

### UKPHR Extenuating Circumstances Policy and Procedure

#### Introduction

Extenuating circumstances are situations which may, or have, put a UKPHR registrant or applicant at a disadvantage when applying to register, re-register or revalidate. This policy outlines UKPHR's approach to potential or existing registrants who may be experiencing extenuating circumstances.

#### Purpose

The aim of the policy is to give particular consideration and support to registrants or applicants who may be disadvantaged due to circumstances beyond their control, whilst maintaining UKPHR standards and without affecting the integrity of the registration process. It is important to ensure consistency and fairness at all times. This policy also applies to any part of the process involved in portfolio submissions prior to registration.

If a registrant or applicant is unable to register, re-register or revalidate as they consider they have been affected by an extenuating circumstance, then the registrant or applicant can contact UKPHR who will follow a fair and open process to ensure that no unlawful or unjust discrimination occurs and will act sensitively and sympathetically.

This document sets out:

- How UKPHR assesses any extenuating circumstances which a registrant or applicant may experience which may affect them and which are beyond the registrant or applicant's control
- A clear procedure and timescale for registrant or applicants to follow, should they wish to apply for specific consideration due to experiencing extenuating circumstances
- How UKPHR will deal with applications for extenuating circumstances so that each one is received, processed and considered in a consistent, fair and timely manner using a fair and standardised approach to decision-making
- The nature of the substantive evidence required to be provided with any request for extenuating circumstances

#### Scope

UKPHR will consider extenuating circumstances in relation to applications and submissions and for registrations, re-registrations and revalidations for all types of registrant.

It is impossible to provide a definitive list of all extenuating circumstances in which a registrant or applicant may find themselves in the immediate lead up to or during the registration process so each claim will be considered on a case-by-case basis at the discretion of UKPHR

Examples of exceptional circumstances might include:

- Illness, injury or other serious condition has kept the registrant or applicant from being able to apply for, complete or renew registration at the appropriate time
- Work, paid or voluntary and in or outside the UK, which has kept the registrant or applicant from being able to apply for, complete or renew registration at the appropriate time
- Some other serious circumstance has kept the registrant or applicant from being able to apply for, complete or renew registration at the appropriate time

If UKPHR rules and regulations are not followed, the Registrar may refuse the request for admission, restoration to the register or revalidation unless the registrant or applicant can show exceptional circumstances which justify UKPHR in registering the individual on the register.

### **Policy statement**

UKPHR aims to ensure that special consideration is given to registrants or applicants who are eligible to apply under this policy, without compromising the assessment of the skills, knowledge, understanding or competence being measured or the information required.

UKPHR will seek to provide the most appropriate way forward for the registrant or applicant and every claim will be considered on a case-by-case basis. Where an extenuating circumstances request is approved, the decision may result in, but is not limited to, one or more of the following:

- granting an extension
- waiving of the fee or fee reduction

### **Limitations of the policy**

UKPHR observes the principles of fairness and consistency in the application of this policy. Whilst UKPHR will endeavour to support registrants or applicants who are disadvantaged under this policy, UKPHR may not be able to consider an application if it involves unreasonable costs to UKPHR, excessive timeframes or affects the security, sustainability or integrity of UKPHR.

Whilst UKPHR aims to ensure that special attention is given to registrant or applicants who are eligible to apply for extenuating circumstances under this policy, UKPHR cannot compromise the assessment of the skills, knowledge, understanding or competence being measured.

It is important to note that not all requests for special consideration will be reasonable, permissible or practical in certain situations. Under no circumstances will outcomes of assessment, verification or moderation be changed based on an extenuating circumstances request.

### **Responsibilities**

#### **CEO (Responsible Officer) will:**

- be responsible and held accountable by the Board for the consistent, fair and lawful implementation of this policy
- ensure that all requests for extenuating circumstances are considered appropriately and reasonably in line with this policy

#### **UKPHR Head Office team will:**

- receive requests for extenuating circumstances and process them in a timely manner consistent with the procedure
- request further information from registrant or applicants, if necessary, in order to fully understand the relevant circumstances
- alert the Registrar in a timely manner to requests which need consideration
- establish an Extenuating Circumstances Panel when requested by the Registrar
- inform registrants or applicants of the outcomes of their requests for approval of extenuating circumstances
- regularly review the policy as part of UKPHR's self-evaluation arrangements and make recommendations for revisions to the policy and advise the Registration Policy Group and the Board of these necessary revisions

#### **The Registrar will:**

- review all applications equitably, objectively and consistently and make decisions in line with the policy
- indicate the arrangements for the extenuating circumstances, for example, length of extensions, waiving or reduction of fees
- establish an Extenuating Circumstances Panel when appropriate
- ensure decisions are made, where possible, within 30 days of receipt of a registrant's request
- report all decisions to the Registration Approvals Committee and regularly audit outcomes and report to the Registration Approvals Committee and the Board

#### **Applicants will:**

- read this policy prior to submitting a request for the approval of extenuating circumstances

- send any request to UKPHR together with appropriate evidence within the required timescales

### **Procedure for requesting Extenuating Circumstances Approval**

#### **Submitting a request**

If an individual wishes to request special consideration for extenuating circumstances (the applicant), a request must be submitted in writing to the UKPHR Registrar with appropriate evidence. An extenuating circumstances request should be submitted at the earliest opportunity.

