

SECTION P.3: FITNESS TO PRACTISE PROCEDURES

1. Introduction

- 1.1 The University recognises that in conferring appropriate academic qualifications, where these lead to a professional qualification, admission to a professional body and/or statutory registration, it must be satisfied that the student will be a safe and suitable entrant to the given profession.
- 1.2 Students themselves on courses leading to professional qualifications should also acknowledge that it is in their interests not to proceed into a career for which they may not be well suited or for which a professional body may not register them and that they should not engage in any conduct that renders him/her not fit to be admitted to and practise that profession.
- 1.3 In all proceedings a student will be presumed to be innocent of any charge until proven otherwise on the balance of probabilities.

2. Principles relating to Student Behaviour

- 2.1 In the context of these procedures, students should understand that the successful completion of a course leading to admission to a professional body and/or statutory registration requires adherence to both the requirements of that body and of these procedures.
- 2.2 Students will behave in a manner appropriate to the Regulations and Procedures of the University and to the code of conduct (or equivalent) of the relevant professional body.
- 2.3 Students will at all times act in the best interests of their patients, service users, pupils, placement staff, university staff or other students, and conduct themselves in a professional manner.
- 2.4 Students will report to the appropriate authority and to the University Department actions by others that may put patients, service users, pupils, staff or other students at risk. Failure to report such actions could lead to disciplinary action being taken against such a student. Persons making disclosures must identify themselves.
- 2.5 Where not subject to a Criminal Records Bureau check by the University prior to admission, students whose courses fall under these procedures must disclose any criminal convictions (including spent convictions) to the University before entering the course. Subsequently, any student within these procedures must disclose such a conviction if it occurs while the student remains registered. Students will be provided with guidance about the consequences for registration within the profession concerned. If a student fails to disclose such information and it subsequently comes to light, the student will be referred to a Fitness to Practise Committee. Enquiries to the Criminal Records Bureau, both before and after

admission, will be managed through the University's Admissions Office except where student contract arrangements are already place responsibility for such enquiries on a students employer.

- 2.6 The following circumstances would, *prima facie*, render a student unfit to practise:
- a) exploiting the vulnerability of a patient, client or pupil to establish a sexual relationship;
 - b) offences against the vulnerable, including children, the elderly and the mentally incapacitated;
 - d) chronic drug or alcohol abuse;
 - e) acting in an inappropriate manner on or away from University premises;
 - f) conviction of a relevant criminal offence or has accepted a caution in relation to such an offence;
 - g) intimidation of fellow students, patients, clients or pupils
 - h) failure to rectify behaviour that has been subject to any disciplinary actions under the University's regulations;
 - i) repeated inappropriate behaviour towards others;
 - j) falsification of patient, pupil or other professional records;
 - k) severe and relapsing mental illness;
 - l) being a carrier of a serious communicable disease;
 - m) any other circumstance which may call into question a student's fitness to be admitted to and to practise their profession.

3. Initiation of the Procedure

- 3.1 On receipt of information regarding any areas of concern which may render a student not fit to practise their profession the Head of Department or nominee will undertake an initial investigation as to whether there are grounds for concern regarding a student's fitness to practise.

4. Investigation and Consideration by Department

- 4.1 Where, following an investigation, a Head of Department believes a case has arisen that warrants the application of these procedures, the student concerned will be interviewed by the Head of Department or nominee to advise the student of the concerns raised and how they fall below the professional expectations of those taking a particular course. The student should be provided with evidence of the issues of concern before or during the meeting. The evidence should be verifiable and not based on hearsay.
- 4.2 The student will be given at least three working days' notice of the meeting with the Head of Department or nominee.
- 4.3 If a student does not attend the meeting, and has not provided a good reason for their absence, the Head of Department or nominee will arrive at a decision without the student's presence. The Head of Department or nominee must be confident that all reasonable attempts have been made to contact the student.

- 4.4 The student may be accompanied by friend (who will be a member of the University i.e. a registered student, a member of staff or a member of staff of the Union of Students (which shall include the sabbatical officers who may speak on his/her behalf.
- 4.5 The outcome of the meeting should be such that the student is clear on
- (a) the nature of the concerns;
 - (b) why they have been raised and
 - (c) what the University expects as a result.

There should be a record of the meeting.

- 4.6 Following the initial investigation, the Head of Department may:-
- (a) believe that there is no reason for concern and take no further action under these Procedures;
 - (b) Establish a written action plan, to include details of any follow-up meetings and monitoring if appropriate which is agreed, signed and dated by the student. Any student who refuses to agree to the action plan will be referred by the Head of Department to the Fitness to Practise Committee.
 - (c) after consulting with the Registrar & Secretary, decide that the grounds are so serious as to threaten the safety of others and may seek the approval of the Vice-Chancellor for an immediate temporary suspension of the students studies in accordance with the Student Code of Conduct procedures;
 - (d) conclude that a concern is so serious that the consequences could potentially lead to a termination of studies, refer the case to the Fitness to Practise Committee. The Head of Department will inform the student of the referral and the reason for it, in writing, within ten working days of the decision;
 - (e) refer the student concerned to the Occupation Health Service for a formal assessment in order that a report can be made on his or her fitness to practise on medical grounds. Any student who refuses to attend an occupational health assessment required by the Department may after consulting with the Registrar & Secretary, seek the approval of the Vice-Chancellor for an immediate temporary suspension of the students studies in accordance with the Student Code of Conduct procedures. Suspension in these circumstances will automatically lead to the student being referred by the Head of Department to the Fitness to Practise Committee.

