

**FACULTY OF BIOLOGY, MEDICINE AND HEALTH, SCHOOL OF MEDICAL SCIENCES  
DIVISION OF MEDICAL EDUCATION, MB ChB PROGRAMME  
MB ChB HEALTH AND CONDUCT COMMITTEE**

**Introduction**

It is a General Medical Council (GMC) requirement that, when a University places the names of students on a pass list to graduate for the degrees of MB ChB, the University is confirming that those students are fit to practise. The relevant guidance is contained in paragraph 16 of the GMC's guidance *Professional behaviour and fitness to practise (2016)*, which can be found at: [www.gmc-uk.org](http://www.gmc-uk.org)

**1. Functions of the MB ChB Health and Conduct Committee**

The overall function of the MB ChB Health and Conduct Committee (HCC) is to consider matters concerning a medical student's health and/or conduct, as directed by:

- i) University of Manchester regulations and policies, such as those on attendance, plagiarism, conduct and discipline, and criminal offences. These include issues raised by Disclosure and Barring Service (DBS) enhanced disclosures and self-disclosures;
- ii) The GMC and Medical Schools Council (MSC)'s guidance and regulatory framework relating to undergraduate medicine. For example, paragraph 14 of *Professional behaviour and fitness to practise*, states that "Adverse physical or mental health alone is not usually sufficient to conclude impairment. It is a student's failure to seek the appropriate help or engage in the process to manage any condition that may call into question their fitness to practise";
- iii) *Achieving good medical practice (2016)*, where paragraph 29 states that registered doctors "must protect patients from any risk posed by their health. To do this, they must ask for help from a suitable colleague and follow their advice about any changes to their practice the colleague considers necessary";
- iv) The *Medical Act (1983)*, confirming that a registered doctor's fitness to practise may be impaired by reason of misconduct, including but not limited to (in paragraph 85, table 1 of *Professional behaviour and fitness to practise 2016*): "cheating or plagiarism; Dishonesty or fraud, including dishonesty outside the professional role; Drug or alcohol misuse; Aggressive, violent or threatening behaviour; Failing to demonstrate good medical practice; Persistent inappropriate behaviour";
- v) And *Professional behaviour and fitness to practise (2016)*, paragraph 12: "Medical schools and universities should be aware that fitness to practise concerns can involve issues that fit into more than one category. Where there are multiple issues (for example, health and misconduct), the medical school must consider all matters and must take account of the cumulative effect of all impairing factors. It's important to make sure the student is given appropriate support and, where a health condition is involved, the opportunity to seek appropriate treatment."

The Committee does this by monitoring the students' health, conduct and discipline issues (including attendance) and determining the consequences and course of action, for students:

- about whom a report of unprofessional behaviour or unsatisfactory conduct has been received;
- about whom notification of a criminal offence, conviction, caution, warning or reprimand has been received;
- about whom reports of unsatisfactory attendance have been received;
- whose health is of significant concern and/or is impacting on their ability to cope with the demands of the Programme.

## 2. Membership of the Health and Conduct Committee

The membership of the Committee will be drawn from a pool of trained personnel including University of Manchester staff and non-University of Manchester staff working in the NHS who have an honorary contract with the University.

For each meeting the panel will comprise four members constituted as follows:

- A non-voting Chair;
- A Years 1 & 2 representative;
- A Years 3 - 5 representative;
- The other member drawn from the pool above

The panel will usually also include a Manchester Medical School Medical Education Partner (representing the lay community). This person will be a non-voting member.

At least one member of the Committee should be a registered medical practitioner. The Chair will be the same person across all panel meetings, where possible. In his/her absence, a Deputy Chair will act as Chair of the Committee. Both the Chair and the Deputy Chair will be approved by the Head of Manchester Medical School<sup>1</sup>. A quorum of a minimum of three voting members will be required; when only three members in total are present, the Chair will also have a vote.

A summary of the Committee's activities and recommendations will be submitted to the MB ChB Programme Committee for noting. A formal record of the HCC meeting will be kept within Manchester Medical School and on the file of the student to whom the record pertains.

