

FITNESS TO PRACTISE HANDBOOK 2017

DOCUMENT SIGN-OFF AND OWNERSHIP DETAILS	
Document name:	Fitness to Practise
Version Number:	V1.0 (Draft)
Equality Impact Assessment:	N/A
Approved by:	University Teaching and Learning Committee and University Research Committee
Effective from:	01 August 2017
Date for Review:	Annually
Author:	Registry
Owner (if different from above):	University Teaching and Learning Committee and University Research Committee
Document Location:	https://www.hud.ac.uk/media/policydocuments/Fitness-to-Practise-Handbook.pdf
Compliance Checks:	completed

REVISION HISTORY			
Version	Date	Revision description/Summary of changes	Author
V1.0	01 August 2017	New formatting Changes to turnaround time of hearing notes being issued to student from 5 to 10 working days	Registry

Contents

SECTION 1	4
Glossary	4
SECTION 2	5
Courses to be covered under Fitness to Practise Regulations - With Placement	5
Courses to be covered under Fitness to Practise Regulations - Without Placement.....	6
SECTION 3.....	7
Regulations governing breach of professional standards and professional conduct.....	7
SECTION 4.....	9
Examples of Breach of Professional Standards and Professional Conduct.....	9
SECTION 5.....	10
Regulations relating to a breach of professional standards and professional conduct.....	10
SECTION 6.....	12
Report of an alleged breach of professional standards or professional conduct.....	12
SECTION 7.....	14
The Cause for Concern Hearing	14
Witness Statements.....	16
Attendance at Hearings	16
Students with Health Related Issues	16
SECTION 8.....	18
The Fitness to Practise Hearing	18
Witness Statements.....	19
Attendance at Hearings	20
Students with Health Related Issues	20
SECTION 9.....	21
Outcomes of Fitness to Practise Hearings	21
SECTION 10.....	24
Appealing against the decisions reached by the Fitness to Practise Panel	24
SECTION 11.....	26
Office of the Independent Adjudicator (OiA).....	26

SECTION 1

Glossary

Suspension: the student's actions require immediate removal from placement and/or the University and all of its campuses. Where a student is suspended the course team should ensure that the student receives any handouts or notices pertinent to the course.

Restriction: the student's actions are not so serious that s/he should be suspended from placement and/or the University and all of its campuses. For example, the student may be restricted from attending placement but may attend the University.

Cause for Concern hearing: held in the School as a final School level attempt to consider any alleged breach of professional standards or professional conduct. If a breach has occurred the student will be referred to a Fitness to Practise hearing.

Fitness to Practise hearing: a University level hearing to consider any alleged breach of professional standards or professional conduct.

Warnings: imposed by the Fitness to Practise Panel where an allegation is upheld and the student's fitness to practise is impaired but not to the point of requiring a sanction.

Sanctions: imposed by the Fitness to Practise Panel where an allegation is upheld and the student's fitness to practise is impaired.

Request for Review: when the student requests that the decision made by the Fitness to Practise Panel is reviewed by another panel.

SECTION 2

Courses to be covered under Fitness to Practise Regulations - With Placement

School	Course
Applied Sciences	MPharm
Education and Professional Development	<p>CertEd/ProfGCE/PGCE/PgDipE Lifelong Learning Pre-service</p> <p>CertEd/ ProfGCE/PGCE/PgDipE Lifelong Learning In-service</p> <p>PGCE Secondary (including School Direct and Associate Partnerships (e.g. SCITT))</p> <p>PGCE Primary Education (including School Direct and Associate Partnerships (e.g. SCITT))</p> <p>BA(Hons) Primary Education (Early Years and Key Stage 1)</p> <p>BA(Hons) Youth and Community Work/Studies</p> <p>MA Professional Studies (Youth Work) (full-time)</p> <p>MA Professional Studies (Guidance) (full-time)</p> <p>BA(Hons) Early Years</p> <p>BA(Hons) Learning Support</p> <p>BA(Hons) Education and Professional Development</p> <p>MA Professional Studies (Youth Work) (part-time)</p> <p>MA Professional Studies (Guidance) (part-time)</p> <p>BA(Hons) Childhood Studies</p> <p>BA(Hons) Early Childhood Education with EYTS</p> <p>EYTS Courses</p> <p>BA(Hons) Secondary Music Education</p> <p>BA(Hons) Secondary Religious Education</p>
Human & Health Sciences	<p>BSc (Hons) Operating Department Practice</p> <p>BSc (Hons) Occupational Therapy</p> <p>BSc (Hons) Physiotherapy</p> <p>BSc (Hons) Podiatry FT and PT</p>

