

# Student Fitness to Practise Procedure

## Version Control

Policy Number:	
Approved by:	Senate
Date Approved:	1 May 2019
Next Review Date:	Annually
Effective from:	01 August 2019
Equality Impact Assessment Completion Date:	April 2019
Author	Nikki Pierce

Version Number	Date	Revision description/summary of changes
V1.0	May 2010	Current procedure produced
V2.0	1 May 2019	Major re-write and replacement of existing procedure

## **1. Purpose**

- 1.1 The University of Bradford expects the highest standards of behaviour from students on programmes of study leading to professionally recognised qualifications. The University operates a range of programmes which require students to demonstrate that they are fit to practise in the profession they have been trained for. Being fit to practise requires that a professional has the skills, knowledge, health and character to do their job safely and effectively. Students in training need to demonstrate that they are fit to practise and that they meet the professional standards of conduct required for their award. This document sets out the University's procedure for handling situations where a concern is raised about a student's fitness to practise. The purpose of the procedure is to ensure that the public interest is protected, while treating students fairly and equitably.

## **2. Scope**

- 2.1 This procedure applies to all students registered on programmes of study at the University of Bradford which are recognised by a Professional, Statutory or Regulatory Body (PSRB) for the purpose of attaining a professional qualification and eligibility for future registration with the relevant body, and which are subject to Fitness to Practise requirements. These programmes are defined at Appendix A.
- 2.2 This procedure covers allegations relating to conduct, attitude, competence and health and sets out how the University will respond to instances where a concern is raised regarding a student's Fitness to Practise and the type of action that the University may take to deal with the concern.
- 2.3 The procedure is a safeguard for the protection and safety of the public and the staff and students in our University community and the reputation of the profession, programme of study and wider University.
- 2.4 Some programmes may require students to undertake external placements and/or work based practise and the University has a duty to both the student and to the public to ensure that any risk of harm is minimised.
- 2.5 The aim of this procedure is to ensure that there is a fair, transparent and effective process for considering cases where there are concerns about a student's suitability for professional education and training and/or Fitness to Practise.
- 2.6 Where appropriate, the University is responsible for ensuring that students meet the relevant professional standards in addition to academic standards.
- 2.7 The procedure applies to relevant undergraduate and postgraduate students at all times throughout the period of their registration with the University. Its application covers study on campus whilst at the University but also applied to students whilst on placement or in a practice-based setting and includes the conduct of students in their personal and social life in determining their Fitness to Practise in their chosen profession.

- 2.8 The Fitness to Practise of students on professional programmes will be assessed throughout the duration of the programme. If there are any concerns over the student's Fitness to Practise the University is required to investigate and address the issue under the University Fitness to Practise procedures.
- 2.9 This procedure is not intended to deal with Fitness to Practise issues arising prior to enrolment and registration with the University which should be declared at the time of application, and will be dealt with in accordance with our Admissions Policy.
- 2.10 A full list of the programmes which are subject to this procedure are provided in Appendix A. This will be updated annually.
- 2.11 This procedure includes timescales which should be followed however there may be exceptional circumstances which prevent this happening and where this is the case the student should be given an update about any delay.

### **3. Other procedures and related regulations**

- 3.1 The Student Fitness to Practise Procedures should be read in conjunction with the University's regulations and procedures for dealing with students' welfare and discipline, and academic misconduct. These include; but are not limited to Regulation 5: Academic Misconduct Regulations; Regulation 28: Disciplinary Procedures relating to an alleged offence under Ordinance 16 on Conduct of Student Members of the University, and the Health, Wellbeing and Fitness to Study Policy and Procedures.
- 3.2 During a Fitness to Practise investigation it may be appropriate for a case to be referred to another procedure. For example, if, during a Fitness to Practise investigation an allegation of academic misconduct is alleged, the matter may be referred for consideration under Regulation 5. Conversely, a finding under another procedure may be referred into the Fitness to Practise Procedures. For example, an investigation into an alleged breach of the Student Code of Conduct may lead to Fitness to Practise concerns arising and the matter may be referred to the Fitness to Practise Procedures where this is considered appropriate.