## 3. Procedure for referral to the HCC

(a) Referrals to the Chair of HCC should be made on the HCC referral form [appendix 1] and sent to the HCC secretary ([mms.hcc@manchester.ac.uk](mailto:mms.hcc@manchester.ac.uk)). The HCC Secretary will add the referral to the student's file and bring it to the attention of the Chair, who will decide whether a formal meeting with HCC is required. N.B. The Chair can choose to appoint an investigator before making a final decision about a formal meeting, if the circumstances require it. HCC may also choose to appoint an investigator, and adjourn until the investigator's report is received.

Such referrals will be received, amongst others, from:

- the Head of the Division of Medical Education;
- the Director of Studies/Deputy Director (for Years 1 & 2);
- the Hospital Dean or Associate Hospital Dean (for Years 3 - 5);
- the MB ChB Mitigating Circumstances Panel;
- the MB ChB Progression Committee;
- the MB ChB Examination Board;
- Senior Medical School staff;
- NHS staff with teaching responsibilities;

(b) When the Chair decides whether the case should be heard by the HCC, the student will be informed of the decision in writing as soon as possible by the HCC secretary. Students needing to attend HCC will be given at least 10 working days' notice of the date of the meeting by invitation letter. This letter will clearly state the reason(s) for the referral as well as the date and time of the HCC meeting; it will also

<sup>1</sup> The Head of Manchester Medical School or his/her delegated nominee is empowered under General Regulation XVII to deal summarily with allegations of misconduct occurring within the University or whilst on clinical placement.

invite the student to attend, to submit a written statement beforehand if they wish and to be accompanied by a supporter. Papers sent to the student will include a summary of the case in the invitation letter, highlighting any previous relevant matters, a copy of their student file and any additional documentary evidence.

(c) If the student chooses to submit a supporting statement, including any circumstances surrounding their case, he/she should do so usually **at least 2 working days before the Committee meeting**. The HCC will generally not consider supporting statements from family or friends but will consider documentary evidence from general practitioners and/or other healthcare professionals.

**NB: In accordance with GMC recommendations, the School does NOT accept GP certification where the GP is a relative of the student concerned.**

(d) The HCC secretary is responsible for checking that all relevant documentation/evidence has been made available to the meeting. The Committee will receive no written material that has not also been made available to the student. Students are strongly advised to bring their meeting papers with them to the hearing.

(e) HCC is keen to hear the student's point of view and therefore students are encouraged to attend. In addition, the student will be permitted to bring to the meeting a supporter of their choosing; this may be a current member of the University of Manchester community (staff or student), a family member/friend, a member of the Students' Union Advice Team or someone from a relevant professional association (e.g. The MPS or MDU).

(f) A referred student should indicate to the HCC secretary in writing or email his/her intention to attend and/or provide a written statement, and whether or not they will be accompanied.

(g) It is strongly recommended that any student referred to HCC seeks advice from the Phase 1 Senior Student Welfare and Professionalism Support (SWAPS) Tutor, Central SWAPS or the relevant Sector SWAPS Team, their Academic Advisor or TPPD Tutor or the Students' Union Advice Team prior to attending.

(h) Students are encouraged to attend HCC, but they may choose not to do so. If a student chooses not to attend, or does not engage with the process, HCC will consider their case and any written submission presented by the student and will make a decision *in absentia*.

#### **4. Procedure of the HCC meeting**

(a) Usually, the Chair outlines the reason for referral and the Chair and panel may ask questions of the student to clarify their situation. The student is also invited to make a statement clarifying any further points. With the student's permission, their supporter may also make a short statement.

(b) Although the Committee does not normally call witnesses, it reserves the right to do so.

(c) The student (and their supporter) is normally asked to leave while the HCC considers the information presented and the potential outcomes.

(d) The Panel will normally make a decision on the day of the meeting and, usually, will inform the student of the outcome at the end of the meeting. The decision will be confirmed in writing within five working days. The Committee has the right to defer making a decision in instances where additional information becomes available during the course of the meeting or is required, for example, an Occupational Health Services opinion, or when an investigator has been appointed.