	<p>BSc (Hons) Social Work</p> <p>MSc Social Work</p> <p>BSc (Hons) Nursing Child/Adult/Mental Health/Learning Disabilities</p> <p>MSc Pre-registration Nursing</p> <p>BSc (Hons) Midwifery Studies</p> <p>MSc Advanced Clinical Practice (Primary Care)</p> <p>MSc Community Nursing Practise (District Nursing)</p> <p>PG Cert/MSc Cognitive Behaviour Therapy (CBT)</p> <p>MSc Public Health Nursing Practice</p>
--	---

Courses to be covered under Fitness to Practise Regulations - Without Placement

School	Course
Education and Professional Development	<p>EdD</p> <p>PhD</p> <p>MA Suite (all routes)</p> <p>BA(Hons) Religion & Education</p>
Human & Health Sciences	<p>Independent & Supplementary Nurse Prescribing</p> <p>BSc (Hons) Perioperative Studies</p> <p>MSc Podiatry</p> <p>MSc Theory of Podiatric Surgery</p> <p>Supplementary Prescribing for AHP</p> <p>Cervical Screening</p> <p>Forensic Podiatry PG Cert</p> <p>MSc Child Welfare and Safeguarding</p> <p>BSc (Hons) Nursing Studies (Top up, distance learning)</p> <p>Supporting Learning in Practice</p> <p>MA Child Safeguarding</p>

SECTION 3

Regulations governing breach of professional standards and professional conduct

1. All University students are required to comply with the regulations of the University regarding conduct. These are presented in the latest edition of the Students' Handbook of Regulations. Students entering a course that leads to a professional qualification may have additional responsibilities placed upon them by professional or statutory bodies regarding not only their conduct but also their professional suitability. The code of conduct required by professional and statutory bodies is issued to all students following those courses at the point of registration and subsequently in course handbooks.
2. The law, University regulations and professional and statutory bodies all provide frameworks within which appropriate conduct and the consequences of misconduct are defined in a number of general and specific ways. The University differentiates between conduct which calls into question professional suitability and/or issues of professional misconduct and those aspects of misconduct which would normally be progressed through the Student Disciplinary Procedures. These regulations have been developed to address issues of professional suitability and professional misconduct.
3. It is acknowledged that some behaviour which might give rise to concern about professional suitability or might amount to professional misconduct may be attributable to the health or disability of a student. The University will consider the matter in a way which is supportive of the health of the student. However, the protection of the public and the reputation of the course of study must be the over-riding concern in any decisions which are taken in respect of the student.
4. The University recognises the possibility that any allegation relating to professional unsuitability or professional misconduct may be vexatious or malicious. It therefore assures any respondent of fair process, and gives the undertaking that any allegations found to be vexatious or malicious may be referred to the University disciplinary procedures for students or staff.
5. There may be occasions when minor misconduct and/or breach of professional standards occur during a student's learning. In these cases opportunities for the student to learn from the experience shall be made available and a facilitative rather than punitive approach will be taken.
6. In the event of one or more allegations of misconduct that indicate that the student may not be suitable to become a professional in their chosen field, the Fitness to Practise Procedure shall be invoked. This Procedure is separate from the assessment process and if, as a result of its application, registration on the course is terminated, the student may be allowed to transfer accumulated credit to a non- professional course at the University.
7. The choice of the framework within which to deal with any specific case of misconduct is not necessarily straightforward. There will inevitably be overlaps and occasions where more than one set of regulations will be used.
8. Allegations of academic misconduct that reflect upon the student's professional suitability and dealt with under the Academic Integrity Procedure may lead to this Fitness to Practise procedure. Other allegations that demonstrate a breach of the relevant professional body's Code of Practice will be considered under this procedure and may also lead to proceedings under the University's Student Disciplinary Procedures and/or criminal proceedings.

9. The University reserves the right to continue under this procedure notwithstanding the instigation of criminal proceedings. In cases where it is considered that the alleged misconduct would also constitute a serious offence under the criminal law (i.e. one that is likely to attract an immediate custodial sentence if proved in a court of law), the Pro Vice-Chancellor (Teaching and Learning) may in his or her absolute discretion determine that no action (other than suspension or restriction) may be taken under this Code pending any criminal investigation or prosecution.
10. Acquittal or discontinuance of criminal proceedings shall not preclude the University from continuing disciplinary action in respect of the alleged misconduct.
11. Where a finding of inappropriate conduct is made and the student has already been sentenced by a criminal court in respect of the same facts, the court's penalty shall be taken into account in determining the penalty under this procedure.
12. The Pro Vice-Chancellor (Teaching and Learning) may delegate his or her powers under this Code to a nominee either generally or in respect of a particular case.
13. Students are advised to seek impartial help, advice, guidance and support from staff in the Students' Union Advice Centre or Student Services,
14. The courses covered by the above whilst not exhaustive are detailed in [Section 2](#) of this book.

