



## FACULTY OF BIOLOGY, MEDICINE AND HEALTH

### Fitness to Practise Procedure

#### 1. Introduction

- 1.1. The University offers a number of programmes which require students to undertake practical training in a professional role as part of the programme and/or upon completion;
  - 1.1.1. lead to a right to practise as a member of a profession;
  - 1.1.2. permit membership of, and/or require registration with, a relevant professional or statutory regulator; and/or
  - 1.1.3. result in acceptance into a profession.

Examples of such programmes are set out at Appendix 1.

- 1.2. The University has a duty to ensure that students on any programme of study which falls within the description outlined at paragraph 1.1 meet academic, behavioural and health competencies relevant to that profession in order to:
  - 1.2.1. safeguard present or future patients, clients and/or service-users, staff, the student, other students and/or members of the public;
  - 1.2.2. protect the health and wellbeing of the student;
  - 1.2.3. comply with the requirements of the relevant professional regulator; and
  - 1.2.4. uphold the reputation of the profession.
- 1.3. It is also appropriate for the University, having regard to the public interest considerations identified at paragraphs 1.2.1 to 1.2.4 above, to notify any relevant professional regulator where there is a concern that a student who is:
  - 1.3.1. enrolled on any programme of study at the University (including those which fall within the description outlined at paragraph 1.1); and
  - 1.3.2. already registered with a relevant professional regulator,does not meet academic, behavioural and health competencies relevant to their profession.

#### Purpose

- 1.4. The purpose of any application of this procedure is to protect students and those around them (including patients, clients and/or service users, staff and/or members of the public) from those whose fitness to practise is currently impaired.
- 1.5. Any sanction imposed under this procedure is not intended to punish students and, in many cases, should instead give students an opportunity to learn from their previous (in)action(s).

#### Scope

- 1.6. This procedure applies where the health and/or conduct of:

- 1.6.1. a student on any programme of study which falls within the description outlined at paragraph 1.1; and
- 1.6.2. a registrant on any programme;

gives rise to concern about the student's fitness to practise, professional behaviour and/or suitability in connection with that programme and/or registration with the relevant professional regulator (referred to in this procedure as "a concern" or "concerns").

- 1.7. Any reference to "student" in this procedure is a reference to any person registered with the University as a student (whether on an undergraduate, postgraduate or post-registration programme), including those who are already registrants with a professional regulator.
- 1.8. This procedure applies to any student registered or studying at the University on any programme of study within the scope of paragraph 1.1, including those who have interrupted their studies or who have taken an intercalated programme.

### Appendices

- 1.9. A non-exhaustive list of programmes which fall within the scope of this procedure is set out at Appendix 1
- 1.10. A non-exhaustive list of concerns which fall within the scope of this procedure is set out at Appendix 2.
- 1.11. A flowchart outlining the stages under this procedure is shown at Appendix 3.
- 1.12. A glossary of key terms used in this procedure is included at Appendix 4.

### Support for students

- 1.13. A range of support is available (within and outside the University) to students who may be affected by this procedure including support from the University's Counselling Service, the Occupational Health Service, the Disability Advisory and Support Service, the Students' Union and the support teams relevant to the student's programme, together with any other relevant support.
- 1.14. Students are advised to respond to all communication from the University (verbal and written) directly and not normally through a third party except in exceptional circumstances or where diagnosed disability reasonably prevents them from being able to do so. Interactions with the University through a third party must be authorised in writing by the student before any response will be made. A student may, and is encouraged to, be accompanied to any meeting held under this procedure by a Student Supporter, who may support and/or assist the student. Students are responsible for their own behaviour and that of any Student Supporter. Abusive or disrespectful behaviour towards University Staff will not be tolerated under any circumstances.

### Relationship with other regulations and procedures

- 1.15. In the event that a concern raised under this procedure is subsequently referred for consideration under any other University regulation, code, policy and/or procedure (for example, under Regulation XVII (Conduct and Discipline of Students) or the Procedure on Support to Study (formerly known as Fitness to Study)) or to the police:
  - 1.15.1. any application of this procedure will normally be put on hold pending the outcome of that process; and
  - 1.15.2. precautionary measures, such as a temporary suspension of studies under section 4 of this procedure, may be taken as appropriate.

- 1.16. Where a student has been found to have acted in breach of any other regulation, code, policy and/or procedure and that finding gives rise to fitness to practise concern(s), the matter may also be considered under this procedure.

#### Disclosure to the relevant professional regulator

- 1.17. It is the student's responsibility to check whether they must declare to the relevant professional regulator that they have been subject to any application of this procedure.
- 1.18. If a student has any queries regarding:
- 1.18.1. whether they should declare to the relevant professional regulator that they have been subject to any application of this procedure; and/or
  - 1.18.2. the impact of any application of this procedure more generally,
- they should contact the relevant school.
- 1.19. The University may disclose any application of this procedure to third parties, including the police, a placement provider, the relevant professional regulator, the relevant safeguarding authority and/or other universities, subject to paragraphs 1.20 and 1.21.

#### Confidentiality, data protection and information sharing

- 1.20. The University will implement this procedure in accordance with its obligations in relation to confidentiality and data protection and consistently with the University's [Registered Student Privacy Notice](#).
- 1.21. For the purposes of implementing this procedure, the University may be required to:
- 1.21.1. disclose a student's personal data (and in some cases, special category data); and/or
  - 1.21.2. disclose information and evidence provided by other individuals (for example, witnesses),

both within the University (for example, as part of the initial review stage, in relation to an Investigation, in connection with a Committee or appeal process, etc.) and, in some cases, externally (for example, to the police, a placement provider, the relevant professional regulator or the relevant safeguarding authority). The University will ensure that all personal data is processed and disclosed in accordance with individuals' data protection rights.

#### General

- 1.22. The fact and outcome of any application of this procedure shall be recorded on the student's record.
- 1.23. Any student who is the subject of any ongoing application of this procedure will not normally be permitted to graduate pending the conclusion of this procedure.
- 1.24. In the event that a student who is the subject of any ongoing application of this procedure withdraws from, or is not permitted to continue with, their programme of study at the University for any reason, the University may still:
- 1.24.1. continue to deal with the matter under this procedure; and/or
  - 1.24.2. make a disclosure to the relevant professional regulator as appropriate,

and, where paragraph 1.24.1 applies, the University shall invite the student to participate in the application of this procedure.