5. Fitness to Practise Committee

- 5.1 The membership of the Fitness to Practise Committee will be:
- (a) The Deputy Vice Chancellor who will act as Chair;
 - (b) A member of Academic Board who has links with professional courses;
 - (c) A representative of the profession concerned from another University;
 - (d) A senior representative of the profession to which the course for which the student is registered may lead to admission.

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- 5.2 The Registrar & Secretary or his/her nominee will act as Secretary to the Committee. The Secretary will not be a member of the Committee but will be present during the Hearing and will maintain the formal record of the meetings of the Committee.
- 5.3 No member of the Committee may be or have been directly connected with the teaching or supervision of the student whose case is under consideration, nor must they have any interest or involvement in the circumstances under consideration.
- 5.4 All members of the Committee, and the Secretary, will be required to ensure that all matters discussed within the Committee are held in the strictest confidence.
- 5.5 The Registrar & Secretary or his/her nominee will give the student at least ten working days' notice of the date of the Hearing and:
- (a) provide details of the case he or she has to answer;
 - (b) provide copies of all documentation, including witness statements, relating to the case and a copy of these Procedures.
 - (c) inform the student of the right to be accompanied at the Hearing by a friend who may speak on his/her behalf. The friend will be a member of the University. (i.e. a registered student, a member of staff or a member of staff of the Union of Students (which shall include the sabbatical officers). The name of this friend must be notified to the Registrar & Secretary in advance of the Committee meeting.
 - (d) provide the names of the members of the Fitness to Practise Committee.
 - (e) provide the student with the names of any witnesses that the University proposes to call;
 - (f) require the student to submit as soon as possible and in any event not later than four days before the time fixed for the Hearing:
 - i) a copy of any further written evidence which he or she may wish to present, in support of their case;
 - ii) the name and status of any person who will accompany the student;
 - iii) the names of any witnesses the student wishes to call.
- 5.6 If the student wishes to object to a member of the Fitness to Practise Committee they must do so as soon as possible and in any event at least four days before the time fixed for the Hearing. The only ground for objection is that of possible bias arising from either:
- (a) involvement in the Fitness to Practise process at an earlier stage;
 - (b) involvement in a related appeal Hearing, disciplinary Hearing or grievance procedure or
 - (c) prior knowledge of the matter or the student.
- 5.7 The Department will be represented at the Hearing by the Head of Department or their nominee who will present the case to be considered by the Committee.
- 5.8 Guidelines for the procedure for Hearings of the Fitness to Practise Committee are set out in the Appendix 1.
- 5.9 The Hearing will be held in private and with reasonable facilities for the student and his or her friend to consult in private.

- 5.10 If the student is unwell or prevented from attending the Hearing by other good reason, the student will notify the Secretary to the Committee prior to the Hearing and, in the case of ill health, will submit a medical certificate. In circumstances where there are good reasons, the Hearing may be rearranged. The meeting may proceed in the absence of a student who has indicated an intention to be present, provided that the Committee feels it has sufficient evidence available to consider the case and that the student has been given sufficient notice of the meeting.
- 5.11 The Chair is responsible for ensuring that the student has seen all the written evidence, including any witness statements, in advance; and that the student has a proper opportunity to meet the case against him or her, including by making a statement, by calling witnesses and by questioning witnesses called by any other party.
- 5.12 The Fitness to Practise Committee will have the power to:
- (a) Permit a student to continue with the course;
 - (b) Permit a student to continue with the course but under additional supervision and within an additional reporting procedure;
 - (c) Impose disciplinary sanctions on the student, consistent with disciplinary procedures set out in the Student Code of Conduct;
 - (d) Suspend the studies of a student for a specified time or until the occurrence of a specified event to be decided by the Committee;
 - (e) Refer a case to a relevant Board of Examiners for consideration whether or not a resit of a specified part or parts of the course is required;
 - (f) Recommend to the Vice Chancellor that the student's studies on a course leading to a professional qualification be terminated, but permit registration for an alternative academic qualification;
 - (g) Recommend to the Vice Chancellor that the student's studies on a course be terminated and that the student be required to withdraw from the University;
- 5.13 The decision along with the rationale of the Committee will be notified to the student in writing by the Secretary to the Committee within five working days of the Committee Hearing.

