

**Article 12.3 Fitness to Practise Disclosures**

**FAQs**

On making an application to join BACP, you’re required to inform BACP if your ‘fitness to practise is impaired for any reason including health or personal circumstances.’

**What does BACP mean by fitness to practise being impaired?**

An applicant or Member who has a health condition (physical or psychological), or if there are other circumstances, which might prevent the applicant or Member from offering a safe, ethical or effective service to their clients.

**What does BACP’s Ethical Framework for the Counselling Professions say in relation to physical and psychological health?**

Paragraphs 18 and 75 of the Ethical Framework are relevant to physical and psychological health as follows:

Paragraph 18:

*We will maintain our own physical and psychological health at a level that enables us to work effectively with our clients*

Paragraph 75:

*We will take responsibility for our own wellbeing as essential to sustaining good practice by:*

*a. taking precautions to protect our own physical safety*

*b. monitoring our own psychological and physical health*

*c. seeking professional support and services as the need arises*

*d. keeping a healthy balance between our work and other aspects of life’*

**I suffer from a health condition or I have a disability, but do not consider my fitness to practise is currently impaired; do I have to disclose this to BACP?**

If there are times when your health condition or disability does impair your fitness to practise and prevents you from being able to practise safely with clients or from offering an effective service to your clients, then it may be advisable to disclose this. It’s recognised that having an ongoing health condition or disability may not be a permanent state and certain health conditions may fluctuate.

Therefore, if you have an ongoing or fluctuating health condition (physical or psychological) and this either currently impairs your fitness to practise or could impair your fitness to practise in the future, you should disclose it to BACP.

**I am in recovery or have previously had a problem with addiction, do I have to disclose this to BACP?**

Yes, you should disclose this to BACP. Whilst you may be in recovery or have been in a period of abstinence for a long time, BACP may need to make further enquiries with you.

**I am unsure if my fitness to practise is impaired or whether I need to disclose to BACP?**

If you’re unsure whether you need to make a disclosure to BACP, you should disclose the information. BACP can then review the disclosure, to assess whether the disclosure is something that warrants further enquiries.

If information comes to light once you are in membership, that you should have disclosed on application, but didn’t, it could result in your membership being withdrawn.

**Why does BACP need to know if I suffer from ill health and/or have an impairment that affects my fitness to practise?**

In order to protect the public, BACP has a duty to ensure that applicants and members are safe to work with clients and can adhere to the Ethical Framework for the Counselling Professions.

Where a disclosure is made that an applicant has an impairment relating to physical or psychological health, BACP will make enquiries with the applicant or Member to ensure they can comply with paragraphs 18 and 75 of the Ethical Framework; are safe to work with clients; and are fit to practise.

**What will happen if I disclose my fitness to practise is impaired on my application to join BACP?**

When an applicant makes a disclosure on the application form, it asks the applicant to provide a full and comprehensive statement about the disclosure.

The Membership department will pass your application form and any information you have provided, to the Professional Conduct Department, where it will be allocated to a Case Manager for assessment. The Article 12.3 Procedure is used to assesses an applicant’s suitability for membership and to ensure applicants are safe to work with clients.

You may be asked to provide further information to the Case Manager, so they can fully assess the disclosure.

**What information will I be asked for?**

BACP will want to know if there are any potential risks to client safety or your ability to carry out your job safely and effectively. You may be asked to provide further details in relation to the health condition/impairment, for example, how you monitor and maintain your fitness to practise; your awareness of any impact it may have on clients and any adjustments you may need to make to ensure you can work safely with clients.

You may be asked to provide a letter from your G.P or other healthcare professional, if it’s deemed necessary. You may also be asked for a letter from your supervisor or tutor, confirming whether they think that the matter that you’ve disclosed would have an impact on your ability to practise as a counsellor.

**Will my application always be referred to a Panel?**

When an applicant has provided sufficient information, the Case Manager will consider the “overarching questions” to determine if your application and disclosure needs to be considered by an Article 12.3 Panel. The three overarching assessment questions set out below:

1. Is there anything within the disclosure, which is so serious it could bring BACP into disrepute or leads you to believe the applicant cannot work to the Ethical Framework?
2. Is there anything in this disclosure which suggests the applicant is not able to practise safely or ethically with clients?
3. Is there a possibility the Panel may reject this applicant having taken into account the objective and subjective evidence available, or impose a condition?

If the answer to any of these questions is ‘Yes’, it is probable a referral to a panel will be made.

**Will I be refused membership because of my ill health or impairment?**

In the vast majority of cases, members who have an ongoing health conditions, which affects their health, can practise safely and effectively with clients.

In very rare cases, if there are concerns about an applicant’s ability to practise safely with clients, the Professional Conduct Department may pass your application to an Article 12.3 Panel to be assessed independently. The initial decision is made on the papers and you don’t have to attend. Following this initial decision, some applicants may be asked to attend an interview.

Your application would only be rejected if the Panel had concerns about your ability to practise effectively and safely with clients and within the BACP's Ethical Framework.

**When should I make my application and disclosure and how long will it take?**

There is no set time to make an application for membership. The Professional Conduct department sees an increase in applications over the summer months before students begin placements.

Applications for membership that are referred to Professional Conduct are dealt with in the order they are received, and we are unable to fast-track applications. Therefore, if you have a disclosure to make, it’s recommended you make your application with disclosure in good time before your placement starts, as many applicants report they cannot begin their placement unless they have BACP membership.

It can take several weeks for the Professional Conduct department to review your application, and it’s often necessary to write to an applicant to obtain further information. If you have been asked to obtain information from your G.P or tutor etc, your application will be held on file. Only once all the information requested is received, can the Professional Conduct department fully assess your application.

If your application is identified as one that needs to be considered by a 12.3 Panel, this will add further time before you receive a final decision.

**What happens if my fitness to practise becomes impaired once I have been accepted?**

If during your membership your fitness to practise becomes impaired and/or you feel you become unsafe to work with clients, you should consult your supervisor in relation to whether you should continue to practise; refer to the Ethical Framework for the Counselling Professions and contact BACP’s Ethical helpline for guidance.

You also have an obligation to make a self-disclosure to the Professional Conduct department.