## 2. RAISING CONCERNS AND THE CONCERN REVIEW STAGE

### Raising concerns

- 2.1. This procedure may be initiated as a result of any concern(s) falling within the scope of paragraph 1.6 being raised by a member of University staff, another student, a member of staff from a placement provider or a member of the public.
- 2.2. Upon receipt of any concern(s), the concern(s) shall be referred to the relevant Concern Review Panel using the appropriate referral form.

### Composition of the Concern Review Panel

- 2.3. Individual schools shall determine the composition of their Concern Review Panel.
- 2.4. Where the Concern Review Panel consists of more than one person, its members may meet virtually or in person.

### Initial concern review

- 2.5. Upon receipt (and normally within 5 working days) of a referral under this procedure, the Concern Review Panel will undertake an initial review of the concern(s) and determine what further action (if any) is appropriate under paragraph 2.6. The Concern Review Panel may (but is not required to) seek clarification from the student and/or other relevant individuals and/or consider any relevant evidence as it considers appropriate, in order to assist it to determine the most appropriate course of action under paragraph 2.6.
- 2.6. Having completed an initial review of the concern(s), the Concern Review Panel may determine which one or more of the following is appropriate:
  - 2.6.1. no further action shall be taken in connection with the concern(s);
  - 2.6.2. the concern(s) shall be addressed further by way of education, training, monitoring, supervision and/or support for the student (or by any other method considered appropriate in the circumstances);
  - 2.6.3. the concern(s) shall be referred for consideration under an alternative University regulation, code, policy and/or procedure (for example, under Regulation XVII (Conduct and Discipline of students) or the Procedure on Support to Study), subject to paragraph 2.7;
  - 2.6.4. an Investigation is appropriate to assist the Concern Review Panel in determining the next steps (for example, whether the concern(s) shall be referred to a Committee), subject to paragraph 2.8;
  - 2.6.5. the concern(s) shall be referred for consideration by the School Level Fitness to Practise Committee<sup>1</sup> (for less serious concerns);
  - 2.6.6. the concern(s) shall be referred to a Faculty Level Fitness to Practise Committee (for more serious concerns, as described at paragraph 2.9, for concerns that are particularly complex, or where it is otherwise necessary in order to expedite consideration of the concern);
  - 2.6.7. the circumstances are such that a period of temporary suspension from studies is appropriate under section 4; and/or
  - 2.6.8. where appropriate, the concern(s) shall be referred to the relevant professional regulator (i.e. where the student is also a registered and practicing professional); and/or

---

<sup>1</sup> The School Level Fitness to Practise Committee effectively replaces the Health and Conduct Committee used under previous versions of this procedure.

- 2.6.9. any other measure which the Concern Review Panel considers appropriate in the circumstances.
- 2.7. It is appropriate for concern(s) to be referred for consideration under an alternative University regulation, code, policy and/or procedure under paragraph 2.6.3 where the Concern Review Panel considers that, having regard to the nature of the concern(s), the concern(s) fall(s) within the scope of that regulation, code, policy and/or procedure. The Concern Review Panel may seek advice to assist in its determination in this regard.
- 2.8. The Concern Review Panel may consider that it is not appropriate to conduct an Investigation into the concern(s) under paragraph 2.6.4 where:
  - 2.8.1. a student has been found to have acted in breach of any other regulation, code, policy and/or procedure and that finding gives rise to any concern(s) under paragraph 1.16;
  - 2.8.2. a student is referred to a Committee under paragraph 2.6.5 or 2.6.6 following a criminal conviction which gives rise to a concern, and no other concern exists; and/or
  - 2.8.3. clear evidence exists to support a concern and the Concern Review Panel is satisfied that no further investigation is required.
- 2.9. A concern will normally be considered to be a more serious concern within the meaning of paragraph 2.6.6 where:
  - 2.9.1. the student's conduct or behaviour:
    - 2.9.1.1. presents an actual or potential risk to patients, clients and/or service-users, staff, the student, other students and/or the public;
    - 2.9.1.2. amounts to a significant shortcoming in relation to professional standards of behaviour;
    - 2.9.1.3. has undermined, or may undermine, public confidence in the profession;
    - 2.9.1.4. amounts to an abuse of a position of trust;
    - 2.9.1.5. was pursued for, or resulted in, financial gain;
  - 2.9.2. repeated concerns of a similar nature have been raised against the student;
  - 2.9.3. the student has been dishonest and/or the integrity of the student can no longer be relied upon;
  - 2.9.4. the student has demonstrated a lack of insight into their conduct or behaviour; and/or
  - 2.9.5. the student has failed to engage with an application of either this procedure or any other University regulation, code, policy and/or procedure.

#### Notification to student

- 2.10. The Concern Review Panel may (but is not required) to meet with students at any stage in the process for the purpose of seeking clarification prior to making a decision.
- 2.11. The Concern Review Panel will inform the student in writing of its decision and any relevant next steps within 5 working days of its decision.

### **3. INVESTIGATION**

#### General

- 3.1. Where the Concern Review Panel considers that an Investigation is appropriate before determining whether any further action is required under paragraph 2.6.4, the Concern

- Review Panel will appoint an impartial Investigator with no prior involvement in the matter to investigate the concern(s).
- 3.2. The purpose of the Investigation is to gather information and evidence relevant to the concern(s) raised to enable the Concern Review Panel to determine what further action is appropriate.
  - 3.3. The Investigator shall determine the nature and scope of the Investigation, and the manner in which it is conducted, having regard to the nature and complexity of the concern(s) and the potential consequences for the student.
  - 3.4. As part of the Investigation, the Investigator will usually meet with the student and may also meet with other relevant witnesses (such as staff at placement providers). These meetings may be virtual.
  - 3.5. The Investigator will, normally within 5 working days of their appointment, write to the student to:
    - 3.5.1. inform them of the fact of the Investigation and provide a summary of the concern(s) which will be considered;
    - 3.5.2. provide a copy of this procedure;
    - 3.5.3. give their name, role and contact details;
    - 3.5.4. outline the anticipated next steps and, where possible, the expected timescales for completion of the Investigation; and
    - 3.5.5. provide information about accessing support.

