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## **Fitness to Practise Policy and Procedure**

### **Scope**

Policy and procedure for the management of students and applicants fitness to practise concerns. The Policy is designed to inform students, staff and practice providers about the School's policy and procedure for addressing fitness to practise issues.

The Policy covers awards, progression and registration made by the School of Health Sciences and applies to programmes leading to professional qualification and/or eligibility to apply to a professional register which requires students to undertake periods of experience in practice settings. The University, in conjunction with the professional and regulatory bodies, has a duty to ensure the student is fit to practise during and up to the point of registration/awarding of qualification or academic credits.

For programmes regulated by professional statutory and regulatory bodies (PSRBs) the Higher Education Institution is required to have a Fitness to Practise Policy and Procedure in place to manage fitness to practise.

### **To be read in conjunction with**

The Policy should be used in conjunction with the relevant PSRB code and fitness to practise standards and requirements, the University Senate Assessment Regulations 19, University Disciplinary Policy, Cause for Concern Process, Disclosure and Barring Service Process, and any other relevant policies and procedures as deemed necessary.

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**Governance: Board of Studies**

**Date for review: May 2017**

## Fitness to Practise Policy

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## 1. Context

- 1.1 The Policy outlines the general principles and purpose to be implemented and should be read in conjunction with the Fitness to Practise Procedure which sets out the process by which the Policy will be applied, and accompanying guidance and policies which aims to facilitate the use of the Policy and Procedure.

## 2. Introduction

- 2.1 The policy has been developed by the School of Health Sciences for use to review fitness to practise when considering the character and health of applicants for admissions, progression and completion in order to start, progress and complete their programme of study allowing them eligibility to apply for registration with the relevant professional statutory and regulatory body.

## 3. Definition

- 3.1 Fitness to practise means having the skills, knowledge, good health and good character to practice in the relevant professional role safely and effectively.
- 3.2 Fitness to practise is monitored and assessed throughout a student's time on the programme and, if there are concerns including allegations of misconduct, lack of competence and poor health, these will be investigated and addressed by the School. The main purpose in doing this is to safeguard the health and wellbeing of the public and to adhere to the standards set out by PSRBs. The School has a responsibility as a programme provider to ensure that all students meet the requirements for entry and continued maintenance on the programme leading up to registration.
- 3.3 Whilst the University recognises that at pre-registration level a student is still learning, the University is responsible for ensuring they meet the standards of proficiency for their chosen profession.
- 3.4 The underpinning principle of the Fitness to Practise Policy and Procedure is to ensure fairness, transparency, compliance and facilitation.
- 3.5 The purpose of the Fitness to Practise Policy and Procedure is:
  - 3.5.1 To comply with the requirements of the appropriate professional statutory and regulatory body through clear responsibility and accountability;
  - 3.5.2 To safeguard health and well-being of patients/clients and general public;
  - 3.5.3 To ensure students and applicants meet the requirements for progression and entry on programme(s) leading to eligibility to apply for registration to the professional register and are of good health and good character to provide safe and effective practice;

## 4. Programmes

- 4.1 This Policy applies specifically to students that are following a programme of study leading to eligibility to apply for professional qualification and registration with the relevant professional statutory and regulatory body, except where the decision on fitness to practise matters are taken for students by the PSRB.

4.2 For students on the BSc Optometry programme, all fitness to practise decisions are taken by the General Optical Council. Any conduct or health concerns are initially addressed through the School's Cause for Concern Process. For serious or ongoing fitness to practise concerns, the Dean (or nominee) then refers the case to the General Optical Council. For the purpose of maintaining records, the Quality and Student Support Manager should be informed of the outcome of the General Optical Council's decision.

## 5. Application of this Policy

- 5.1 The School will at all times consider the most appropriate process to be followed when managing concerns about student's fitness to practise
- 5.2 The Policy is not intended to deal with a student's academic performance, extenuating circumstances or complaint.
- 5.3 The Policy refers to different stages available to manage concerns about a students' fitness to practise, such as a Cause for Concern. This is to support the student and ensure action plans are in place to address areas of concern(s).
- 5.4 A student may be removed/suspended without notice from a placement environment in accordance with the School's Precautionary Suspension of a Student from Placement Policy, or any other relevant University Policy, where the student's behaviour gives rise to concerns regarding their fitness to practise that may be detrimental to the service user or the placement, or situation where a student is at risk, for example due to their mental health.
- 5.5 All students on a programme of study leading to eligibility to apply for registration with a PSRB will be required to sign an annual self-declaration of good health and good character. This requirement will be monitored and recorded by programme staff and will be reported at the relevant Assessment Board.

## 6. Data Protection

6.1 The Policy will be operated in accordance with the University's duties under the Equality Act 2010, the Data Protection Act 1998, and Freedom of Information Act 2000. Staff operating the Fitness to Practise Policy should refer to the Procedure and accompanying Guidance for further information about student confidentiality.