### **4. Student Requirements**

- 4.1 Students studying on programmes recognised by a Professional, Statutory and Regulatory Body and set out in Appendix A are required to adhere to the following standards and rules. These standards and rules are set out in the Student Contract and in programme handbooks, and will also be made clear to students during induction.

## **Good Character**

- 4.2 As a requirement of registration on all professional academic programmes in Appendix A, all students are required to sign a Good Character Declaration and adhere to the Student Code of Conduct. A DBS (Disclosure and Barring Service) check may be used as a measure of this and completion of a DBS check may be a requirement of acceptance onto the programme. The possession of a criminal conviction is not necessarily a bar to acceptance onto a programme of study, and the University will follow the process defined in the Admissions Policy to assess the impact of any conviction held on an application.
- 4.3 Where a student is charged or convicted of a criminal offence during their registration on a programme of study, he or she is required to notify their programme leader of this at the earliest opportunity. Failure to notify the University of a criminal charge or offence may in itself give rise to a concern relating to Fitness to Practise.
- 4.4 Professional programmes will also request all students to declare annually that no new cautions/convictions have been obtained. Students will be required to sign a Continuing Good Character Declaration to ensure they have not been subject to any potential fitness to practise issues in the preceding year. This will also be applied if a student is repeating a module with attendance.
- 4.5 Students on professional programmes are expected to notify the Programme Leader at any time during the programme if there are any issues with their 'character' (e.g. they are subject to police investigations) or change in circumstance (e.g. health issue) that may impact on their Fitness to Practise, this is not an exhaustive list.
- 4.6 Good Character Declaration forms and Continuation forms may be used as part of the evidence presented in a panel to confirm the student understood their responsibility to declare any issues and had reaffirmed their understanding of their responsibilities.

## **Disability and health issues**

- 4.7 Applicants to professional programmes are encouraged to declare any disability or health conditions that may impact on the applicant's Fitness to Practise. It is normal that where there are concerns that a student has a physical or mental condition(s) that may impair their Fitness to Practise then the University will refer the student for an occupational health assessment to the University Occupational Health team. All applicants will have access to the University's Disability Services to arrange any support they may require.
- 4.8 Once registered on a programme, it is the students' responsibility to advise the University of any health or disability issues at the time of occurrence that may affect their studies or Fitness to Practise etc.

## 5. Fitness to Practise Concerns

- 5.1 Concerns about a student's Fitness to Practise may be raised from any source and about any issue that may arise both on and off campus, during or out of term time. Concerns may be raised orally in the first instance, but must be followed up in writing, addressed to the Head of School (see raising concerns section for more details).
- 5.2 Concerns may be raised by a number of sources including (without limitation):
- Members of university staff;
  - Staff who work in placement provider organisations;
  - Occupational health physicians;
  - Fellow students;
  - The police;
  - Members of the public;
  - Self-referral.
- 5.3 It is the responsibility of all students to report themselves or other students if they suspect Fitness to Practise may be impaired or breached in connection with the Student Code of Conduct or the professional requirements of a relevant Professional, Statutory or Regulatory Body.
- 5.4 The University does not usually accept anonymous complaints other than those submitted through its Code of Practice on Public Interest Disclose (Whistleblowing).
- 5.5 Allegations may relate to a student during study, placement or private life and include concerns about the following (without limitation):
- **Unprofessional behaviour**, including breach of confidentiality, unlawful discrimination, misuse of the internet or social media and networking sites;
  - **Aggressive, violent or threatening behaviour**, whether verbally, virtual or physical, including assault, physical violence, bullying, aggression, harassment and abuse;
  - **Inappropriate attitude or behaviour**, including failure to accept educational advice, persistent poor time-keeping or lack of commitment to academic work, failure to observe or comply with the rules of the University, placement provider or follow educational advice, failure to demonstrate an attitude or demeanour appropriate for individuals working in the profession concerned, failure to follow health & safety requirements;
  - **Poor or non-attendance**, at compulsory elements of a programme either at University or in practice, such as absence from practice placement without permission;
  - **Dishonesty**, including fraudulent behaviour, falsification of records, qualifications or signatures; plagiarism, cheating or collusion, and any other form of unfair practice; failure to declare a criminal conviction or other information;
  - **Criminal convictions, warnings, reprimands and cautions**, in particular where this related to violent or serious offences, including but not limited to theft, fraud, violence, possessing or dealing illegal substances, possession of firearms, offences under the Terrorism Act, arson, child abuse or any other abuse, and including failure to declare a criminal conviction or other relevant information to the University. It is the student's

