

Fitness to Practise

Fitness to Practise procedures applies to students on courses which lead to a professional qualification. The University has a responsibility to investigate matters that may call into question your fitness to practise or your suitability for dealing with patients in a care setting.

You could be considered under the Fitness to Practise procedures for the following issues:

- You have a health issue, which may impact on your fitness to practise
- Your behaviour is a cause for concern
- You have committed a criminal offence, which you must [declare to the University](#)

If a member of staff is concerned about your health, professional conduct or academic or clinical performance they may refer your case to the Fitness to Practise procedures. They will write to the Executive Pro-Vice-Chancellor with the facts around your referral, which they will consider and then make a decision about whether the case should be taken further under the proceedings. You will find out their decision within 5 working days.

If it is decided there is no case to be investigated, you will be informed in writing that no case has been established and no further action will be taken.

If it is decided that there is a case to be investigated then a formal investigation will take place. You will be informed of this officially in writing.

If you are being investigated under the Fitness to Practise procedures it is extremely important that you seek advice. The Guild Advice Service can support you and you should also make contact with your relevant defence union.

The Investigation

An Investigating Officer will be appointed to investigate the case. This person will not have been involved in the circumstances leading to your referral.

You will receive a letter from the Investigating Officer inviting you to submit a written statement explaining the events around the referral and any evidence in support of your case. A Guild Adviser can support you by reviewing your statement before you submit it to make sure that it is as comprehensive as possible.

The Investigating Officer will also invite you to an interview. This will be your opportunity to answer questions and explain the situation. A Guild Adviser can also accompany you to this meeting for advice and support. There will be a note-taker at this meeting and minutes will be recorded, which you will have the chance to read and sign as an accurate summary of the discussion.

The Investigating Officer will also interview the person who has made the allegation against you as well as any witnesses on both sides.

The Investigation will normally take no longer than 28 days. If it is likely to take longer you will be informed in writing of an expected date of completion. Depending on the situation, you may also be required to suspend your studies during the period of investigation or submit to an occupational health appointment.

After all evidence has been received, the Investigating Officer will prepare a written report of their findings as well as a recommendation of how to proceed.

The possible recommendations are;

- That there is no case to be taken forward and that no further action will be taken
- That there is a case to be dealt with by other means e.g. specific conditions to be put in place, but there is no immediate need for a Fitness to Practise Panel
- That there is a case which must be referred for further consideration by a Fitness to Practise Panel

Fitness to Practise Panel

The Fitness to Practise hearing is a very formal University process so you should make sure that you dress smart and arrive 15 minutes before your hearing is due to start.

You can attend the Fitness to Practise panel with a nominated “friend”, which we highly recommend is a Guild Adviser. As well as a “friend” you can also be accompanied by a member of your relevant defence union. You are permitted to provide evidence for the Panel but this must be provided a minimum of five working days before the hearing.

Members of the Fitness to Practise Panel

Chair of the Panel, who will lead the hearing

University staff member qualified to practise in the same profession as you are being considered

University staff member from another School to the one that you are registered in

Staff member external to the University

Guild Student Officer

Also in attendance

Secretary to the Board Ensures that the hearing follows the correct procedure

Note-taker Records minutes of the meeting

The Investigating Officer Presents the case against you to the Board

At the start of the hearing the Chair will introduce everybody present and explain their roles. They will ask you to confirm who you are and to also explain the role of anyone accompanying you to the meeting (i.e. a Guild Adviser would be there for advice and support).

The Chair will then ask you to confirm that you have received copies of the papers and explain the powers of the panel.

- i) The Chair will ask the Investigating Officer to present the case against you to the Panel. The Investigating Officer will provide a summary of their investigation and findings to the Panel.
- ii) *OPTIONAL: The Investigating Officer may then call witnesses, who can be questioned by the Investigating Officer, you and the Panel. (NB: It is not a requirement that witnesses be called at the hearing and is only done if appropriate to the situation)*
- iii) The Chair will invite you to make a statement, explaining the situation from your point of view. They may also invite your “friend” or representative to make a statement if you would like.
- iv) The Panel will then ask you questions
- v) *OPTIONAL: The Chair will ask you whether you wish to call witnesses, who can be questioned by the Investigating Officer, you and the Panel. (NB: It is not a requirement that witnesses be called at the hearing and is only done if appropriate to the situation)*
- vi) You will be asked if you anything further to add.

- vii) Once the Chair is satisfied you have said everything you wish, they will ask you, your “friend” and/or representative and the Investigating Officer to leave the room whilst the Panel make a decision about what they will do.
- viii) You will then be invited back into the room and the Chair will let you know the Panel’s decision.

Possible Outcomes

You are fit to practise and;

- i) You can continue with your programme and graduate with no formal record of the fitness to practise;
- ii) You can continue your programme under supervision as decided by the panel;
- iii) You can continue your programme but you will receive a formal warning;
- iv) You can continue but that your professional body is informed of the issues around your health for on-going monitoring after graduation;
- v) You fulfil any recommendations or conditions considered appropriate by the Panel to be able to continue.

You are unfit to practise and;

- i) You are required to suspend your studies for a specified amount of time (sometimes with conditions in place, e.g. gaining volunteer experience, writing a reflective piece), after which the panel will review the situation with a further fitness to practise panel and decide whether you can continue with your studies;
- ii) Your studies are terminated but it is recommended that you seek admission to an alternative course with the University;
- iii) Your studies are terminated and you are required to withdraw from the University (with or without an exit award).

Right to Appeal

If you wish to appeal the decision of the Fitness to Practise Panel you must give notification in writing to the Chief Operating Officer, within ten working days of receiving the written outcome letter of your intention to appeal.

You can only appeal on the following grounds:

- you have received an inadequate or a biased hearing
- there were procedural irregularities in the circumstances leading up to and/or in the conduct of the Fitness to Practise Panel hearing
- there is new evidence which for good reason could not have been brought reasonably to the attention of the Fitness to Practise Panel. (NB: “Good reason” means that you could not, rather than did not, provide the evidence at the time of the Panel meeting. Sensitive personal, family or cultural reasons will not be accepted as ‘good reasons’)

A Guild Adviser can also support you through the appeals process.