## 7. The Office of the Independent Adjudicator for Higher Education (OIA)

7.1 The University subscribes to the OIA scheme, and this Policy and associated Regulation is therefore subject to its review. The University is committed to complying with any formal decision and/or recommendation(s) issued by the OIA arising from a student complaint considered by the OIA, noting that the student complainant is not bound to comply with the OIA decision.

## Disclaimer

The information in this Policy is correct at the time of review in August 2016. The School reserves the right to make amendments to the policy provided that such amendments are (i) as a result of changes to Professional, Statutory and Regulatory Body regulations (ii) as a result of unforeseen events or circumstances beyond the University's control or (iii) are deemed reasonably necessary by the University.

In the event that amendments are made, the University shall take reasonable steps to notify you as soon as is reasonably possible.

## Fitness to Practise Procedure

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### 1. Procedure

The Procedure should be read in conjunction with the Fitness to Practise Policy, relevant University Regulations and accompanying PSRB standards and guidance.

### 2. Fitness to Practise – Professional, Statutory and Regulatory Bodies (PSRB) Code of Professional Conduct

- 2.1 Professional bodies such as, the General Optical Council (GOC), Health and Care Professions Council (HCPC), Nursing and Midwifery Council (NMC), British Psychological Society have requirements that those registered with them are fit to practise and meet nationally recognised proficiency standards which demonstrate that they have the skills, knowledge, good character and good health to do their job safely and effectively. The main objective of this requirement is to safeguard the health and wellbeing of the public.
- 2.2 In case of programmes which are regulated by PSRBs it is a requirement to have a robust process in place to manage non-academic student concerns in a timely manner as well as a process to manage more serious concerns.
- 2.3 The School is required to monitor that all applicants meet the general entry requirements as part of the selection process. The School is also required to monitor progress of all students and to take appropriate action if any issue relating to good health or good character arises.

### 3. Emergency Powers

- 3.1 The Dean (or nominee) has the power to suspend or exclude a student and refer them directly to Fitness to Practise if their case is deemed sufficiently serious or where patient/client or public safety is compromised. In this case the student will be immediately suspended from placement pending the outcome of a review meeting.

Precautionary suspension from practice pending an investigation will be undertaken if the student contravenes statutory professional and/or university statutes and guidelines for conduct. For example, an incident/complaint has occurred involving others and an investigation needs to be carried out.

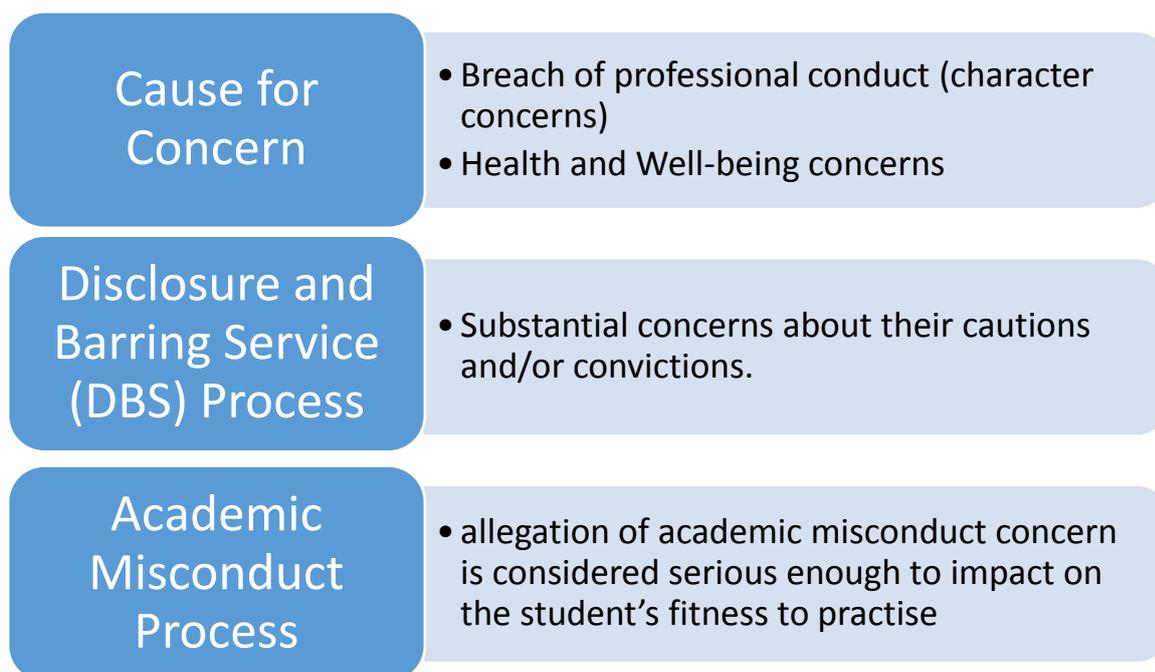
### 4. Confidentiality

- 4.1 The Procedure will be operated with due consideration to a student's confidentiality. Staff operating the Procedure shall refer to the accompanying guidance for reference to confidentiality.
- 4.2 The School will seek a student's informed consent before disclosing a student's sensitive information to a third party, and will consider the student's best interests prior to disclosure. Where possible, information will be disclosed in accordance with the terms agreed with the student.