responsibility to inform the University of any criminal charge or conviction at the earliest possible opportunity, either through the Good Character Declaration Form or in writing to their Programme Leader.

- **Drug or alcohol misuse**, including dealing, possessing or misusing therapeutic or illicit drugs, particularly where the consumption of alcohol or drugs affects the work or study placement environment, and including driving under the influence of alcohol or misuse of drugs;
- **Health or wellbeing concerns**, including failure to seek or adhere to appropriate medical treatment or support; failure to recognise limits and abilities and lack of insight into health concerns; where the health of the student may pose a risk to the student's own safety, health and wellbeing or that of others; or where the student cannot be expected to attain the competency standards of the course notwithstanding reasonable adjustments made in relation to disability;
- **Breaking the University's Student Code of Conduct**, which might render them unfit to practise;
- **Behaviour that may occur whilst the student is away from the University**, which might render them unfit to practise.

- 5.6 An allegation or concern should be raised with the Head of School (or nominee) in the first instance. Concerns may be raised orally in the first instance, but must be followed up in writing (normally within 5 working days). Allegations or concerns must be provided to the student in writing before beginning any investigation under the later stages of these procedures.
- 5.7 If a student's conduct may be in breach of the criminal law the University may at its discretion refer the matter to the Police. In addition, the University may at its discretion suspend taking action under the procedure pending the outcome of any police inquiry and/or criminal investigation. However, the University is not prevented from taking action under this procedure notwithstanding that any police inquiry and/or criminal investigation is being undertaken although it will consider this carefully before doing so.
- 5.8 Acquittal or discontinuance of criminal proceedings shall not preclude the University from commencing or continuing with its own Fitness to Practise procedure.
- 5.9 Where a finding of inappropriate conduct is made and the student has already been sentenced by a criminal court in response of the same facts, the court's penalty shall be taken into account in determining the penalty under this procedure.
- 5.10 It is important to note that if the student has a criminal conviction or a caution, this will not necessarily prevent the student from continuing with a professional programme or professional register but full disclosure will be required by the student and the University is required to fully consider all disclosures. This applies prior/during application and throughout the duration of the course of study.

## 6. Responding to Concerns about a Student's Fitness to Practise

6.1 These procedures provide the following stages for consideration of concerns raised about a student's Fitness to Practise:

- No action to be taken. This will normally be the case where a matter reported to a Head of School or nominee does not constitute a concern under Fitness to Practise. A matter may be referred to another University procedure where appropriate.
- Informal Stage - Local resolution.
- Formal Stage
- Review Stage

6.2 On receipt of a written statement of concern, it is the decision of the Head of School or nominee to decide whether there is action to be taken and, where this is the case, whether the allegation or concern will be dealt with informally by local resolution, or whether it should be considered under the Formal Stages of the Procedures.

6.3 The level at which the procedure is implemented will depend on factors including the nature of the concern, the seriousness of any risk and the student's response to any steps taken by the University to manage the situation.

6.4 The Head of School or nominee may undertake such initial enquiries as they consider reasonable and appropriate to inform a decision as to whether or not to take action, and at which stage of the procedures action should be taken. This may include, but is not limited to, confirming the identity of the student about whom concerns have been raised, and verifying factual information.