#### Invitation to an Investigation meeting

- 3.6. Prior to any meeting with the student as part of their Investigation, the Investigator shall write to the student, normally at least 5 working days before the meeting, to provide:
  - 3.6.1. the date, time and location of the meeting;
  - 3.6.2. confirmation that the student may choose to be accompanied at the meeting by a Student Supporter of their choosing; and
  - 3.6.3. any information or document required by paragraphs 3.5.1 to 3.5.5, which the Investigator has not previously provided to the student.

#### The Investigation meeting

- 3.7. At the outset of the meeting, the Investigator will outline the concern(s) that have been raised and provide the student with an opportunity to respond. Where the student is accompanied by a Student Supporter, they will not usually make any statement, answer questions or question witnesses on behalf of the student.
- 3.8. Any Investigation meeting will be recorded and the recording will be stored securely on the student file, in accordance with the University's records retention policy.
- 3.9. In the event that additional concerns emerge following the Investigation meeting and prior to the finalisation of the Investigation Summary, the Investigator will:
  - 3.9.1. present (either orally or in writing) the concern(s) to the student; and
  - 3.9.2. give the student a reasonable opportunity (normally at least 5 working days) to respond to those concerns.

#### The Investigation Summary

- 3.10. Within 10 working days of completing the Investigation, the Investigator will provide to the Concern Review Panel an Investigation Summary which sets out:

- 3.10.1. a summary of the concern(s) raised;
  - 3.10.2. the process followed as part of the Investigation;
  - 3.10.3. a summary of the information and evidence considered; and
  - 3.10.4. the Investigator's findings.
- 3.11. The level of detail to be included in the Investigation Summary shall be a matter for the Investigator to determine having regard to the nature and complexity of the concern(s) considered.

#### Outcome of the Investigation

- 3.12. Following its review of the Investigation Summary, the Concern Review Panel will, having regard to the nature and seriousness of the concern(s) (including the actual or potential impact upon present or future patients, clients and/or service-users, staff, students and/or members of the public), assess the weight of any supporting evidence and the potential impact upon the student, determine which one or more of the options under paragraphs 2.6.1 to 2.6.9 (excluding paragraph 2.6.4) is appropriate.
- 3.13. The Concern Review Panel will notify the student of the outcome of the Investigation and its decision in relation to the appropriate next steps normally within 10 working days of the completion of the Investigation.

## **4. TEMPORARY SUSPENSION OF STUDIES**

#### Circumstances in which a student may be suspended

- 4.1. A school may temporarily suspend a student in full or in part where satisfied that suspension is a necessary precaution to protect the interests of present or future patients, clients and/or service-users, staff, the student, other students and/or members of the public, pending consideration of the concern(s) under this procedure and/or any associated University regulation, code, policy and/or procedure.
- 4.2. The circumstances in which suspension may be appropriate include (but are not limited to) where:
- 4.2.1. a student has been directly implicated in an incident with a patient, client and/or service user that either led, or may have led, to harm to that patient, client and/or service user;
  - 4.2.2. a student has been convicted of a crime, or is being investigated in relation to alleged criminal activity;
  - 4.2.3. a student has been directly implicated in an incident with a patient, client and/or service-user, member of staff, other student and/or member of the public that gives rise to a more serious concern within the meaning of paragraph 2.9;
  - 4.2.4. a student's health and/or behaviour is a cause for concern in terms of its actual or potential impact upon:
    - 4.2.4.1. the care of patients, clients and/or service-users; and/or
    - 4.2.4.2. relationships with patients, clients and/or service-users, staff, other students and/or members of the public; and/or
  - 4.2.5. a concern of a safeguarding nature is raised, including by an external organisation or provider.
- 4.3. The decision to suspend a student may be taken by the Head of the School in which the student is studying (or their nominee).
- 4.4. In circumstances where the appropriate Head of School (or their nominee) deems there to be an immediate and serious concern, they may suspend the student with immediate effect.

### A student's right to make representations

- 4.5. Save where a student has been suspended with immediate effect under paragraph 4.4 (in which case, paragraph 4.6 applies), no student shall be suspended unless they have first been given an opportunity to make (oral or written) representations to the appropriate Head of School (or their nominee).
- 4.6. Where the student has been suspended with immediate effect under paragraph 4.4, the student must be given an opportunity to make representations to the appropriate Head of School (or their nominee) as soon as reasonably practicable thereafter.

### Terms of the suspension

- 4.7. The Head of School (or their nominee) shall determine the appropriate scope and terms of any suspension. This may include:
  - 4.7.1. restricting the student's access to the University or a specified part of the University;
  - 4.7.2. restricting (whether in total or in part) the student's access to University services (e.g. academic, residential, social or sporting facilities provided by the University);
  - 4.7.3. restricting (whether in total or in part) the student's participation in their programme, placement and/or University activities;
  - 4.7.4. prohibiting the student from exercising the functions or duties of any office or committee membership in the University or the Students' Union; and/or
  - 4.7.5. prohibiting the student from contacting any named person(s).

### Notification of decision to suspend

- 4.8. Where the Head of School (or their nominee) determines to suspend a student, the Head of School (or their nominee) shall:
  - 4.8.1. where the decision is made during a meeting with the student, inform the student orally of the decision to suspend, the reasons for it and any terms which apply;
  - 4.8.2. in any event, confirm in writing to the student as soon as reasonably practicable the decision, the reasons for it and any terms which apply;
  - 4.8.3. inform the Vice Dean (Teaching and Learning) of the Faculty of any suspension as soon as reasonably practicable; and
  - 4.8.4. inform the Concern Review Panel as soon as reasonably practicable.

### Faculty review of the suspension

- 4.9. Where the Head of School (or their nominee) determines to suspend a student under this section 4, the Vice Dean (Teaching and Learning) of the Faculty shall review the suspension every 20 working days to ensure that suspension remains necessary and the terms continue to be appropriate or shall ask another senior member of the School who has not been involved in the referral of a concern under this procedure to do so.