- 4.3 The School will respect a student's right to choose not to provide consent for sensitive information to be disclosed, but will ensure the student is made aware of the implications of non-disclosure.
- 4.4 City, University of London's obligations of confidentiality shall not apply in relation to information which:
- i. is or becomes public knowledge other than as a result of a breach of confidentiality by City, University of London;
  - ii. City is required to be disclosed under its Regulatory and Professional Body Requirements (e.g. the Nursing and Midwifery Council, The Health and Care Professions Council, General Optical Council);
  - iii. City is required to disclose by law;
  - iv. City is required to give proper instructions to any professional adviser who has an obligation to keep any such information confidential; and
  - v. where it will impact on City, University of London's duty of care to Professional Bodies and City students' potential ability to practise.

## 5. Referral to Fitness to Practise

- 5.1 The procedure for consideration of Fitness to Practise is governed by the University Senate Assessment Regulations 19, and the relevant Professional Statutory and Regulatory Bodies standards and code for fitness to practise.
- 5.2 Where a programme of study is regulated by a Professional Statutory and Regulatory Body (PSRB) that requires the student to have the skills, knowledge, good health and good character to practice in the relevant healthcare profession safely and effectively. The University has a duty to ensure that the student is fit to practise by having a robust process in place to manage and take appropriate action if any issues related to good health and good character arises.
- 5.3 The aim of the procedure are:
- a) To safeguard the health and wellbeing and protect patients, clients, staff, or service users;
  - b) To comply with requirements and standards set out by the professional bodies;
  - c) To recognise that, at pre-registration level a student is still learning but is responsible to ensure that students meet the required standards of their chosen profession;
  - d) To care for the health and well-being of students, and to ensure that they have access to appropriate support, guidance, and reasonable adjustments where appropriate are in place in order to meet the requirements of the professional body they seek to join;
  - e) To protect the University against legal action by someone claiming to have suffered loss as a result of a student who is unfit to practise.
- 5.4 The Procedure outlines different stages to manage fitness to practise concerns. There are possible referral routes to the Fitness to Practise Procedure:



#### 5.4.1 Cause for Concern Process

The purpose of the Cause for Concern Process in the School is to ensure that students and staff are able to raise any concern related to a student's character or health which has a bearing on their capability to provide safe and effective care. The process allows intervention at the earliest possible stage in order to address the concern(s) in a facilitative manner to allow a supportive action plan for a student. Areas of concerns as outlined in the Cause for Concern Process may relate to:

- *Character Concerns and Professional Misconduct*

Concerns of breach of conduct and character, such as: competence issues (e.g. unsafe practice, lack of honesty and integrity, lack of professionalism (unprofessional behaviour/professional misconduct – e.g. breach of confidentiality, sexual, racial or other forms of harassment, bullying, poor timekeeping, dress, inappropriate behaviour, such as rudeness, aggression; not following instruction when appropriate, etc.);

- *Health and Wellbeing Concerns*

A student must demonstrate that they are of good health, which means that they are capable of safe and effective practice either with or without reasonable adjustments. This does not mean the absence of a health condition or disability. Health concerns must be dealt with and reviewed in accordance with occupational health guidance. Reasonable adjustments to allow students to undertake the programme should be considered at the point of admission and then during the course, as appropriate. It should be noted that there are certain requirements of the programme that must be met in order to successfully complete the programme, which may impede on instigating reasonable adjustments.

Interruption of Study - A student may take a negotiated break from their programme of study in line with the Interruption of Study Policy. If that student

breaches PSRB requirements on good health or there are multiple interruptions of study, a referral to fitness to practise process may be triggered following advice from the Dean (or nominee).

#### 5.4.2 Disclosure and Barring Service (DBS) Process

The DBS Panel can refer a student if there are substantial concerns about their cautions and/or convictions, or failure to disclose a caution/conviction, the number and frequency of offences, nature and seriousness of the offence and its relevance to the intended profession. A possession of a criminal record should not automatically be a barrier to training. These concerns may be raised when the student commences on the programme or whilst on the programme.

#### 5.4.3 Academic Misconduct Process

The Academic Misconduct Panel has at its discretion to refer a student to Fitness to Practise Panel if there are considerable concerns about academic misconduct that is deemed serious enough to impact on the student's fitness to practise (e.g. substantial plagiarism that may demonstrate a student's lack of honesty and integrity leading to concerns about their character). In such cases, the Panel may recommend appropriate sanctions as outlined in the Senate Assessment Regulations 19 for academic misconduct and proceed to refer the student to the Fitness to Practise Panel to consider if concerns impact on the student's fitness to practise.