### 6.5 **Withdrawal from placement**

6.5.1 Where a Fitness to Practise concern arises while a student is undertaking a placement, the student may be withdrawn from the placement pending the resolution of this issue. The decision to withdraw a student from placement is at the discretion of the Head of School or nominee.

6.5.2 Withdrawal from placement in these circumstances is a neutral act to protect the interests of the student, the University, the placement provider and public, while the matter is investigated. It is not a determination, sanction or penalty under these Procedures in relation to a student's Fitness to Practise.

6.5.3 The student will normally be able to continue to attend programme activities unrelated to the placement including attending scheduled learning and teaching activities on campus, submitting coursework and using University facilities and services. However, withdrawal from placement may delay completion of studies and graduation. Consideration must be given on the impact of any delay to studies for international students studying on visas and the reporting requirements associated with this.

## **6.6 Temporary Exclusion**

6.6.1 In some circumstances, a Head of School can recommend, via the University Secretary, to the Vice-Chancellor, whether it is considered necessary to suspend a student temporarily while the investigation or hearing takes place. In making this decision, the Vice-Chancellor will take into account the necessity to protect patients, service users and the public, the student in question and other students and staff.

## **6.7 Student-Led Suspension and Withdrawal**

6.7.1 Student-Led Suspension is at the discretion of the University and as set out in the Student Suspension and Withdrawal Policy. Suspension cannot be used as method to avoid Fitness to Practise proceedings, and any request to suspend during such proceedings will be given careful consideration.

6.7.2 If a student is permitted to suspend their studies before Fitness to Practise proceedings have been completed, then the student will be informed that their reinstatement will be subject to the outcomes and determinations of Fitness to Practise proceedings. The appropriate timing for these considerations will be considered on a case by case basis.

6.7.3 A student may withdraw from the University at any time. If a student withdraws before Fitness to Practise proceedings have been completed, they will be advised that procedures may need to continue, depending on the seriousness of the issue raised, for the purposes of reporting to a PSRB. Where Fitness to Practise proceedings do not continue, a student will be advised that this may impact upon any subsequent readmission to the University.

## **6.8 Award and Graduation**

6.8.1 A student may not be granted an award, obtain certification of an award, or attend a graduation ceremony where Fitness to Practise concerns have been raised and are being investigated under these procedures.

## **7. Fairness and Transparency**

7.1 The University seeks to operate all student procedures under the spirit of natural justice and to ensure that students are treated fairly, equitably and that procedures are operated with transparency and probity.

7.2 Where a Head of School or their nominee determines that action should be taken under either the Informal or Formal Stages of the Fitness to Practise Procedures, a student will have the following rights:

- To be notified of any allegation against them in writing;



- To have full opportunity to respond to any allegation;
- To be accompanied to all meetings associated with the allegation, including notification of allegation, investigation and any subsequent hearing, by a support, who will normally be a member of the Students' Union or the University and who will not normally act as an advocate;
- To attend any hearing or decision-making panels convened to consider the allegation;
- To see all evidence compiled in relation to the allegation; and to be present while any evidence is presented during a hearing or any other decision-making panel;
- To have the opportunity to challenge evidence and to ask questions of any parties giving evidence;
- To have the opportunity to submit evidence of their own through an investigation and to any hearing or decision-making panel (students will be required to submit additional evidence at least 5 working days in advance of any hearing or decision-making panel – tabled evidence will not be accepted);
- To make a written statement to any investigation, hearing or decision-making panel (students will be required to submit written statements at least 5 working days in advance of any hearing or decision-making panel – tabled statements will not be accepted);
- To make oral statements to any investigation, hearing or decision-making panel;
- To receive written notification of the outcome of any proceeding under the Fitness to Practise proceedings, including notification if action is to be ceased;
- To have matters dealt with in a timely manner, within the timescales specified within these procedures and where this is not possible to be notified of any delay and the reasons for such delay.