SECTION 4

Examples of Breach of Professional Standards and Professional Conduct

Examples of breach of professional standards and conduct are described below not exhaustive:

1. failure to disclose a breach of professional standards or conduct that happened prior to enrolment;
2. referral from an academic integrity committee;
3. an undisclosed criminal offence, committed after enrolment;
4. inappropriate/unprofessional behaviour;
5. failure to observe health and safety regulations;
6. persistent non-attendance or late attendance;
7. breach of confidentiality – talking about patients/customers;
8. discrimination;
9. sexual/racial bullying or other forms of harassment;
10. criminal damage;
11. assault;
12. theft/forgery/deception/plagiarism/fraud/cheating;
13. use of obscene language in professional context;
14. persistent rudeness;
15. viewing of inappropriate material;
16. inappropriate use of alcohol/drugs;
17. all forms of dishonesty and misrepresentation;
18. issues related to safeguarding of children and vulnerable adults;
19. failure to seek appropriate medical treatment or other support;
20. failure to follow medical advice or care plans in relation to monitoring fitness to practise;
21. failure to recognise limits and abilities or lack of insight into health concerns;
22. treatment-resistant conditions which might impair fitness to practise;
23. any form of behaviour which would bring the profession into disrepute

SECTION 5

Regulations relating to a breach of professional standards and professional conduct

These regulations may only be applied to students:

1. registered on courses recognised by a professional or statutory body for purposes of future registration with that body, or for a professional qualification, or for entitlement to practise and who are expected to abide by the standards of conduct, performance and ethics expected by a regulatory body.
2. Students must be made aware that conduct which might give rise to concerns about professional suitability, or which might amount to professional misconduct, includes any conduct which is deemed to fall below the standards expected of students who are preparing for professional registration.
3. Breaches of Professional Standards by students may involve a range of actions or omissions but are likely to include those which are:
 - i. behaviour or practice which is harmful to service users, other members of the public or service providers;
 - ii. likely to constitute an unacceptable risk for himself/herself or others;
 - iii. prejudicial to the development or standing of professional and statutory bodies; or
 - iv. contrary to the Code of Conduct of the professional and statutory bodies.
4. Breach of Professional Conduct is conduct which fails to meet the standards required, or which breaches or falls short of acceptable professional conduct as defined by the relevant professional, statutory or regulatory body; these are likely to include:
 - i. academic integrity offences, for example cheating in examinations, submission of plagiarised work, ghosting, falsification or personation;
 - ii. actions during the course of study within the University or on any placement organised by the University;
 - iii. other conduct inside and outside the University, including a student's social life, which might call into question the student's professional suitability and/or be such as would bring the reputation of the profession or the University into disrepute.
5. It is the responsibility of the School to provide students with the relevant Code(s) of Conduct and to draw these to the attention of students throughout the year.
6. It is the responsibility of the student to act in accordance with the relevant Code(s) of Conduct and notify his/her course leader immediately of any circumstances or change in circumstances that may arise during the course of study that may impact on his/her professional suitability.
7. It is the responsibility of the School to advise the professional body on the outcome of any Fitness to Practise hearing if required.
8. It is the responsibility of the student to advise the appropriate professional body on the

outcome of any Fitness to Practise hearing when registering with the professional body if required.

9. The courses covered by the above, whilst not exhaustive, are detailed in [Section 2](#) of this book.

SECTION 6

Report of an alleged breach of professional standards or professional conduct

1. An alleged breach of professional standards or professional conduct may be reported by any person (the complainant) who has good reason to believe that such a breach has occurred. Examples of these are listed under [Section 4](#) within this book.
2. An alleged breach of Professional Standards or Professional Conduct should be reported immediately to the Course Leader. The Course Leader will immediately inform the Dean and Head of Department in writing about the alleged breach; this should also be copied to the student. The Course Leader/Departmental Fitness to Practise Lead is the responsible person to take the case forward to a Cause for Concern hearing or a Fitness to Practise hearing as required. The Personal Tutor may identify or make an allegation of a breach but will not be the complainant.
3. If the Dean or his or her nominee believes there is a prima facie case that there has been a breach of such a serious nature as to warrant immediate action, the student may be suspended from the University or restricted from placement or other singular activities. If a student is to be suspended, the Dean will advise the Head of Registry in writing who will refer to the Pro Vice-Chancellor (Teaching and Learning) for confirmation and, if agreed, will advise the student, copied to the Dean. If a restriction on the student's activities is to be put in place the Dean will advise the student; copied to the Head of Department and the Course Leader.
4. The Dean or his or her nominee will appoint a colleague to investigate the complaint. The investigator will be independent of the course involved, will not have been party to any related issues to the alleged breach and will not be the student's Personal Tutor. The investigator may make observations in his/her report, but will not make any recommendations. The Dean or his or her nominee will advise the student in writing who will be undertaking the investigation and that s/he will be contacting him/her to arrange an interview within five working days.
5. The investigator will meet with the complainant, the student and any other persons pertinent to the investigation. The investigator will not meet with service users or patients. A report will be prepared and submitted to the Dean and Head of Department within ten working days. If there is to be any delay in completing the investigation and/or submitting the report the student must be advised by the investigator.
6. The student has the right to be accompanied by a supporter who will not normally act as an advocate.
7. If a student is unable to attend the meeting for good reason, which can be evidenced, and the student advises the Investigator before the meeting, the meeting will be deferred within reason.
8. If a student fails to confirm attendance or attend the meeting and all attempts to contact the student have failed the Investigator will submit their report to the Dean and Head of Department noting the failure of the student to attend.
9. If the Dean or Head of Department believes there is no case to answer, s/he will advise the student that the case is to be closed and shall remind the student of the Code of Conduct. If a disability has been disclosed and the student's support needs have not been formally addressed the student will be encouraged to contact the University's Student Services for further information and support. If the student has been restricted from any activities the student should be advised that the restriction has been lifted. If the student has been suspended the Dean or Head of Department will advise the student and the Registry. The