*Throughout the duration of their study, a student is required to disclose any relevant health or character concerns at the earliest opportunity (i.e. within 5 working days) to their Programme Director. Student who do not disclose any relevant health or character concerns would be subject to the initiation of the Fitness to Practise Process at the appropriate point. Non-disclosure may automatically be deemed a serious fitness to practise issue.*

### 6. Process for referral to Fitness to Practise Panel

- 6.1 The Programme Director (or nominee) will trigger the referral to Fitness to Practise Panel. The referral may be triggered through any of the stages outlined under Section 5.
- 6.2 The Programme Director (or nominee) to consult with the Quality and Student Support Team for guidance and support prior to referral to the Fitness to Practise Panel.
- 6.3 The Fitness to Practise Referral Form is completed by the Programme Director or the Dean (or nominee) ensuring that:
  - all the relevant sections are completed, and the form is signed;
  - concerns leading to referral, including actions instigated at programme level through the relevant process, are outlined in chronological order to assist clear understanding of the concerns and case;

- all evidence referred to is submitted with the referral form in a coherent, sequential, and in a timely manner. Statement and evidence submitted by the student must be provided with the referral form;
- highlight any implications that the Fitness to Practise Panel should be aware of, e.g. seconded student, placement requirements, progression rule, etc.;
- grounds of referral on the basis of which the referral will be considered by the Fitness to Practise are listed clearly, are relevant, and are linked to the PSRB Code or requirements;
- The referral form must be accompanied with confirmed minutes from the preceding process, e.g. Cause for Concern, DBS, Investigatory meeting, etc.;
- To ensure evidence such as Portfolio of Practice or Clinical Log Book, where there is an allegation of forgery, is not returned to the student.

The Fitness to Practise Panel will normally be convened within 28 working days of the referral.

## 7. Members of the Panel

7.1 The School shall establish a Fitness to Practise Panel, members of which are appointed annually by Board of Studies.

7.2 The Fitness to Practise Panel will comprise generally of three members:

- A Chair - a senior academic member of staff from a registered healthcare profession who is independent of the student's programme of study;
- A further academic member of staff who shall be a member from the profession or the register the student is planning to register with;
- A representative from practice, who is a registrant from the relevant healthcare professional body, but should not be from the same practice area as the student;
- If requires, a further panel member, depending on the nature of the concern, with specialist expertise from the relevant area of Occupational Health Service, Learning Success or Mental Health Service;

A professional member of staff (or nominee) will act as Secretary to the Panel;

An observer may be present at the Panel for the purpose of observing, but will not be part of the Panel.

The Panel may seek advice or guidance from an expert, e.g. legal adviser on specific questions or regulations.

7.3 Panel members should have undertaken specific training for the role and have knowledge of the policy and relevant professional standards;

7.4 All members must be in attendance for a hearing of the Fitness to Practise Panel.

7.5 To avoid any possible conflict of interest, the Panel will not comprise of a member who has prior knowledge of the case to be considered, or has been involved in the process beforehand.

## 8. Student Representation

- 8.1 The student will be required to attend the Panel in person.
- 8.2 The student will receive the same papers as the Fitness to Practise Panel.
- 8.3 A student may choose not to attend, or may fails to attend without submitting in writing, valid reasons for a postponement. In such cases the Panel may decide to proceed with the Panel in the student's absence. Before making its decision to proceed, the Panel must carefully consider all the evidence that reasonable effort has been made to communicate with the student and there are no extenuating circumstances that may demonstrate lack of engagement in the process from the student. The rationale for deciding to proceed in a student's absence must be clearly documented and communicated to the student.
- 8.4 The student has the right to be accompanied to the Panel by one other person to support them at the hearing, such as a friend, family member or representative from City, University of London Students' Union Support Service. The student must provide information about the person to the Secretary of the panel at least 5 working days in advance. The information will include the person's relationship to the student, and the reason for the person's attendance.
- 8.5 The student's personal tutor may not normally be a member of the Panel, but can attend in a supportive capacity to the student.
- 8.6 A student should note that s/he may only be represented in his/her absence in exceptional circumstances. Any request needs to be submitted in writing at least 5 working days in advance of the Panel, and must be agreed by the Chair of the Panel.
- 8.7 If the student chooses to be accompanied by a legal representative they must inform the Secretary to the Panel at least 5 working days before the Panel. The student is to be made aware that the legal representative can only attend in a supportive role and will not be allowed to address the panel unless prior consent has been sought with the Chair of the Panel;
- 8.7 The student will be invited to submit a written and signed statement to the panel, including addressing any issues raised in the evidence provided by the School. The statement must have a name/date and signature. All evidence must be available at least 7 working days before the Panel to allow appropriate scrutiny. If evidence is presented on the day, it may necessitate an adjournment.
- 8.8 The student must be advised to seek advice and support from the City, University of London Students' Union Support Service.
- 8.9 The student must be provided with the Fitness to Practise Policy and links to relevant professional body guidance and/or code;
- 8.10 All correspondence will be sent to the student's term time university email and/or personal email address. It is the student's responsibility to ensure that the School has the correct contact details.