## **5. GENERAL PROVISIONS RELATING TO REFERRAL TO A COMMITTEE**

### Referral to a Committee

- 5.1. A concern(s) shall not normally be referred to a Committee unless either:
  - 5.1.1. an Investigation has been carried out under section 2.11 of this procedure;



- 5.1.2. the conduct giving rise to the concern(s) has previously been investigated either under an alternative University regulation, code, policy and/or procedure or by a third party (such as the relevant professional regulator or the police), as set out at paragraph 5.3; or
  - 5.1.3. clear evidence exists to support a concern and the Concern Review Panel is satisfied that no further investigation is required.
- 5.2. Where a decision is made to refer any concern(s) to a Committee, the Committee Secretary will within 10 working days of the referral, inform the student in writing of:
- 5.2.1. their name and contact details;
  - 5.2.2. an outline of the concern(s) raised;
  - 5.2.3. relevant information in relation to next steps (including a copy of this procedure); and
  - 5.2.4. information about accessing support.

Where a student has been found to have acted in breach of any other regulation, code, policy and/or procedure and that finding gives rise to any concern(s)

- 5.3. In circumstances where paragraph 1.16 applies (i.e. a student has been found to have acted in breach of any other regulation, code, policy and/or procedure and that finding gives rise to a concern(s)) and the Concern Review Panel refers such concern(s) to a Committee, that Committee:
- 5.3.1. will not conduct a re-hearing of the evidence but will instead focus on determining whether or not the student's fitness to practise is currently impaired and, if so, consider the appropriate outcome(s); and
  - 5.3.2. may consider the evidence presented and/or outcome reached in that separate process; and/or
  - 5.3.3. may seek evidence from any relevant individual involved in that process.

The Committee Secretary

- 5.4. The Committee will be served by the Committee Secretary, who is not a member of the Committee, but will be present throughout the proceedings.

Invitation to a Committee Meeting

- 5.5. The Committee Secretary shall, in writing and not less than 10 working days before the Committee Meeting, provide the student with:
- 5.5.1. the date, time and location of the Committee Meeting;
  - 5.5.2. the names and roles of the Committee members and details of any other individuals who will be attending the Committee Meeting;
  - 5.5.3. an outline of the concern(s) to be considered (linked to the relevant professional standards or University regulation, code, policy and/or procedure as appropriate);
  - 5.5.4. access to a copy of this procedure and (links to) any associated relevant guidance;
  - 5.5.5. confirmation that the student may:
    - 5.5.5.1. submit a written statement prior to the Committee Meeting, under paragraph 5.7;
    - 5.5.5.2. call relevant witnesses to the Committee meeting to give evidence; and/or

- 5.5.5.3. choose to be accompanied at the Committee Meeting by a Student Supporter of their choosing, under paragraph 5.13;
- 5.5.6. information about accessing support; and
- 5.5.7. the Bundle of Documents (as described at paragraph 5.8).

#### Student's fitness to attend the Committee Meeting and support and adjustments

- 5.6. The Chair of the Committee shall consider whether it is appropriate to seek advice and guidance (for example, from the University's Occupational Health Service and/or the Disability Advisory and Support Service) in relation to:
  - 5.6.1. the student's fitness to attend and engage in the Committee Meeting; and/or
  - 5.6.2. any additional support and/or adjustments which may be put in place to assist the student.

#### A student's right to provide a written statement and evidence

- 5.7. The student may provide:
  - 5.7.1. a written statement in connection with the concern(s); and/or
  - 5.7.2. any relevant evidence to which they wish to refer during the Committee Meeting,subject to any such document(s) being provided to the Committee Secretary at least 5 working days before the Committee Meeting.

#### The Bundle of Documents

- 5.8. Any papers which are to be considered during a Committee Meeting will be included in a Bundle of Documents.
- 5.9. The Committee Secretary is responsible for preparing and sending to the student and members of the Committee an electronic copy of the Bundle of Documents, which shall include:
  - 5.9.1. a copy of the letter inviting the student to the Committee Meeting;
  - 5.9.2. documentary evidence that is relevant to the specific concern(s) raised;
  - 5.9.3. any written statement and relevant evidence provided by the student under paragraph 5.7.
- 5.10. Neither party may present any new document (i.e. any document which is not included in the Bundle of Documents) for consideration during the Committee Meeting without the consent of the Chair, whose decision in this regard shall be final.
- 5.11. The student should:
  - 5.11.1. ensure they can access a copy of the Bundle of Documents at the Committee Meeting; and
  - 5.11.2. arrange for a copy of the Bundle of Documents to be made available to the Student Supporter (as required).

#### Student attendance at a Committee Meeting

- 5.12. The student is required to attend the Committee Meeting.
- 5.13. The student may be accompanied at the Committee Meeting by a Student Supporter, providing that the student gives prior written notice to the Committee Secretary under paragraph 5.15.2.

- 5.14. If a student fails to attend a Committee Meeting or does not engage with this process without reasonable explanation (to be determined by the Chair, whose decision shall be final), the Committee Meeting may proceed in the student's absence.

#### Information to be provided by the student prior to a Committee Meeting

- 5.15. The student shall, not less than 5 working days prior to the Committee Meeting, provide to the Committee Secretary in writing:
- 5.15.1. a copy of any written statement or supporting evidence that they wish to rely on under paragraph 5.7;
  - 5.15.2. the name of any Student Supporter who will accompany the student at the Committee Meeting, together with an explanation of their relationship to the student;
  - 5.15.3. the name(s) of any relevant witness(es) that the student proposes to bring to the Committee Meeting, together with a brief summary of their relevance to the concern(s).

#### Invitation of witnesses to a Committee Meeting

- 5.16. Where the student has provided the name of any witness that they intend to bring to the Committee Meeting under paragraph 5.15.3, the Chair (whose decision shall be final) shall determine whether it is appropriate in all the circumstances for that witness to attend the Committee Meeting.
- 5.17. Where the Chair determines that it is not appropriate for a witness to attend the Committee Meeting, the Chair shall provide an explanation for their decision.
- 5.18. Subject to paragraph 5.16, the Committee Secretary shall, in writing and as soon as reasonably practicable, invite to the Committee Meeting any witness that either party proposes to bring to the Committee Meeting.

#### The Committee Meeting

- 5.19. The Committee Meeting will normally proceed on the basis of the steps outlined at paragraphs 5.19.2 to 5.19.13. However, the Chair may vary the procedure as they consider appropriate in the circumstances, having regard to the nature and complexity of the concern(s) raised and the potential consequences for the student.

##### *Representations*

- 5.19.1. The Committee will usually expect to hear directly from the student at the Committee Meeting. Where the student is accompanied by a Student Supporter, they will not usually make any statement, answer questions or question witnesses on behalf of the student.