Registry will confirm to the student that the suspension has been lifted.

10. If the Dean or Head of Department believes there is a prima facie case that there has been a breach of professional standards or professional conduct a Cause for Concern hearing will be convened. If a suspension is in place this should be confirmed as continuing or withdrawn with the Head of Registry's Office and the Dean. The Registry will advise the student of the continued or withdrawn suspension. If a restriction is in place this should be confirmed to the Dean as continuing or withdrawn and the Dean will advise the student.

SECTION 7

The Cause for Concern Hearing

1. The Cause for Concern hearing is a formal School level hearing to consider any alleged breach of Professional Standards or Conduct. All parties to this procedure shall ensure that confidentiality is maintained throughout and after the proceedings.
2. The student will be advised of the Head of Department or nominee decision and that s/he is entitled to have a supporter, a person of his/her choosing from the University community, to attend the hearing with them. A supporter will normally be a member of the Students' Union Advice Centre, a member of academic staff or a member of staff from Student Services. A supporter will not normally act as an advocate. The student should be asked to confirm attendance at the hearing and to supply the name of his/her supporter and witnesses as appropriate.
3. The student should be given 10 working days' notice of the hearing and provided with the initial allegation, the investigator's report and any witness statements on behalf of the School that have been collected as part of the investigation. The student should also receive a copy of these procedures. The student should be advised to submit any written statements, or witness statements for the student, to the Panel for consideration not less than 5 working days before the date of the hearing.
4. The standard of proof required at all stages of these procedures is that of Civil Law, the 'balance of probabilities'.
5. The Panel membership for the hearing must include:
 - i.the Head of Department (Chair);
 - ii.the President of the Students' Union or nominee;
 - iii.an internal member of academic staff drawn from the profession
6. Other attendees not members of the Panel:
 - i. the Student;
 - ii. the Student Supporter who will not normally act as an advocate;
 - iii. the Course Leader/Departmental Fitness to Practise Lead (presenting the complaint);
 - iv. the Investigator (to be called as a witness for the School);
 - v. witnesses for the School, which may include the practice educator/mentor from the placement if relevant;
 - vi. witnesses for the Student;
 - vii. the secretary.
7. The Chair shall ensure that all parties are given 10 working days' notice of the hearing. The agenda for the hearing, which must be sent to the Panel, complainant and the student, shall include:
 - i. details of the membership of the Panel and other attendees and in what capacity they are attending;
 - ii. the alleged breach(es) of professional standards or professional conduct;
 - iii. a summary of the events thus far;