## 9. Fitness to Practise Panel Terms of Reference

The Panel will adhere to the terms of reference as noted below:

- i) To consider cases referred to by the Programme Director or in exceptional circumstances directly by the Dean (or nominee)
- ii) To determine, on the basis of evidence and findings presented to it, whether the referred student is fit to practise for progression, registration and practice;
- iii) To ensure that the student is able to demonstrate that they have the skills, knowledge, good character and good health, whilst recognising that, at pre-registration level a student is still learning;
- iv) To consider cases in a fair and transparent manner;
- v) To ensure students have access to relevant support services prior to and during the Process;
- vi) To make decisions in accordance with the Fitness to Practise Policy and Senate Assessment Regulations 19, and taking into account appropriate PSRB code of practice and guidelines;
- vii) To safeguard the health and wellbeing of the public;
- viii) To advise the Assessment Board on issues relating to fitness to practise;
- ix) To make recommendation(s) to the Assessment Board on procedural issues;

## 10. Procedure for the Conduct of a Panel

- 10.1 The Panel will rely on only the evidence presented to the Panel by the Programme Director and the student;
- 10.2 The Panel must consider the case on the grounds of referral listed in the referral form;
- 10.3 Panel members must liaise with the Secretary prior to the hearing to seek clarification on any points in relation the case;
- 10.4 To maintain transparency and fairness, panel members must not liaise with the Programme Director, or any other member of University or practice staff involved with the case;
- 10.5 The Panel will convene prior to the student joining the meeting to ensure the Panel are clear on the process, grounds of referral, and to agree areas of questioning;
- 10.6 The case shall be considered in accordance with relevant professional statutory and regulatory bodies code and/or guidance and University Senate Assessment Regulations 19;
- 10.7 The Secretary to the Panel will take notes at the meeting, a copy of the notes will be shared with the student. Any unauthorised electronic recording of the hearing is explicitly prohibited;

10.8 The Panel shall convene as follows, the Chair:

- a) will commence the Panel by inviting all present to introduce themselves;
- b) outline the process of how the Panel would be conducted;
- c) confirm to the student that all panel members are independent and appointed by Board of Studies to consider the referral in accordance with the Fitness to Practise Policy;
- d) ask the student to confirm they have received the papers prior to the Panel;
- e) ask the student if he/she has a clear understanding why they have been referred to the Fitness to Practise Panel;
- f) outline the grounds on which the student has been referred to the Panel;
- g) to invite the student to make a statement;
- h) The Chair and panel members to question the student;
- i) invite the student or his/her representative with an opportunity to make a final statement;
- j) proceed to seek confirmation from all panel members that all necessary information or questioning has taken place;
- k) request the student and his/her representative to retire while the Panel considers its decision;
- l) may invite student for further questioning if any clarification or information is deemed necessary;
- m) the Chair will invite the student and his/her representative to join the Panel to receive its decision and findings.

10.9 The Panel shall reach its decision or adjourn if necessary for further investigation;

10.10 The Chair will invite the student and his/her representative to join the Panel to receive its decision;

10.11 The Chair to notify the student that the decision will be confirmed in writing in 14 working days;

## 11. Decisions - General Principles

The Panel will make its decision based on: the grounds of referral, the evidence submitted; the findings of the hearing; taking the student's status as a learner into account; taking into consideration risk(s) to public protection.

The Panel is required to reach one of the following decisions:

1. Fit to practise – the student to continue on the programme or proceed to apply for registration with the relevant PSRB
2. Fit to practise with conditions.
3. Not fit to practise with a recommendation is made to the Assessment Board to withdraw the student from the programme, and may consider to confer appropriate exit award as outlined in the programme specification;

Where the student is found fit to practise but subject to conditions, the Panel may at its discretion:

4. Permit the student to continue on the programme of study under specified supervision within a set timeframe to demonstrate fitness to practise to the satisfaction of whomever the Panel appoint;
5. Require the student to repeat a specified part or parts of the programme of study to demonstrate fitness to practise to the satisfaction of the person appointed by the Panel;
6. Allow the student to continue on the programme with a final written warning to be issued and placed in the student's file. The Panel will decide the timeframe for the warning to remain on a student's record. If there are any further breaches of conduct during their time as a student, it may result in the Panel making a recommendation to the Assessment Board to withdraw the student from the programme;
7. The Panel may authorise any other action considered appropriate to enable the student to continue on their programme of study.

Where the student is found not fit to practise on grounds of poor health, the Panel may decide to:

8. Suspend the student from the programme of study for a specified period in order to undergo medical assessment or treatment to demonstrate fitness to practise to the satisfaction of the Occupational Health Service or person appointed by the Panel;
9. A recommendation will be made to the Assessment Board to withdraw the student on the evidence/advice of Occupational Health Service that the student is not fit to continue on the programme due to poor health.