##### *Introductions*

- 5.19.2. The Chair will introduce and explain the role of the Committee and each person present at the Committee Meeting.

##### *Opening statements*

- 5.19.3. The Chair will invite the case presenter (usually the Investigator) and subsequently the student, to make an opening statement, explaining their position.

- 5.19.4. The Chair will then invite the case presenter and the student in turn to ask any questions of each other.

#### *Witnesses*

- 5.19.5. Either party may call witnesses. At the discretion of the Chair, the Committee may also call upon any other person(s) to advise (either in writing or in person) upon specific aspects of the matter.
- 5.19.6. A witness will normally attend the Committee Meeting only for the purpose of giving their account to the Committee and will not need to stay for the duration of the Committee Meeting.

#### *Closing statements*

- 5.19.7. The Chair will invite the case presenter and subsequently the student to make a closing statement, explaining their position.

#### *Questions*

- 5.19.8. The Chair and other members of the Committee may ask questions of anyone present at any point during the Committee Meeting.
- 5.19.9. Where appropriate, the Chair may facilitate questioning by or of any party.

#### *Deliberations*

- 5.19.10. The Chair will ask everyone (except the Committee and the Committee Secretary) to withdraw while the Committee considers the matter in private.
- 5.19.11. If the Committee requires further clarification regarding any aspect of the matter, the parties will be invited back into the Committee Meeting while such questioning takes place.

#### *The Committee's decision*

- 5.19.12. The Committee will normally make a decision on the day of the Committee Meeting. However, the Committee may adjourn the Committee Meeting to consider its decision.
- 5.19.13. The Committee will inform the student of its decision as soon as reasonably practicable.

#### Record of the Committee meeting

- 5.20. The Committee Meeting will be recorded and the recording will be stored securely on the student file, in accordance with the University's records retention policy.

#### The Committee's decision

- 5.21. Having considered the nature of the concern(s) and the weight of any supporting evidence, the Committee shall determine whether or not the student's fitness to practise is currently impaired (not whether it was impaired at the time of the circumstances giving rise to the concern(s)) and, if so, which outcome is appropriate in the circumstances.
- 5.22. The range of outcomes available to a School Level Fitness to Practise Committee and a Faculty Level Fitness to Practise Committee are detailed at paragraphs 6.5, 6.6, 6.7, 7.5 and 7.6 respectively.

- 5.23. In determining the appropriate outcome, the Committee will be mindful that:
- 5.23.1. it must focus on the matters outlined at paragraphs 1.2.1 to 1.2.4; and
  - 5.23.2. any outcome must address the specific concern(s) raised and be both fair and proportionate.
- 5.24. The Committee's findings in relation to the facts will be made on the balance of probabilities (i.e. it must be more likely than not that an event occurred)). In the event that there is not a majority finding on the facts amongst the Committee, the Chair will have the determining view.
- 5.25. It is a matter for the Committee to decide whether a student's fitness to practise is currently impaired. This is a matter of academic and professional judgement and there is neither a burden nor standard of proof that applies to these decisions. As above, the decision will be made in line with the majority view of the Committee, with the Chair having a determining view where no majority exists.
- 5.26. The decision, and the reasons for the decision, will be conveyed to the student and the other parties in writing as soon as reasonably practicable, and normally within 10 working days of the Committee reaching its decision.

## **6. THE SCHOOL LEVEL FITNESS TO PRACTISE COMMITTEE**

### The composition of a School Level Fitness to Practise Committee

- 6.1. Each School Level Fitness to Practise Committee shall normally comprise three voting members:
- 6.1.1. A trained FtP Chair; and
  - 6.1.2. At least one person from the programme with which the student is registered or alternatively, who holds membership with the relevant professional regulator.
- 6.2 The SFtP Committee will be quorate at three members as detailed in paragraph 6.1.
- 6.3 All members of the Committee will be voting members.
- 6.4 In the event of a split decision, the Chair will have the deciding vote.

### The range of outcomes available to a School Level Fitness to Practise Committee

- 6.5 Where the School Level Fitness to Practise Committee determines that the student's fitness to practise is currently impaired, it will consider which one or more of the following outcomes is appropriate in the circumstances:
- 6.5.1. The concern(s) shall be addressed further by way of education training, monitoring, supervision and/or support for the student (or by any other method considered appropriate in the circumstances).
  - 6.5.2. A referral to the support mechanisms within the student's School shall be made.
  - 6.5.3. A referral to the support mechanisms with the University (for example, to the Occupational Health Service, Disability Advisory and Support Service and/or the University's Counselling Service) shall be made for support, advice, assessment, guidance, review and/or monitoring purposes.
  - 6.5.4. A level 1 (first) written warning shall be issued (a copy of which shall be kept on the student's file), identifying the concern(s) which have given rise to the warning, any expectations in relation to future conduct (and the potential consequences if such expectations are not met), and any other appropriate measures.

- 6.5.5. A level 2 (final) written warning shall be issued (a copy of which shall be kept on the student's file), identifying the concern(s) which have given rise to the warning, any expectations in relation to future conduct (and the potential consequences if such expectations are not met), and any other appropriate measures.
  - 6.5.6. A referral shall be made to the relevant professional regulator (as appropriate).
  - 6.5.7. Any other measure which the School Level Fitness to Practise Committee considers appropriate in the circumstances which includes requiring a student to repeat part of the programme.
- 6.6. If the School Level Fitness to Practise Committee considers that the student's fitness to practise is not currently impaired, it may nevertheless determine that the concern(s) shall be addressed further by way of education training, monitoring, level 1 warning, level 2 warning, supervision and/or support for the student (or by any other method considered appropriate in the circumstances including the outcomes listed in 6.5.1 to 6.5.7).
- 6.7. In exceptional cases the School Level Fitness to Practise Committee may refer the concern(s) to a Faculty Level Fitness to Practise Committee. Examples of exceptional circumstances for such a referral include the emergence of new concerns that are judged to be sufficiently serious at the School Level Fitness to Practise Committee Meeting.

## **7. THE FACULTY LEVEL FITNESS TO PRACTISE COMMITTEE**

### The composition of a Faculty Level Fitness to Practise Committee

7.1. Each Faculty Level Fitness to Practise Committee will normally comprise at least three members, which shall be drawn from the list below:

- 7.1.1. A trained FtP Chair (mandatory)
- 7.1.2. An academic from the programme with which the student is registered (mandatory)

And at least one of the following:

- 7.1.3. A person from another School within the University of Manchester
- 7.1.4. A person who holds active membership with the relevant professional regulator
- 7.1.5. An academic from another HEI who is experienced in fitness to practise.