- iv. copies of the relevant evidence;
 - v. any statements submitted by either party;
 - vi. the procedures that will apply at the hearing and the student's rights under this procedure.
8. The agenda of the hearing must be sent to the investigator and any witnesses. If a placement is involved the Practice Educator/Mentor attending as a witness has the right to see the student's mitigation if it refers to the placement only.
9. The student has the right:
- i. to attend the hearing;
 - ii. to be accompanied by a supporter who will not normally act as an advocate;
 - iii. to be present whilst evidence is given;
 - iv. to challenge any evidence presented to the Panel;
 - v. to submit additional evidence at least 5 working days in advance of the hearing; tabled evidence will not be accepted;
 - vi. to question and/or cross examine those giving evidence;
 - vii. to make a written statement to the Panel at least 5 working days in advance of the hearing; tabled evidence will not be accepted;
 - viii. to make an oral statement to the Panel.
10. At the meeting the alleged breach of professional standards or professional conduct will be put to the student together with any evidence relevant to disputed matters of fact. The student will have the opportunity to challenge both the evidence and the allegations.
11. At the conclusion of the hearing the Chair acting under the delegated authority of the Dean, and in consultation with other members of the hearing, will have a private meeting to consider the evidence presented and determine:
- i. no breach of professional standards or professional conduct has occurred and the student should be issued with a warning and/or reminded of the Code of Conduct; or
 - ii. a breach of professional standards or professional conduct has occurred but
 - iii. it is not so serious for referral to a Fitness to Practise hearing and the student is issued with a warning and reminded of the Code of Conduct; or
 - iv. a breach of professional standards or professional conduct has occurred and the student should be referred to a Fitness to Practise hearing.
12. In exceptional circumstances, the Panel may adjourn the hearing for no more than 10 working days to obtain additional evidence or clarification.
13. If a student is suspended, the Panel, via the Chair, must make a recommendation to the Head of Registry's Office to continue or withdraw the suspension. If a restriction is in place the Panel via the Chair must make a recommendation to the Dean that the restriction remains in place or is removed.
14. If the outcome of the hearing is to refer the case to the Registry for a Fitness to Practise hearing the Chair should arrange for the minutes and all documents used in the Cause for Concern hearing to be forwarded to the Registry. The Dean's office should be informed of the decision with a request for the nomination of an external panel member and internal panel member drawn from the relevant profession to join the Fitness to Practise Panel. The contact details of both should be forwarded to the Registry and no further communication about the Fitness to Practise hearing should be conducted in the School unless at the specific request of the Registry.

15. There is no opportunity to appeal the decision of the Cause for Concern hearing.

Witness Statements

16. If the student wishes to supply witness statements, it is the responsibility of the student to supply the witness statements and to ensure that any witnesses are informed of the date of the hearing and that they are available to attend. The student should also inform the Chair of the hearing of any witnesses he/she wishes to call. Students should be advised that the names of service users or any other means of identifying service users should not be included in their statement or those of their witnesses. Any details identified in documents received from the student will be removed prior to the hearing. Vulnerable persons will not normally be asked to produce statements or attend the hearing. For example students who fear intimidation, harassment or other reasonable fear of reprisal may request via the Dean's office that their names and addresses be removed from any statements provided to the Cause for Concern hearing and the student.
17. The evidence provided to hearings may be oral or in writing. It is expected that anyone wishing their evidence to be heard would attend a hearing. In the event that a person having provided evidence does not wish to attend a hearing, any statement submitted must be signed and dated. In these circumstances panels must give due consideration to the fact that the witness has not been present to respond to questioning.

Attendance at Hearings

18. The student should confirm to the School, no later than 5-working days before the hearing, if they are due to attend and if they are attending with support.
19. If a student has indicated that they are attending but is prevented from doing so for good reason, which can be evidenced, and the student advises the Head of Department before the meeting, the hearing will be deferred to a later date within reason.
20. If the student has indicated that they are attending but fails to attend and does not inform the Head of Department prior to the hearing, the hearing will go ahead and a decision will be reached based on the information available to the Panel.
21. If a student fails to confirm attendance and all attempts to contact the student have failed, the hearing will go ahead and a decision will be reached based on the information available to the Panel. Attempts to contact the student will be recorded on ASIS/WISDOM, copy letters will be held on file and receipts for recorded delivery letters will be requested.
22. A student who does not attend the hearing waives the right of appeal.
23. Students who have been asked to attend a Cause for Concern hearing and who withdraw from the course before the hearing, will not be allowed to return to any course until the Cause for Concern hearing has taken place and the outcome of the hearing is known. Any references provided to students will record that a Cause for Concern hearing is outstanding.

Students with Health Related Issues

24. If at the initiation of a Cause for Concern hearing it appears that the student may be experiencing health difficulties that materially affect their behaviour and/or judgement, then the

student should be directed to the Student Services Wellbeing Team. It is the student's responsibility to ensure that s/he is properly supported throughout the process and that the Cause for Concern procedure is informed by a clear understanding of the significance of the student's health for the allegation being considered. The School is not obliged to contact Student Services on behalf of the student unless they believe that the student may be at risk of harm to themselves or others.

25. If a student is to be suspended or restricted pending an investigation or hearing and it is known that there are health related issues, the student must be directed to the Student Services Wellbeing Team. The School is not obliged to contact Student Services on behalf of the student unless they believe that the student may be at risk of harm to themselves or others.
26. In all cases reasonable adjustments should be made to take into account the student's health or known disability. This may include:
 - i. additional support at any meetings, or hearings, for example signer, note-taker;
 - ii. hearings may need to take place with the student being given a break of at least 15 minutes in between school, student, witness representations;
 - iii. adjournment of hearings to another date.