Where the student is undertaking a programme of study that may lead to second registration with the relevant professional body and is found not to fit to practise, he/she must be informed that the Panel may recommend to the Assessment Board that the student is reported to the relevant PSRB.

Where the student has completed the programme successfully but has been found not fit to practise prior to registration, the Panel may decide to:

10. Make a recommendation to the Assessment Board to allow academic award for the programme, but not permit eligibility to apply to the relevant PSRB for registration;
11. Advise the Assessment Board to refer the matter for consideration under the University Disciplinary Regulations to confer the appropriate academic exit award but revoke the eligibility to apply for registration with the relevant professional statutory and regulatory body.

Where a student is unable to demonstrate fitness to practise to the satisfaction of the person or service appointed by the Panel at the conclusion of the specified period of supervision, condition or completion of medical assessment/treatment, the case shall be referred back to the School Fitness to Practise Panel for further consideration by the same Panel.

Whilst making its decision the Panel may also consider any possible implications:

- Practice Experience – In some cases, the placement provider may not agree to allow the student to continue on the existing placement, or the student may not want to return to the same placement, or suitable placements may not be available. In such cases, the Panel may advise a different placement or offer the student to transfer to a non-clinical course or apply to undertake the programme at another University;

- Safeguarding of patients/clients – if the student is found not fit to practise and the Panel are aware that the student may be working within the healthcare profession, the Panel may decide to report the student to the Disclosure and Barring Service and/or Care Quality Commission, and local Safeguarding Board.

The Panel where applicable to inform the student that any change in their status may have implications on their student bursary or fees:

At any time during the proceeding, the Chair may decide to adjourn the Panel for the purpose of deciding on the outcome and/or to seek further evidence or clarification. In such cases a decision may be deferred until further information is obtained.

## 12. After the Panel

- 12.1 The decision of the Panel and conditions, including the rationale for its decision, will be communicated to the student, the relevant Programme Director (or nominee), and any other relevant parties normally within 14 working days of the Panel;
- 12.2 The Secretary to the Panel will prepare the letter outlining the decision of the Panel, and a written report;
- 12.3 Where the student is deemed fit to practise with or without any conditions, the decision of the Panel will be **noted** at the Assessment Board by the Programme Director;
- 12.4 Where the student is deemed not fit to practise, the decision of the Panel will be presented by the Programme Director to the Assessment Board for **ratification**;
- 12.5 A copy of the findings, decision and conditions will be placed on the student's file in accordance with the Data Protection Act 1998;
- 12.6 Where applicable if a student's registration has been terminated on the grounds that they are not fit to practise, the findings and decision may be communicated to the relevant regulatory body;
- 12.7 The Programme Director (or nominee) to process any recommendations made by the Panel as deemed necessary;
- 12.8 The Panel report will be shared with the student with an opportunity to comment on whether it is an accurate record of the meeting;
- 12.9 Where the student is deemed not fit to practise, the decision may be noted in any reference requested for the student;
- 12.10 If a student is found fit to practise and permitted to continue on the programme, it does not guarantee that the professional statutory and regulatory body will permit the student to be registered with them following successful completion of their programme.

## 13. Fitness to Practise Process for Seconded Students

Seconded students are students that are studying with the University, but continue to receive a salary from their seconding NHS Trust. As the employer has an interest in the student, the University has an obligation to communicate any areas of concern with the Trust. This would include concerns in relation to fitness to practise.

This section outlines the process for students who are seconded by their employer (NHS Trust/Independent Sector) to follow a programme of study at City, University of London.

- 13.1 For seconded students questions of fitness to practise may arise either because of concerns raised by the employer or by the University. In either case the organisation finding the concern will investigate it independently of the other organisation, and reach its conclusions based on its own regulations. It is important that the Fitness to Practise panels are held independently due to person being both an employee and a student, and must be considered in that capacity by the relevant organisation.
- 13.2 This process of dual but independent processes means that the two organisations may reach opposing decisions, as one is viewing the case from the point of view of the employer, and the other as the educator.
- 13.3 Where it is deemed appropriate, there would be a combined Initial Investigatory Meeting between University staff, Trust staff and the student, at which stage both organisations will share relevant information.
- 13.4 If sufficiently serious that patient and/or staff and/or individual safety is compromised, or the issue is not resolved, then the student may be suspended from placement as a precautionary measure. In the event of a precautionary suspension, the student must be informed in writing, including the reasons for the suspension, within 5 calendar days.
- 13.5 Following the Combined Initial Investigatory Meeting the case will be considered **separately** in the two institutions, according to its own process.
- The seconding organisation as the secondee's employee will instigate their own process;
  - The University will consider the case through its Fitness to Practise Procedure;
- 13.6 The University and seconded employer are required to share evidence within reasonable timeframe to allow the appropriate process to take place;
- 13.7 Once both parties have made their decision, the outcome will be shared with the partner organisation giving due regard to the Data Protection Act 1998.
- 13.8 In accordance with the Fitness to Practise Process that applies to non-seconded students the University decision will fall into the same categories as listed in section (add). When combined with the seconding institution decision there are four probable outcomes. The likely actions in each case are described below:
- a) Fit to practise – both University and seconding institution agree that the student can continue on the programme with no implications;
  - b) Not fit to practise – both University and seconding institution that the student should be withdrawn from the programme. The University will make a recommendation to the Assessment Board for consideration. The Assessment Board may decide to confer appropriate exit award as specified in the programme specification. The employer will take their own action as appropriate;