7.2. The FFtP Committee will be quorate at three members as detailed in paragraph 7.1.

7.3. All members of the Committee will be voting members.

7.4. In the event of a split decision, the Chair will have the deciding vote.

### The range of outcomes available to a Faculty Level Fitness to Practise Committee

7.5. Where the Faculty Level Fitness to Practise Committee determines that the student's fitness to practise is currently impaired, it will consider which one or more of the following outcomes is appropriate in the circumstances:

- 7.5.1. Any of the outcomes available to the School Level Fitness to Practise Committee, as detailed at paragraph 6.55, subject to any reference to the School Level Fitness to Practise Committee therein being replaced with a reference to the Faculty Level Fitness to Practise Committee.

- 7.5.2. Suspension – The student’s studies on the programme shall be suspended for a specified period of time (with the terms and arrangements applicable to their return subject to consideration and approval by any relevant Student Progression Committee (where appropriate)).
- 7.5.3. Expulsion - The student’s studies on a programme be terminated and the student’s registration at the University cease with immediate effect.
- 7.6. If the Faculty Level Fitness to Practise Committee considers that the student’s fitness to practise is not currently impaired, it may nevertheless determine that the concern(s) shall be addressed further by way of education training, monitoring, level 1 warning, level 2 warning, supervision and/or support for the student (or by any other method considered appropriate in the circumstances including the outcomes listed in 6.5.1 to 6.5.7).

#### Exit awards and alternative courses

- 7.7. In circumstances where the student withdraws or is expelled from their programme of study at the University for any reason following the application of this procedure, the University may, depending on the circumstances, be able to:
- 7.7.1. issue an alternative exit award; and/or
- 7.7.2. identify any notional credit that a student may carry forward on an alternative programme of study.
- 7.7.3. Determine whether the student will be allowed to apply in the future for another non-practising degree programme at the University.

## **8. APPEALS**

#### Right of appeal and grounds of appeal

- 8.1 Where a Committee determines that the student’s fitness to practise is currently impaired and/or that one or more of the outcomes specified under paragraphs 6.5, 6.6, 6.7, 7.5 or 7.6 is appropriate, a student may apply to appeal against the decision on impairment and/or the outcome on one or more of the following grounds:
- 8.1.1. procedural irregularity of such a nature as to cause reasonable doubt as to whether the decision might have been different had the irregularity not occurred;
- 8.1.2. availability of new evidence which could not reasonably have been expected to be presented to the Original Decision-making Committee; and/or
- 8.1.3. the disproportionate nature of the outcome,
- providing that the student complies with the provisions of paragraph 8.7.
- 8.2. Any application to appeal a decision of a:
- 8.2.1. School Level Fitness to Practise Committee, will be referred to the Faculty Appeals and Complaints Manager; and/or
- 8.2.2. Faculty Level Fitness to Practise Committee, will be referred to the Head of Student and Academic Services.

#### Timescale for submitting an application to appeal

- 8.3. Any application to appeal must be submitted in writing to the Faculty Appeals and Complaints Manager or the Head of Student and Academic Services (as appropriate) within

10 working days of the date on which written notification of the Original Decision was sent to the student and must:

- 8.3.1. detail which of the paragraph 8.1 ground(s) the application is made upon; and
- 8.3.2. include any supporting evidence.

8.4. Any application to appeal received after the deadline specified at paragraph 8.7 may be considered at the discretion of the Faculty Appeals and Complaints Manager or the Head of Student and Academic Services (as appropriate), whose decision shall be final.

#### Initial review of an application to appeal

8.5. On receipt of any application to appeal a decision of a:

- 8.5.1. School Level Fitness to Practise Committee, the Faculty Appeals and Complaints Manager; or
- 8.5.2. Faculty Level Fitness to Practise Committee, the Head of Student and Academic Services,

shall consider whether the application to appeal has been made on one or more of the grounds specified in paragraph 8.1 and in accordance with the timeframe specified at paragraph 8.3.

8.6. If the circumstances detailed in the application to appeal do not constitute grounds of appeal under paragraph 8.1 and/or the application to appeal was not submitted in accordance with the timeframe specified at paragraph 8.3, the Faculty Appeals and Complaints Manager or the Head of Student and Academic Services (as appropriate) shall:

- 8.6.1. reject the application to appeal; and
- 8.6.2. within 10 working days of receipt of the application to appeal, inform the student in writing of their decision, and the reasons for it.

There shall be no opportunity for the student to appeal against that decision within the University.

8.7. If the Faculty Appeals and Complaints Manager or the Head of Student and Academic Services (as appropriate) considers that:

- 8.7.1. the circumstances detailed in the application to appeal constitute grounds of appeal under paragraph 8.5; and
- 8.7.2. the application was submitted in accordance with the timeframe specified at paragraph 8.3 (subject to paragraph 8.4),

an Appeal Panel will be arranged and will usually aim to consider the appeal within 30 working days of the appeal having been submitted, depending upon the availability of the members.

#### Composition of the Appeal Panel

8.8. The composition of the Appeal Panel shall meet any requirements specified by the relevant professional regulator (where applicable) and shall normally comprise three voting members (including the Chair), which shall include at least one person from:

- 8.8.1. the programme with which the student is registered or alternatively, who holds membership with the relevant professional regulator; and
- 8.8.2. a school within the University other than that with which the student is registered.



- 8.9. The Appeal Panel shall not include any member who has had any prior involvement with the concern(s) referred for consideration under this procedure.
- 8.10. The Appeal Panel shall be supported by a secretary who shall be responsible for any arrangements and may advise the Appeal Panel on procedural matters.

#### The Appeal

- 8.11. The Appeal Panel will not rehear a case but will instead consider whether, on the basis of the appeal documents, the student's grounds for appeal are made out under paragraph 8.1.
- 8.12. The Appeal Panel shall not normally require the presence of the student, those involved in the Original Decision and/or representatives of the student's School, but it may seek further clarification or documentation from any relevant party at its discretion.
- 8.13. The Appeal Panel shall determine each appeal on the balance of probabilities by simple majority. In the event that the votes are equal, the Chair will have a casting vote.
- 8.14. A written record shall be made of any Appeal Panel meeting.