SECTION 8

The Fitness to Practise Hearing

1. All parties to this procedure shall ensure that confidentiality is maintained throughout and after the proceedings. The student must receive all the documentation that will be considered at the hearing at least ten working days prior to the Fitness to Practise hearing to give the student time to consult with a supporter.
2. The Panel membership for the hearing must include:
 - i. the Chair normally, a Dean or Academic Integrity Officer but not a deputy;
 - ii. an external practitioner drawn from the relevant profession;
 - ii. an internal member of academic staff drawn from the profession; for Pharmacy the member of staff will also be a practising pharmacist;
 - iv. the President of the Students' Union or nominee;
 - v. the Head of Registry or nominee who will act as secretary and advisor but shall not be a member of the Panel.
3. Other attendees not members of the Panel:
 - i. the Student;
 - ii. the Student Supporter who will not normally act as an advocate; (c) the investigator (to be called as a witness for the School);
 - iii. the Course Leader/Departmental Fitness to Practise Lead (presenting the complaint);
 - iv. witnesses for the School or the Student which may include the Practice Educator/Mentor if relevant.
4. The Registry shall ensure that all parties are given at least 10 working days' notice of the hearing. The agenda for the hearing which must be sent to the Panel, the complainant and the student, shall include:
 - i. details of the membership of the Panel and attendees and in what capacity they are attending;
 - ii. the alleged breach(es) of professional standards or professional conduct;
 - iii. a summary of the events thus far from the Head of Department;
 - iv. minutes of the Cause for Concern hearing;
 - v. copies of relevant evidence;
 - vi. any statements submitted by either party including witness statements;
 - vii. the procedures that will apply at the Fitness to Practise hearing and the student's rights under this procedure.
5. The agenda of the hearing must be sent to the investigator and any witnesses. If a placement is involved the Practice Educator/Mentor attending as a witness has the right to see the student's mitigation if it refers to the placement only.
6. The student has the right:
 - i. to attend the hearing;
 - ii. to be accompanied by a supporter who will not normally act as an advocate;
 - iii. to be present whilst evidence is given;
 - iv. to challenge any evidence presented to the Panel;
 - v. to submit additional evidence at least 5 working days in advance of the hearing; tabled

- evidence will not be accepted;
 - vi. to question and/or cross examine those giving evidence;
 - vii. to make a written statement to the Panel at least 5 working days in advance of the hearing; tabled evidence will not be accepted;
 - viii. to supply written witness statements to the Panel at least 5 working days in advance of the hearing; tabled evidence will not be accepted;
 - ix. to make an oral statement to the Panel.
7. At the meeting the alleged breach of professional standards or professional conduct will be put to the student together with any evidence relevant to disputed matters of fact. The student will have the opportunity to challenge both the evidence and the allegations.
8. At the conclusion of the hearing the Chair acting under the delegated authority of the Vice-Chancellor, and in consultation with other members of the hearing, will have a private meeting to consider the evidence presented and determine:
- i. no breach of professional standards or professional conduct has occurred
 - ii. a breach of professional standards or professional conduct has occurred and the student should be subject to sanctions imposed by the Panel as detailed below.
9. In exceptional circumstances, the Panel may adjourn the hearing for no more than 10 working days to obtain additional evidence or clarification.
10. If the Panel is unable to reach a unanimous decision, the Chair will make the final decision.

Witness Statements

11. If the student wishes to supply witness statements, it is the responsibility of the student to supply the witness statements and to ensure that any witnesses are informed of the date of the hearing and that they are available to attend. The student should also inform the Registry at least 5 working days prior to the hearing of any witnesses they wish to call and make appropriate arrangements to ensure the witness attends.
12. If the School wishes to supply witness statements, it is the responsibility of the School to supply the witness statements and to ensure that any witnesses are informed of the date of the hearing and that they are available to attend. The School should also inform the Registry, at least 5 working days prior to the hearing of any witnesses they wish to call and make appropriate arrangements to ensure the witness attends.
13. Students should be advised that the names of service users or any other means of identifying service users should not be included in their statement or those of their witnesses. Any details identified in documents received from the student will be removed prior to the hearing.
14. Vulnerable persons will not normally be asked to produce statements or attend the hearing. For example students who fear intimidation, harassment or other reasonable fear of reprisal may request via the Registry that their names and addresses be removed from any statements provided to the Fitness to Practise hearing and the student.
15. The evidence provided to hearings may be oral or in writing. It is expected that anyone wishing their evidence to be heard would attend a hearing. In the event that a person having provided evidence does not wish to attend a hearing, any statement submitted must be signed and dated. In these circumstances panels must give due consideration to the fact that the witness has not been present to respond to questioning;

Attendance at Hearings

16. The student should confirm to Registry, no later than 5-working days before the hearing, if they are due to attend and if they are attending with support.
17. If a student has indicated that they are attending but is prevented from doing so for good reason which can be evidenced, and the student advises the Registry before the meeting, the hearing will be deferred to a later date.
18. If the student has indicated that they are attending but fails to attend and does not inform the Registry prior to the hearing, the hearing will go ahead and a decision will be reached based on the information available to the Panel.
19. If a student fails to confirm attendance and all attempts to contact the student have failed, the hearing will go ahead and a decision will be reached based on the information available to the Panel. Attempts to contact the student will be recorded on the Registry database, copy letters will be held on file and receipts for recorded or special delivery letters will be requested.
20. A student who does not attend the hearing waives the right of appeal.
21. Students who have been asked to attend a Fitness to Practise hearing and withdraw from the course before the hearing will not be allowed to return to any course until the Fitness to Practise hearing has taken place and the outcome of the hearing is known. Any references provided to students will record that a Fitness to Practise hearing is outstanding.