- c) In cases where the Fitness to Practise Panel finds the student is fit to practise but the employer finds the employee is not to practise, the Assessment Board may permit the student to continue on the programme based upon the ability of student to self-fund, and availability of placements. Alternative programmes of study may be recommended;
- d) If the employer finds the employee is fit to practise but the University finds the student not fit to practise. In such case the University may recommend to the Assessment Board that the student is withdrawn from the programme, or follow a non-clinical programme of study. The employer may choose to take their own action as appropriate.

13.9 The student has the right to appeal the decision of the Assessment Board in accordance with the University Appeals Regulations. The seconding organisation will pursue its own procedure depending on the outcome of their own investigation.

#### 14. School-level Appeal – Stage 1

- 14.1 The student has the right to appeal the decision of the Assessment Board. Guidance on the appeals process will be outlined in the Assessment Board letter;
- 14.2 On receipt of the Assessment Board letter, the student has the right to submit a school-level appeal against the decision of the Assessment Board within 21 calendar days;
- 14.3 An appeal with accompanying evidence must be submitted to the Quality and Student Support Team. The grounds for appeal must be clearly stated;
- 14.4 The appeal will be dealt with in accordance with University Appeals Regulations 20;
- 14.5 The appeal will be allowed on either or both of the following grounds that:
  - there was significant material error in the proceedings of the Fitness to Practise Panel, and/or
  - there is sufficient new evidence to merit consideration of the appeal on the ground of material error.

For fitness to practise referrals, appeal is not permitted on the grounds of extenuating circumstances as defined in the University Appeals Regulations.

The appeal is not reopening of the original Panel. Dissatisfaction with the decision of the Fitness to Practise Panel is not alone a valid ground for submitting an appeal.

14.6 Students should be advised to refer to the University Appeals Regulations for full details of the appeals process;

#### 15. Initial Scrutiny

- 15.1 The student will receive an acknowledgement of receipt.
- 15.2 The appeal will be scrutinised by at least two members of staff within the School.
- 15.3 The possible outcomes of initial scrutiny are:
  - Upheld (in full or part) with a recommendation that there is sufficient evidence to merit consideration of the appeal on the grounds of material error in the conduct

of the Fitness to Practise Panel. The case will be referred for consideration by a newly constituted Fitness to Practise Panel;

- Appeal is rejected as the form was incomplete, incorrect, not accompanied by supporting evidence, or grounds for material error has not been demonstrated.

## 16. School Fitness to Practise Appeal Panel

- 16.1 Where the matter is referred to a School Appeal Panel the panel will normally be convened within 28 calendar days of the outcome of initial scrutiny being notified to the student. The panel will have three members and the Chair will be the School Officer or his/ her nominee. The School Appeals Administrator or his/ her nominee will attend the hearing to advise the panel concerning relevant regulation, policy, procedure and guidance (the Administrator will not be part of the Appeal Panel);
- 16.2 The student will be invited to attend the School Appeal Panel hearing and can choose to be accompanied by one other person. If the student chooses to be accompanied s/he must provide information about that person to the Secretary of the panel at least 7 calendar days in advance. The information will include the person's relationship to the student and the reason for the person's attendance. A student should note that s/he may only be represented in his/her absence in exceptional circumstances. Any request for this requires the agreement of the Chair of the Panel. If a student chooses not to attend, or fails to attend without submitting, in writing, valid reasons for a postponement, the Panel may meet in the student's absence.
- 16.3 The Programme Director may attend the hearing but does not form part of the panel and will not be present during the Panel's deliberations. The Programme Director's role is to provide information and/or clarification to the Panel.
- 16.4 The possible outcomes of the hearing are:
- upheld (in full or part) with referral of the case back to the Assessment Board with commentary to permit the student to continue on the programme;
  - rejected as the grounds for appeal have not been demonstrated
- 16.5 The outcome of the School Fitness to Practise Panel will be provided to the student in writing, normally within 14 calendar days of the Panel. The rationale for the Panel's decision must be included in the communication.
- 16.6 A record of the outcome of the School Appeal Panel will be retained for a report to the Board of Studies and Senate.

## 17. University-level review

- 17.1 The student may request a review of the School decision on one or both of the following grounds:
- that there was a material error in the proceedings associated with the School decision, which affected that decision; and/or
  - that new information has become available, which is material to the original appeal, and which could not have been made known to the School for a demonstrated, valid or over-riding reason.

This is not a reopening of the original appeal. Dissatisfaction with the decision of the School is not alone a valid ground for requesting a review.