## 5. Outcomes of the HCC meeting

Having carefully considered the circumstances, HCC makes its decision based on the following three categories ('Conduct & Behaviour', 'Attendance' and 'Health'), and selects outcomes from within these categories dependent on the case being considered:

(i) Conduct & Behaviour<sup>2</sup> (including outside the University and clinical environment<sup>3</sup> and criminal offences)

- No case to answer.
- The student will receive a level 1 written warning in the form of a letter and a copy will be kept on their file. The letter will state the reason for the referral to HCC, and the consequences of further breaches of appropriate conduct and behaviour;
- The student will receive a level 2 warning in the form of a letter and a copy will be kept on their file. The letter will state the reason for the referral to HCC, and the consequences of further breaches of appropriate conduct and behaviour, and will be accompanied by further sanctions or other actions which may include enhanced monitoring.
- The student will be referred to the Faculty of Biology, Medicine and Health Fitness to Practise Committee should the HCC consider that the student's fitness to practise may be impaired.
- N.B. if the Committee is considering new concerns about a student already due to attend the Faculty of Biology, Medicine and Health Fitness to Practise Committee, the outcome can be to note the concerns and the student's response and include the matter in the case to be considered by the Faculty.

(ii) Attendance

- No case to answer.
- A decision regarding a requirement to make up time. Where students have been precluded from attending assessments, this may result in a requirement to repeat the year of study or, in a repeat year, may lead to exclusion from the Programme;
- The student will receive a level 1 written warning in the form of a letter and a copy will be kept on their file. The letter will state the reason for the referral to HCC and the consequences of further breaches of appropriate conduct and behaviour;
- The student will receive a level 2 warning in the form of a letter and a copy will be kept on their file. The letter will state the reason for the referral to HCC, and the consequences of further breaches of appropriate conduct and behaviour, and will be accompanied by further sanctions or other actions which may include enhanced monitoring.
- The student will be referred to the Faculty of Biology, Medicine and Health Fitness to Practise Committee should the HCC consider that the student's fitness to practise may be impaired.
- Recommend refusal of permission for the student to take examinations or other assessments with the consequence that he/she be excluded from the programme, as per the University Policy on Recording and Monitoring Attendance.
- N.B. if the Committee is considering new concerns about a student already due to attend the Faculty of Biology, Medicine and Health Fitness to Practise Committee, the outcome can be to note the concerns and the student's response and include the matter in the case to be considered by the Faculty.

<sup>2</sup> *Good Medical Practise* requires doctors to make sure that their conduct justifies patients' trust in them and the public's trust in the profession (paragraph 65). (*Achieving good medical practice (2016)* requires doctors and medical students to demonstrate honesty. paragraphs 72-73)

<sup>3</sup> "Medical students need to behave professionally outside of work and medical school. This means you should avoid doing things that will undermine the trust patients have in doctors and the public has in the medical profession" (*Achieving good medical practice (2016)* page 46)

### (iii) Health

- No case to answer.
- Referral to the Academic Lead for SWAPS for ongoing support;
- Referral to Student Occupational Health (SOH)/Disability Advisory and Support Service (DASS)/Counselling Service for advice/assessment;
- Referral to SOH/DASS /Counselling Service for regular review (this may be required in complex cases and might involve a case conference style approach involving a team of relevant staff);
- Referral to SOH for monitoring (in the case of alcohol or drug abuse);
- The student will be referred to the Faculty of Biology, Medicine and Health Fitness to Practise Committee should the HCC consider that the student's fitness to practise may be impaired.
- NB, if the Committee is considering new concerns about a student already due to attend the Faculty of Biology, Medicine and Health Fitness to Practise Committee, the outcome can be to note the concerns and the student's response and include the matter in the case to be considered by the Faculty.

**NB: It is a requirement that a student acts on the reasonable recommendation(s) of HCC in relation to matters of health. To not do so can be deemed unprofessional and may result in disciplinary action (Professional behaviour and fitness to practise, paragraph 81)**

**Regardless of the decision of HCC, students are required to notify their Foundation Programme Trust (via the Transfer of Information process in Year 5) and the GMC (via the application for provisional registration in Year 5) of their invitation to attend HCC, the reasons for this and the outcome.**

## 6. Appeals against the Decision of HCC

### (i) Conduct & Behaviour

The student has the right of appeal against any finding of guilt and any penalty imposed by HCC on one or more of the following grounds:

- a) procedural irregularity;
- b) availability of new evidence which could not reasonably have been expected to be presented to the original meeting of HCC
- c) the disproportionate nature of the penalty.