#### The Appeal Panel's decision

- 8.15. The Appeal Panel shall have the authority to:
  - 8.15.1. reject the appeal and uphold the Original Decision;
  - 8.15.2. uphold the appeal and substitute the Original Decision for any other decision which could have been made by the Original Decision-making Committee;
  - 8.15.3. uphold the appeal and refer the matter back to the Original Decision-making Committee;
  - 8.15.4. set aside the Original Decision and direct that a new Committee at that level (whose membership will have had no prior involvement in the case) be convened to rehear the case;
  - 8.15.5. make any other recommendations it considers reasonably necessary to address the issues identified in the appeal (as appropriate).
- 8.16. The decision of the Appeal Panel shall be final and the student shall have no further right to appeal that decision within the University.
- 8.17. The Appeal Panel will normally issue the student with a letter outlining the decision and the reasons for it (which will be a Completion of Procedures letter where appropriate), within 10 working days of reaching its decision.
- 8.18. Students who believe that their case has not been dealt with properly by the University or that the outcome is unreasonable may be able to complain to the OIA if the complaint is eligible under the OIA's rules and once all of the University's internal procedures have been concluded. Information about the role of the OIA and the procedure for submitting complaints can be obtained from the Students' Union Advice Service or from the OIA website: <https://www.oiahe.org.uk/>.

## **APPENDIX 1: Programmes within the scope of this procedure**

1. We set out below a non-exhaustive list of the courses which are covered by this procedure:
  - 1.1. School of Medical Sciences
    - 1.1.1. MBChB
    - 1.1.2. MBChB Graduate Entry Medicine;
    - 1.1.3. BSc Oral Health Science;
    - 1.1.4. BDS; and
    - 1.1.5. Physician Associate programmes.
  - 1.2. School of Health Sciences
    - 1.2.1. BNurs;
    - 1.2.2. BMidwif;
    - 1.2.3. MPharm;
    - 1.2.4. BSc/MSci Optometry;
    - 1.2.5. BSc Speech and Language Therapy;
    - 1.2.6. BSc Healthcare Science (Audiology);
    - 1.2.7. MA Social Work;
    - 1.2.8. MSc/PGDip Deaf Education
    - 1.2.9. MSc Clinical Science (Neurosensory Sciences); and
    - 1.2.10. ClinPsyD programmes.
  - 1.3. postgraduate taught and research programmes or post-registration programmes (including CPD) where the student is registered with a professional regulator;
  - 1.4. any other programme which leads to a professional qualification or registration with a professional or statutory regulator; and
  - 1.5. any programme that requires the student to undertake practical training in a professional role in relation to patients, clients and/or service-users.

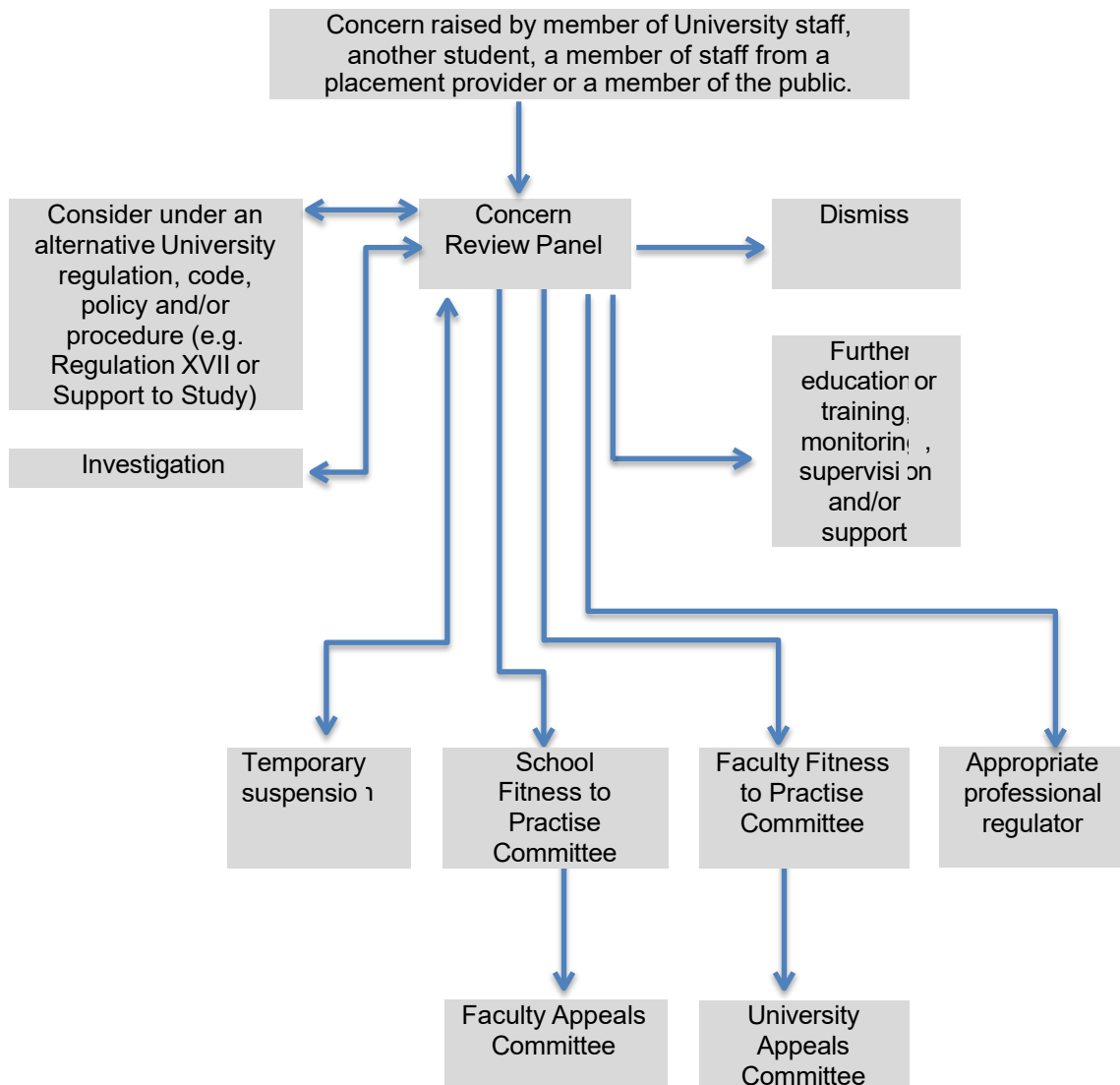
## APPENDIX 2:

### Example Fitness to Practise Concerns which fall within the scope of this procedure

1. We set out below, by way of example only, a non-exhaustive list of issues which may give rise to the application of this procedure:
  - 1.1. a report of unprofessional behaviour or unsatisfactory conduct;
  - 1.2. notification of a criminal offence, conviction, caution, warning or reprimand;
  - 1.3. reports of unsatisfactory attendance;
  - 1.4. a finding of academic malpractice;
  - 1.5. where a student's health is of significant concern and/or is impacting their ability to cope with the demands of their programme;
  - 1.6. any other concern(s) regarding the student's conduct or health that relate to the requirements of the specific professional regulator for the programme;
  - 1.7. an actual or potential risk to patients, clients and/or service-users, staff the student, other students, and/or members of the public;
  - 1.8. conduct/behaviour which has undermined, or may undermine, public confidence in the profession;
  - 1.9. an abuse of a position of trust;
  - 1.10. where repeated concerns of a similar nature have been raised against the student;
  - 1.11. the student has been dishonest and/or the integrity of the student can no longer be relied upon;
  - 1.12. the student has demonstrated a lack of insight into their behaviour; and/or
  - 1.13. the student has failed to engage with an application of either this procedure or any other University regulation, code, policy and/or procedure.

**APPENDIX 3:**

**Flowchart outlining the stages of this Fitness to Practise procedure**



## APPENDIX 4:

### Glossary of terms

The following terms are used in this procedure:

- Appeal Panel** - means the panel which considers the student's appeal;
- Bundle of Documents** - means the file(s) of papers prepared by the Committee Secretary for use at the Committee Meeting;
- Chair** - means the chair of a Committee;
- Committee** - means either a School Level Fitness to Practise Committee or a Faculty Level Fitness to Practise Committee;
- Committee Meeting** - means a meeting at which the Committee will consider any concern(s);
- Committee Secretary** - means the secretary to the Committee;
- Concern Review Panel** - means the panel which undertakes an initial review of the concern(s) under section 2;
- Current member of the University** - means:
- a student currently registered on an award-bearing programme of study at the University;
  - a current, substantive or honorary member of the academic staff at the University;
  - a current Sabbatical Officer of the Students' Union at the University;
  - a member of the Students' Union Advice Service; or
  - a person who fell within any of the categories listed above at the time the student was registered at the University, even if they no longer have that status;
- Faculty Level Fitness to Practise Committee** - means the Fitness to Practise Committee of the relevant faculty;
- Investigation** - means an investigation into the concern(s) under section 2.11;
- Investigation Summary** - means the written summary produced by the Investigator following their Investigation;
- Investigator** - means the person appointed to investigate the concern(s) raised in relation to the student under paragraph 3.1;

- Occupational Health Service** - means the University’s student occupational health service;
- OIA** - means the Office of the Independent Adjudicator for Higher Education;
- Original Decision** - means the decision which is the subject of the student’s application to appeal;
- Original Decision-making Committee** - means the Committee whose decision is the subject of the student’s application to appeal;
- Professional Regulator** - means the professional and/or statutory regulator appropriate to the programme with which the student is registered;
- School Level Fitness to Practise Committee** - means the Fitness to Practise Committee of the relevant school. (The School Level Fitness to Practise Committee effectively replaces the Health and Conduct Committee used under previous versions of this procedure);
- Student Supporter** - means a person invited by the student to support and/or assist the student. The Student Supporter shall not make any statement, answer any questions or question witnesses on behalf of the student as set out at paragraph 1.14. The Student Supporter may be:
- a current member of the University (staff or student);
  - someone from a relevant professional association;
  - a member of the University’s Students’ Union Advice Team;
  - or
  - a family member of the student; and
- University** - means the University of Manchester.

<b>Version Control: Amendment History</b>		
<b>Version</b>	<b>Date</b>	<b>Reason for change</b>
1.1	24/02/21	Error corrected in 5.7 2 days changed to 5 days.  Error corrected in 3.12 added a missing word ‘assess’.  Appendix 1 1.1.3 error corrected BDS listed separately.

1.2	31/10/22	<p>1.14 – Addition of ‘usually’ to allow for disability</p> <p>1.15 and 2.63 – Fitness to Study Procedure revised and renamed Support to Study Procedure.</p> <p>2.6.6 – Addition of provision to expedite cases to FBMH level where a delay would not be in the student’s interest.</p> <p>3.4 – Provision for virtual/online meetings.</p> <p>3.8 - Provision for retention of electronic recordings for accuracy and efficiency.</p> <p>5.20 - Provision for retention of electronic recordings for accuracy and efficiency.</p> <p>6.2.7 – Clarify that a ‘repeat year’ can be offered at School Level.</p> <p>6.3 – Clarify that Level 1 &amp; 2 warnings plus outcomes listed at 6.21-6.2.7 can be applied at School Level.</p> <p>6.4 – Reworded for clarity.</p> <p>8.1 – Provision to appeal a finding of ‘impairment’.</p> <p>8.5 – Change to job titles.</p>
2.0	06/09/24	<p>2.6.8 – Inclusion of an example of where referral to the regulator might be applicable at Concerns Review Panel stage, rather than after a School Level or Faculty Level hearing.</p> <p>6.1 – Reworded for clarity and flexibility.</p> <p>7.1 – alteration to committee membership. New provision to include an academic member from another HEI.</p> <p>6.2 and 7.2 – Explicit reference to quorum.</p> <p>6.3 and 7.3 – Explicit reference to voting rights.</p> <p>6.4 and 7.4 – Explicit direction on ‘split-vote’.</p> <p><b>Appendix 1</b></p> <p>1.1.2 and 1.2.8 - Addition of new programmes: MBChB Graduate Entry Medicine and MSc/PgDip Deaf Education.</p> <p>1.2.6 and 1.2.9 - Correction to programme name.</p>
	16/12/24	Paragraph numbers in paragraph 8 (appeals) corrected.