

- Agree with the recommendation
- Require further evidence from the applicant
- Reject the recommendation

If the registrar requires further evidence from the applicant, a member of staff sends a letter to the applicant requesting the evidence.

Upon receipt of the evidence, the additional evidence is passed to the registrar. The registrar then makes a decision and returns the completed template to the staff handling the application.

If the application is to be passed to registration, the completed template is attached to the application forwarded to registration.

The registration division is informed the applicant has declared legal or disciplinary proceedings and that these have been considered by the registrar. On registration, the applicant is advised by the registration division that the information declared will be held on file and, in the case of any future allegation concerning their conduct or performance, this may be taken account of.

If the application is rejected the applicant is informed of the decision by letter and of their right to appeal to the registration appeals committee.

Assessment of good health

Definition of good health

Under the Order any person applying to be registered is required to satisfy the registrar that his fitness to practise is not impaired by reason of poor health. In deciding whether or not an applicant is of good health, the registrar (and any RPSGB employee to whom the registrar delegates this function) shall have regard to the matters set out in the assessment framework (see below).

The function of advising the registrar whether an applicant is of good standing is carried out by the RPSGB's employees working in the education and registration directorate. Where the registrar decides that an applicant is not of good health and rejects the application, the applicant may appeal to the registration appeals committee.

For the purpose of the RPSGB's registration procedures, good health is defined as 'the absence that a person has or is prone to any health condition that leads to behaviour inconsistent with the standards published by the Society, or the exercise of the pharmacy profession'.

Good health assessment

In deciding whether or not an applicant is of good health, the registrar will consider whether or not there is any evidence about his health. Such evidence may include:

- A self-declaration
- A health questionnaire
- A medical or occupational health report
- Testimonials and statements

The registrar may seek further information from the applicant, or make further inquiries in relation to evidence about his health.

In deciding whether evidence of the health of the applicant has led to behaviour inconsistent with the Standards of Conduct published by the Society, or the exercise of the pharmacy profession, the following factors will be considered to assign weight and significance to any evidence:

- Evidence of actual or potential self harm
- Evidence of actual or potential danger to patients or to the public
- Episodic or recurrent condition
- Ill health or behaviour sustained over long period of time
- Dishonesty/concealment
- Failure to seek help/treatment/support
- Failure to comply with conditions
- Failure to provide undertakings
- Breach of any written undertakings previously given to a fitness to practise committee or to the Society
- Failure to comply with/disregard of written/oral advice given by a Professional Standards Inspector employed by the Royal Pharmaceutical Society of Great Britain
- Failure to comply with drug regime/treatment regime/medical supervision/support services recommendations
- Failure to co-operate with testing/investigations/medical assessment
- Lack of insight
- Previous convictions, or finding of misconduct by the Disciplinary Committee or its predecessor, the Statutory Committee
- Disregard of previous warnings issued by a current or previous Committee of the Society (whether statutory or non statutory) charged with considering allegations of misconduct or impairment of fitness to practise, or a warning issued by the Chairman of any such Committee
- Actions premeditated
- Abuse of trust/position
- Blatant disregard of established/ generally accepted guidelines, or standards and guidance published by the Society
- Behaviour exhibited by practitioner in charge on pharmacy premises

When considering the seriousness of the conduct or behaviour in question, the following mitigating factors, where present, may influence on the registrar's decision as to whether the applicant is of good health:

- Open and frank admissions at an early stage, demonstrating insight into ill health
- No actual or potential harm to patient or the public
- Compliance with medication/treatment regime/support service recommendations
- Compliance with undertakings or conditions

- Evidence of voluntary attendance at addiction support services
- Evidence of regular attendance on medical supervisor
- Evidence of lengthy periods of abstinence from addictive substances

Procedure for the assessment of good health

All applicants for registration complete a self-declaration, confirming they are in good health. Where an applicant declares a health matter, he may be asked to complete a health questionnaire and grant permission for the registrar to obtain medical records/statements and undertake assessments. The relevant documentation is passed for assessment.

Applications with declared health matters are assessed by two members of staff from the education and registration directorate using the good health assessment template (based on the health committee's indicative sanctions guidance).

If a recommendation cannot be made on the evidence provided by the applicant, a member of staff may make further enquiries on behalf of the registrar requesting further evidence.

A joint recommendation is made by the staff members and the completed template is forwarded to the registrar or deputy secretary and registrar for ratification. The registrar (or deputy registrar) may either:
Agree with the recommendation
Require further evidence from the applicant
Reject the recommendation

If the registrar requires further evidence from the applicant, or any other person or organisation, a member of staff sends a letter requesting the evidence. Upon receipt of the evidence, the additional evidence is passed to the registrar. The registrar then makes a decision and returns the completed template to the staff handling the application.

If the application is to be passed to registration, the completed template is attached to the application forwarded to registration. The registration division is informed the applicant has declared a health matter and that this has been considered by the registrar. On registration, the applicant is advised by the registration division that the information declared will be held on file.

If the application is rejected the applicant is informed of the decision by letter and of their right to appeal to the registration appeals committee.

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