Appeals must be submitted within fifteen working days of the date on which written notification of the decision of HCC is sent to the student to the Faculty of Biology, Medicine and Health Appeals and Complaints Team, Room 3.21, 3rd Floor Simon Building, Brunswick Street, Manchester, M13 9PL or by email to: [FBMHappealsandcomplaints@manchester.ac.uk](mailto:FBMHappealsandcomplaints@manchester.ac.uk)

### (ii) Attendance

Regulation XX: Work and Attendance of Students governs the work and attendance requirements of students. A student who has been refused permission to take an examination or other form of assessment on the grounds of unsatisfactory work and attendance may submit an appeal against that decision within ten working days of the notification of the decision in accordance with the provisions of Regulation XIX [Academic Appeals Procedure] available at:

<http://documents.manchester.ac.uk/DocuInfo.aspx?DocID=1872>

This appeal must be made in writing via the appropriate form found at: <http://documents.manchester.ac.uk/DocuInfo.aspx?DocID=1878> and submitted to the Faculty of Biology, Medicine and Health Appeals and Complaints Team, Room 3.21, 3rd Floor Simon Building, Brunswick Street, Manchester, M13 9PL or by email to: [FBMHappealsandcomplaints@manchester.ac.uk](mailto:FBMHappealsandcomplaints@manchester.ac.uk)

(iii) Health

The student has the right of appeal against the decision of HCC on one or more of the following grounds:

- a) procedural irregularity; and
- b) availability of new evidence which could not reasonably have been expected to be to the original meeting of HCC.

Appeals must be submitted within fifteen working days of the date on which written notification of the decision of HCC is sent to the student to the Faculty of Biology, Medicine and Health Appeals and Complaints Team, Room 3.21, 3rd Floor Simon Building, Brunswick Street, Manchester, M13 9PL or by email to: [FBMHappealsandcomplaints@manchester.ac.uk](mailto:FBMHappealsandcomplaints@manchester.ac.uk)

**NB:**

- i. An appeal which questions the academic or professional judgement of those charged with the responsibility for assessing a student's academic performance or professional competence will not be permitted;
- ii. A student may submit an appeal only on his or her own behalf; an appeal submitted by a third party will not be accepted unless accompanied by written authorisation from the student

**REFERRAL TO CHAIR OF MB ChB HEALTH AND CONDUCT COMMITTEE FOR CONSIDERATION**

Student name / number:	Year / Hospital Sector:
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**Case referred by:**

**Name / Role:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Form completed by (if different): \_\_\_\_\_ Date: \_\_\_\_\_

Please tick to confirm that you have made the student aware of the referral, the exact reason(s) for the referral, and the role and remit of the Health and Conduct Committee (please see guidelines on reverse):

Please advise the student that they will be contacted via their University email account.

**Grounds for referral (please tick; can be more than one):** Health:  Conduct:  Attendance:

**Background (please attach relevant paperwork and/or student's file):**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Referral reviewed by Dr Emyr Benbow, Chair of Health and Conduct Committee:**

If applicable, attach copy of discussion by email and tick:

**Decision: Student to attend Health and Conduct Committee?** Yes | No | Further information / action required

**Reason for decision:**

\_\_\_\_\_

\_\_\_\_\_

**Signed (Dr Benbow):** \_\_\_\_\_ **Date:** \_\_\_\_\_

**If Yes, any action required before HCC?**

\_\_\_\_\_

\_\_\_\_\_

**If No, any alternative action required?**

\_\_\_\_\_

\_\_\_\_\_

**If Further information / action required, please specify:**

\_\_\_\_\_

\_\_\_\_\_

**REFERRAL TO CHAIR OF MB ChB HEALTH AND CONDUCT COMMITTEE GUIDELINES**

1. Please submit this form and associated documents to either [mms.hcc@manchester.ac.uk](mailto:mms.hcc@manchester.ac.uk) or to the Secretaries to Health and Conduct Committee at Manchester Medical School.
2. Please ensure that all relevant details and/or documents are provided.
3. The Secretaries will liaise with the Chair, and communicate his decision to the student by email as soon as possible.
4. Whether or not a student is required to attend HCC, they will be advised on appropriate support available to their circumstances.
5. If they are required to attend HCC, they will also receive a formal letter confirming the details at least 10 working days prior to the date of the meeting.
6. Full HCC regulations are available in the MB ChB Programme Handbook and on 1MedInfo

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