Applicants are advised to contact UKPHR for advice at any time.

#### **Outcomes**

Claims will automatically be rejected where:

- The request is not submitted correctly
- The request does not have any relevant supporting evidence
- The supporting evidence does not meet UKPHR criteria
- The request is not submitted within the stipulated timescales

Claims which are accepted for consideration may be:

- Approved
- Not approved

The details of the approval and the conditions relating to the approval will be notified to an applicant usually within thirty working days of receiving the application. UKPHR will store the request and supporting data according to the UKPHR GDPR arrangements.

#### **Evidence**

All requests for consideration of extenuating circumstances must be accompanied by independent, reliable documentary evidence that confirms the nature, timing and severity of the circumstances and why the applicant was unable to comply with the application, submission or registration requirements. The burden of proof to support a request for the acceptance of extenuating circumstances always lies with the applicant.

#### **Examples of evidence likely to be acceptable include:**

- Medical report confirming a medical or psychological condition from a GMC registered doctor/licensed practitioner
- Official document such as: a police report including a police reference number, court summons or other legal document
- Letter from a lawyer or an official agency
- Statement from employer

#### **Independent evidence must meet the following standards:**

- Written in English by appropriately qualified professionals who are independent to the applicant
- Written on headed paper, signed and dated. Evidence presented by email may be acceptable if the email has been sent by the author from the official domain name of the author's organisation
- Unaltered by the registrant or applicant

UKPHR will only consider upholding an applicant's request for extenuating circumstances when all the above conditions are fully satisfied. If there is evidence that an applicant has fraudulently presented documentation, the matter will be dealt with under the UKPHR Code of Conduct and may be considered under the Fitness to Practice arrangements.

#### **What might be considered valid extenuating circumstances?**

Individuals are affected differently by different circumstances, so it is difficult to provide a definitive list of valid extenuating circumstances. If an individual has a disability which has affected the application, submission for registration, re-registration or revalidation there may be a provision to arrange reasonable adjustments for a particular situation, in the form of specific support.

However, examples of serious, significant situations that UKPHR may consider valid include:

- Long-term conditions that at present cannot be cured but can be controlled by treatment and medication
  - Personal health problems, including major accident or injury, acute ailments, hospitalisation (including for operations), or those affecting a significant period of work
  - Personal or psychological problems for which the individual is receiving counselling, or have been referred to a counsellor or similarly qualified practitioner
  - Clinical depression or other significant mental health issue for which the individual has been referred to an appropriate healthcare professional
- Pregnancy-related conditions and childbirth
- Maternity and Paternity leave
- Parental leave
- Unexpected caring responsibilities
- Bereavement causing significant impact
- Separation or divorce
- Recent burglary, theft or serious car accident
- For those in full-time employment, exceptional pressure of work or permanent change of employment circumstances
- Late diagnosis of a learning difficulty, for example, dyslexia, meaning the individual may not have had appropriate support
- A significant change to financial circumstances

#### **What might NOT be considered valid extenuating circumstances?**

Individuals are affected differently by different circumstances, so it is difficult to provide a definitive list of extenuating circumstances that UKPHR would not consider valid. The key issue is if long term whether the claim meets the criteria above.

UKPHR expect individuals to plan work to allow for the usual issues, including minor illnesses or personal issues, so these are not usually considered to be extenuating circumstances. If there is a temporary, acute condition, such as a broken wrist, individuals should notify UKPHR about the impact on application or registration as soon as possible.

Examples of extenuating circumstances that we are NOT likely to consider valid include:

- Unspecified short-term anxiety
- Minor illness, such as a cough/cold/sore throat or minor viral infection, unless the illness is incapacitating and at its peak at the time of a time-specific submission
- Accidents or illness affecting relatives or friends, unless serious
- Short-term childcare problems, or problems with similar caring responsibilities which could have been anticipated
- Financial problems
- Computing problems, such as corrupt data or media, poor internet connectivity, printer failure, or e-submission of information in an incorrect format, or lack of access to IT facilities
- Problems with postal or other third party delivery of work
- Misreading timetables of any kind, or time management problems
- For employees, normal pressures of employment- individuals should have made a commitment to make time available to prepare for applications, submissions, re-registration or revalidation

**Registrants on Maternity Leave are not expected to fulfil the usual conditions of appraisal and CPD and will be granted exemption/ suspension of requirements once UKPHR are notified.**

#### **Consideration of Extenuating Circumstance Claims**

Each Extenuating Circumstance will be considered individually by the Registrar and where appropriate, an Extenuating Circumstances Panel will review the documentation and make a final recommendation. The Panel will be constituted with a Chair (Lay member), two registrants and the Registrar. Notes of each meeting will be retained and submitted to the Registration Approvals Panel for information. All applicants

will be treated fairly and equitably and in a confidential manner. The Panel decision will take into consideration the nature, timing and severity of the problem and the impact it has had on application, submission or registration. In the event of a lack of agreement by the panel, the Registrar would make the final decision.

The applicant will be informed of the outcome by email. If the request is deemed invalid the applicant or registrant will receive an explanation for this decision and the results may not be reconsidered.

### **Complaints and Appeals**

If an applicant is not satisfied with the outcome of their request, they can make a complaint under the UKPHR Complaints Policy or request a review under the UKPHR Appeals Policy.

Prepared by UKPHR Registrar 2.2.22