Students with Health Related Issues

22. If at the initiation of a Fitness to Practise hearing it appears that the student may be experiencing health difficulties that materially affect their behaviour and/or judgement, then the student should be directed to the Student Services Team. It is the student's responsibility to ensure that s/he is properly supported throughout the process and that the Fitness to Practise procedure is informed by a clear understanding of the significance of the student's health for the allegation being considered. The School/Registry is not obliged to contact Student Services on behalf of the student unless they believe that the student may be at risk of harm to themselves or others.
23. If a student is to be suspended or restricted pending an investigation or hearing and it is known that there are health related issues, the student must be directed to the Student Services Team. The School/Registry is not obliged to contact Student Services on behalf of the student unless they believe that the student may be at risk of harm to themselves or others.
24. In all cases, reasonable adjustments should be made to take into account the student's health or known disability. This may include:
 - i. additional support at any meetings or hearings, for example signer, note-taker;
 - ii. hearings may need to take place with the student being given a break of at least 15 minutes in between school, student, witness representations;
 - iii. adjournment of hearings to another date within reason.

SECTION 9

Outcomes of Fitness to Practise Hearings

1. If the Panel is satisfied that no breach of professional standards or professional conduct has occurred, the student will be notified in writing within 10 working days of the meeting. The student will be advised that:
 - i. the matter is considered to be concluded with no further action and the student receives no warning or sanction;
 - ii. no report of it will be made within the University or to the professional body;
 - iii. any suspension or restriction is lifted.
 - iv. Where appropriate, the student will be given advice on future conduct.
2. If the Panel considers the allegation to have been vexatious or malicious, the matter will be referred as appropriate for action under the Student Disciplinary or Staff Disciplinary procedures.
3. If the Panel find that a breach of professional standards or professional conduct has occurred, acting under the delegated authority of the Vice-Chancellor, the Panel has the authority to determine:
 - i. no further action is needed;
 - ii. to issue a formal written warning to the student as there is evidence of misconduct but the student's fitness to practise is not impaired to the point requiring a sanction;
 - iii. the student's fitness to practise is judged to be impaired and a sanction will be imposed.
4. If the Panel find that a breach of professional standards or professional conduct has occurred where the student's fitness to practise is impaired but not to the point of requiring a sanction a warning may be issued.
5. Warnings are formal statements that indicate that a student's behaviour represents a departure from the standards expected of students and should not be repeated. Warnings need not be declared to the professional body.
6. When deciding if it is appropriate to issue a warning, panels might want to consider whether:
 - i. the student has behaved unprofessionally;
 - ii. the student's behaviour or health raises concerns but falls short of indicating that the student is not fit to practise;
 - iii. the concern is sufficiently serious that, if there was a repetition, it would be likely to result in a finding of impaired fitness to practise and sanctions.
 - iv. A formal written warning will remain in force for the duration of the course and may be shared with any future placement providers or employers.
 - v. Adequate support will be provided for the student to address any underlying problems that may have contributed to their unacceptable behaviour.
 - vi. Subsequent incidents will be considered in the light of earlier warnings, as patterns of poor behaviour may give rise to more serious concerns about a student's fitness to practise. More serious concerns may require a sanction. Subsequent incidents that are not serious can cumulate into the need to apply sanctions.
7. If the Panel find that a breach of professional standards has occurred where the student's fitness to practise is impaired the Panel will issue a sanction. When deciding on an appropriate sanction the Panel should consider each case individually. Sanctions must be reported to the professional body, if required, by the School and will remain on the student's file for the duration of their

course.

8. The student who receives a sanction must declare this information should they join any other course accredited by a professional body or otherwise formally recognised by a regulator.
9. The University will, when asked for references related to such an application, disclose information on sanctions.
10. The student who receives a sanction must declare this information on applying for pre-registration training or registration.
11. Possible sanctions are listed and subsequently defined below:
 - i. Conditions;
 - ii. Undertakings;
 - iii. Suspension/restriction from the course: permanently or for a defined period*;
 - iv. Deferral to the relevant University Disciplinary body, with a recommendation for exclusion from the University.

*Note this is from the course not the University.