- 17.2 A review request, with appropriate evidence, should be submitted to the University Officer or his/her nominee within 21 calendar days of confirmation of the School decision.

### 17.3 Review process

17.2.1 The student will be sent a receipt of their review request;

17.2.2 Two members of University staff will scrutinise the review submission;

17.2.3 The possible outcomes of review are:

- Upheld (in full or part) and referred back to the appropriate body in the School for consideration by a newly constituted Fitness to Practise Panel;
- Returned with an opportunity for the student to resubmit the request for review within 14 calendar days;
- Review is rejected as the form was incomplete, incorrect, not accompanied by supporting evidence, or grounds for material error has not been demonstrated.

17.3.4 The student will be informed of the outcome of the review, normally within 28 calendar days of receipt. The notification will include the reasons for the decision;

17.3.5 A record of the outcome of the review will be shared with the School and retained for report to the Board of Studies and Senate.

### 18. The Office of the Independent Adjudicator

- 18.1 When the University's internal procedures have been concluded a student will be issued with a Completion of Procedures (CoP) letter. Following this, a student who is dissatisfied with the final decision on his/her case may be able to apply to the Office of the Independent Adjudicator (OIA) for Higher Education. Information and eligibility rules are available at: [www.oiahe.org.uk/](http://www.oiahe.org.uk/)

### 19. Review and Reports

- 19.1 An annual report on fitness to practise is considered by Board of Studies;
- 19.2 The School is required to report fitness to practise referrals to relevant PSRB, and its NHS commissioners;
- 19.3 The policy and procedure will be reviewed annually and considered by Board of Studies;
- 19.4 The Assessment Board will consider report on declaration of good health and good character for students qualifying on programmes with PSRB requirements.

## 20. Links to Useful Guidance (to be added)

Professional Statutory and Regulatory Bodies Regulations, Standards and Code
<p><b>British Psychological Society</b>  <a href="http://www.bps.org.uk/">http://www.bps.org.uk/</a></p>
<p><b>General Optical Council</b>  <a href="https://www.optical.org/">https://www.optical.org/</a></p> <p>Guidance for Student Registrants  <a href="https://www.optical.org/en/Education/guidance-students/index.cfm">https://www.optical.org/en/Education/guidance-students/index.cfm</a></p>
<p><b>Health and Care Professions Council</b>  <a href="http://www.hcpc-uk.co.uk/">http://www.hcpc-uk.co.uk/</a></p> <p>Guidance on Conduct and Ethics for Students  <a href="http://www.hcpc-uk.co.uk/publications/brochures/index.asp?id=219">http://www.hcpc-uk.co.uk/publications/brochures/index.asp?id=219</a></p> <p>Standards of Conduct, Performance and Ethics  <a href="http://www.hcpc-uk.co.uk/aboutregistration/standards/standardsofconductperformanceandethics/">http://www.hcpc-uk.co.uk/aboutregistration/standards/standardsofconductperformanceandethics/</a></p> <p>Fitness to Practise  <a href="http://www.hcpc-uk.org/audiences/studentsandapplicants/ftp/">http://www.hcpc-uk.org/audiences/studentsandapplicants/ftp/</a></p>
<p><b>Nursing and Midwifery Council</b>  <a href="https://www.nmc.org.uk/">https://www.nmc.org.uk/</a></p> <p>The Code for Nurses and Midwives  <a href="https://www.nmc.org.uk/globalassets/sitedocuments/nmc-publications/nmc-code.pdf">https://www.nmc.org.uk/globalassets/sitedocuments/nmc-publications/nmc-code.pdf</a></p> <p>Guidance for students - Professional conduct of nursing and midwifery students  <a href="https://www.nmc.org.uk/education/becoming-a-nurse-or-midwife/when-studying-to-be-a-nurse-or-midwife/guidance-for-students/">https://www.nmc.org.uk/education/becoming-a-nurse-or-midwife/when-studying-to-be-a-nurse-or-midwife/guidance-for-students/</a></p>

University Regulations and Policies
<p>Assessment Regulations  <a href="http://www.city.ac.uk/about/city-information/governance/constitution/senate-regulations">http://www.city.ac.uk/about/city-information/governance/constitution/senate-regulations</a></p> <p>Cause for Concern Process</p> <p>Disclosure and Barring Service Process  <a href="http://www.city.ac.uk/health/courses/selection-process/dba">http://www.city.ac.uk/health/courses/selection-process/dba</a></p> <p>Fitness to Study</p> <p>Interruption of Study Policy  <a href="http://www.city.ac.uk/data/assets/pdf_file/0011/283088/interruption-of-studies-policy.pdf">http://www.city.ac.uk/data/assets/pdf_file/0011/283088/interruption-of-studies-policy.pdf</a></p> <p>Precautionary Suspension of a Student from Placement</p>

<http://www.city.ac.uk/health/courses/information-for-students-and-placement-partners/practice-education>