6. Appeals

- 6.1 A student may appeal against the decision of the Fitness to Practise Committee, in writing to the Registrar and Secretary within ten working days specifying the grounds of appeal.
- 6.2 The grounds for appeal are limited to the following:
- (a) New evidence has emerged which can be corroborated and **could not** have been brought to the attention of the original meeting of the Committee;
 - (b) There is evidence of a procedural irregularity in the conduct of the Fitness to Practise Committee;
 - (c) The sanction imposed was too severe.

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- 6.3 The Registrar & Secretary or his/her nominee will carry out an initial review of any appeal to establish whether the grounds put forward are sufficient. If the Registrar & Secretary or his/her nominee accepts that there are sufficient grounds, the appeal will be considered by the Fitness to Practise Appeals Committee.
- 6.4 The membership of the Fitness to Practise Appeal Committee will be:
- (a) A member of the University Board of Governors, not a member of the University's staff, who will act as Chair;
 - (b) A member of Academic Board of the University;
 - (c) An academic member of staff teaching a discipline leading to an award of the University and to a professional qualification;
 - (d) A senior representative of the profession to which the course for which the student is registered may lead to admission.
- 6.5 The Registrar & Secretary or his/her nominee will act as Secretary to the Committee. The Secretary will not be a member of the Committee but will be present during the Hearing and will maintain the formal record of the meetings of the Committee.
- 6.6 No member of the Fitness to Practise Committee which heard the initial case will be a member of the Fitness to Practise Appeals Committee.
- 6.7 No member of the Fitness to Practise Appeals Committee may be or have been directly connected with the teaching or supervision of the student whose case is under consideration, nor must they have any interest or involvement in the circumstances under consideration.
- 6.8 All members of the Committee, and the Secretary, will be required to ensure that all matters discussed within the Committee are held in the strictest confidence.
- 6.9 The Registrar & Secretary or his/her nominee will give the student at least ten working days' notice of the date of the Hearing and composition of the of the Fitness to Practise Appeals Committee at least five working days in advance of the Hearing.
- 6.10 The student may be accompanied at the Hearing by a friend who may speak on his/her behalf. The friend will be a member of the University (i.e. a registered student, a member of staff or a member of staff of the Union of Students (which shall include the sabbatical officers). The name of this friend must be notified to the Registrar & Secretary in advance of the Committee meeting.
- 6.11 The Fitness to Practise Appeals Committee will review the record of the evidence, decisions and rational of the Fitness to Practise Committee.
- 6.12 Guidelines for the procedure for Hearings of the Fitness to Practise Committee are set out in the Appendix 1.
- 6.13 The Fitness to Practise Appeals Committee may decide:
- (a) The original decision and sanction(s) of the Fitness to Practise Committee be upheld;
 - (b) The original decision of the Fitness to Practise Committee be upheld but modify the sanction(s);
 - (c) The appeal should be upheld

- 6.14 The decision of the Hearing will be communicated to the student in writing, within five working days of its having been made. The decision of the Fitness to Practise Appeal Board will be final and there will be no further right of appeal.

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Revision History

Committee	Date	Change
Academic Board v1.1	4 February 2010	4.1: Add "or nominee" Add new 4.2 – minimum of 3 working days notice of a meeting with student Add new 4.3 – what to do if a student does not attend a meeting with the HoD 4.4/5.5c/6.10: Clarify 'members of the University'
Academic Board	4 October 2006	New Procedure Approved

Appendix 1

Procedure for Fitness to Practise Committee and Fitness to Practise Appeals Committee Hearings

Hearings will normally follow this procedure in outline. However, the Chair of the Committee has a general discretion over the running of Hearings according to individual circumstances. In particular, the Chair may use his or her discretion to adjourn proceedings or curtail evidence or statements in order to ensure that the Hearing is conducted in an orderly and reasonably expeditious manner.

The Committee members will meet prior to the Hearing to agree on matters of process and procedure. Any submissions by the student in this respect will be considered at this point and oral submissions may also be considered.

The student and, where applicable, his/her friend, will be invited to join the Hearing.

The representative of the Department presenting the case before the Committee will be invited to join the Hearing.

The Chair will summarise the procedure to be adopted at the Hearing and ask if there are any procedural questions. The Chair will stress to all present the importance of ensuring that matters discussed within the Hearing are treated with the strictest confidence.

The facts relevant to the case will be introduced by the Chair.

The Departmental representative will set out the case regarding the concerns about the student's fitness to practise. The Departmental representative may call witnesses and refer to evidence, which will have been disclosed in advance.

[Where witnesses are called, they will normally first be questioned by the person calling them, secondly by the other party and thirdly by the Committee members, through the Chair.]

The student and his or her friend will be given an opportunity to respond to Departmental statement and may ask questions.

The Committee members, through the Chair, may also ask questions of the Departmental representative.

The student or his/her friend will be invited to present a statement and may call witnesses.

The Committee members, through the Chair, may also ask questions of the student.

The Departmental representative will be given the opportunity to summarise the case in the light of the evidence presented.

The student will be invited to make a closing statement, and will have the last word.

All parties other than the Committee members and Secretary will be asked to withdraw.

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The Committee will deliberate in private and come to a decision, either straightaway or at an adjourned meeting.