Conditions

12. This sanction is applied when the Panel is satisfied that a student has displayed an insight into their problems and would respond to remediation.
13. The objectives of any conditions will be clearly stated so that the student understands what is expected of them and so that a panel at any future hearing can identify the shortcomings and the proposals for their correction.
14. Criteria that a future panel will use to determine the student satisfying the conditions will be explained to the student and recorded.
15. A time period will be given.
16. If the student's Fitness to Practise is found to be impaired by reason of physical or mental health, then the conditions will relate to the medical supervision of the student as well as to supervision in learning and practice environments.

Undertakings

17. An undertaking is an agreement between a student and a School when there is a determination, and the student acknowledges, that their fitness to practise is impaired.
18. Undertakings will only apply if there is a reason to believe that the student will comply with them and there appear to be sufficient safeguards to protect users, patients and the public. Evidence that the student has completed these will be assessed.
19. The student will be given a timeframe to complete the undertakings.

Restriction from the course

20. Restriction is appropriate for misconduct that is serious but not so serious as to justify suspension from the course.

21. Restriction will prevent a student from continuing with their course for a specified period and graduating at the expected time.
22. When a student returns from restriction they may be required to comply with further conditions.
23. There will be appropriate support when the student returns to the course.

Suspension from the course

24. Suspension from the course (not from the University).
25. A student is suspended when the Panel considers that, due to either their behaviour or their health, suspension from the course is the only way to protect patients, the public, other students or staff.
26. Students can transfer to other courses but may not be accepted to those subject to Fitness to Practise.

Referral to a University-Level Disciplinary

27. Referral to a University-Level Disciplinary is the most severe sanction.
28. A student is referred to a University-Level Disciplinary when the Panel considers that, due to either their behaviour or their health, the only way to protect patients, the public, other students or staff is to suspend the student from the University.

SECTION 10

Appealing against the decisions reached by the Fitness to Practise Panel

1. Where a student receives a warning or sanction the student will be informed of his or her right for a review of the decision. Note that the School should not inform the professional body, if required, until after the appeals period has passed.
2. A student who has been the subject of a Fitness to Practise hearing may request a review of the decision by the Panel. Such a request must rest on the grounds either that:
 - i. the hearing was not conducted fairly; or
 - ii. there is new evidence which should be taken into account and, which, for very good reason, was not made available at the time of the hearing.
3. Identifiable grounds are required to enable the review process to proceed and the student must include a brief explanation of why he or she considers that they are relevant.
4. A request for a review of a decision should be completed using the form at the following link – [Fitness to Practise Appeal Form](#). Once completed, the form should be submitted to the Head of Registry's office and must be lodged within 10 working days from the date of the letter of notification of the decision. All evidence must be presented with the request. Evidence cannot be presented at a review hearing.
5. Disagreement with the severity of a sanction imposed by a Fitness to Practise panel will not of itself constitute grounds for a review.
6. Once a review request has been lodged and accepted, no penalty will take effect until the review procedure has been exhausted but where a student has been suspended from his/her studies the suspension will remain in place.
7. The Head of Registry or nominee is entitled to dismiss the review without a hearing in the following circumstances:
 - i. the request for a review was not notified within the prescribed timescale;
 - ii. no identifiable grounds for review were presented;
 - iii. the grounds for review are deemed to be frivolous or vexatious.
8. In such cases the student will be informed of this decision in writing and the process will be concluded at this point.
9. A review against a Fitness to Practise decision will be heard by a University level panel chaired by a Dean and convened by the Office of the Head of Registry.

The composition of the Review Panel will include:

- i. a Dean from another School;
- ii. an Academic Integrity Officer;
- iii. a senior member of academic staff from within the School, but outside the subject area;
- iv. an internal member of academic staff drawn from the profession; for Pharmacy the member of staff will also be a practising pharmacist;
- v. SU President or nominee not previously involved.

10. Where relevant, the Review Panel may include an external practitioner drawn from the relevant profession and who has not previously been involved the case.
11. The Head of Registry or nominee will convene the hearing and act as note-taker but will not be a member.
12. The possible Review Panel outcomes are listed under [Section 9](#) within this book.
13. The decision made by the Review Panel is final. The student will be informed in writing within 10 working days.
14. If an allegation has been proved and a penalty imposed, a copy of the final decision will be placed on the Student's file in the School and lodged within the Registry.
15. The professional body will be advised if appropriate.

SECTION 11

Office of the Independent Adjudicator (OIA)

The University will issue a Completion of Procedures letter to a student when there are no further steps available to the student under the procedure. This provides formal confirmation that the student has exhausted the internal procedure. Once the internal appeal procedure has been completed, if the student is still not satisfied with the outcome, they may take their case to the Office of the Independent Adjudicator (OIA). The OIA operates externally to the University. Further information is available on the [OIA's website](#).