7.3 If at the initiation of a Fitness to Practise investigation it appears that the student may be experiencing health difficulties that materially affect their behaviour and/or judgement, then the student should be directed to the relevant Student Services team. It is the student's responsibility to ensure that s/he is properly supported throughout the process and that the Fitness to Practise procedure is informed by a clear understanding of the significance of the student's health for the allegation being considered. The Head of School or nominee is not obliged to contact the relevant Student Services team on behalf of the student unless they believe that the student may be at risk of harm to themselves or others, however the student should be advised to make contact with relevant Student Services team.

7.4 In all cases reasonable adjustments should be made to take into account the student's health or known disability. This may include:

- Provision of support at any meetings, or hearings, for example signer, note-taker;
- Provision for breaks in meetings or hearings;
- Provision for adjournment of meetings or hearings to another date where required.
- Provision for support from relevant Student Services (where a student has been suspended as a result of Fitness to Practise concerns, continued support will be available from Student Services, and any restrictions associated with this will be clearly communicated to the student).

- 7.5 Students will be notified by letter that if they have a disability that requires reasonable adjustments to be made during any investigation, meetings and hearings, that they should contact Disability Services for assessment or advice. Disability Services will be required to provide a written report setting out any adjustments to be made.
- 7.6 If a student is to be suspended or a restriction is associated with suspension pending an investigation or hearing and it is known that there are health related issues, the student must be directed to the relevant Student Services team. Where there is a concern about a student's health or wellbeing this may be communicated to the relevant Student Service. Students must be willing to engage with the process. Failure to engage with University support services or alternative services may constitute an additional fitness to practise concern.
- 7.7 The Chair, University Secretary and Legal and Governance team will ensure that proceedings are fair and transparent and that:
- the panel is unbiased and there are no perceived conflicts of interest between the initial investigator(s), panellists and the student;
  - the Fitness to Practise hearing should normally be held within 2 months of the outcome of the initial investigation;
  - there is proper disclosure of information and equal opportunity to present evidence;
  - the student is provided with a complete copy of the information presented to the panel;
  - the panel applies the civil standard of proof - that facts must be found proved on the balance of probabilities;
  - decisions and sanctions are proportionate, and that reasons for the decisions are explained;
  - written records are kept of all evidence placed before, or heard by, the Panel.

## **8. External Notification of Fitness to Practise Concerns**

- 8.1 The University may be required to report Fitness to Practise Concerns to Professional, Statutory and Regulatory Bodies, where applicable to a student's employer, and to the Disclosure and Barring Service. Where the outcome of Fitness to Practise proceedings determines that such disclosure is required, this should be clearly notified to the student in the outcome letter.
- 8.2 Students may have personal responsibility to report the outcome of Fitness to Practise proceedings to a Professional, Statutory or Regulatory Body with which they are registered. This may be during an investigation or following an outcome. Students must be advised of this responsibility in any correspondence setting out that a concern has been raised and in correspondence confirming the outcome of proceedings.
- 8.3 Should a panel have any concerns that a student may be refused registration, the professional body may be able to give advice on the possible outcomes of an application based on the disclosed facts of the case.

8.4 The University is required to confirm to Professional Bodies that students are of good standing on conclusion of their programme.

## **9. Informal Stage (Local Resolution)**

9.1 Where a Head of School or nominee has determined that a concern should be dealt with at the Informal Stage of the procedures (as set out in paragraph 4.2), the student will be invited to attend a meeting with a Programme Leader, Personal Academic Tutor or other relevant member of staff to discuss the allegations. The student will have the right to be accompanied by a member of the Students' Union or the University.

9.2 A student should normally be invited to a meeting to discuss the concerns within 5 working days of the concerns being raised with the Head of School or nominee in writing.

9.3 Possible courses of action at the informal stage include (but are not limited to):

- Provision of further guidance to the student e.g. one-to-one, group sessions, direct reading or through online material;
- Requirement for the student to complete further work to demonstrate their engagement with, and understanding of the appropriate professional code of conduct and standards. This may take the form of a reflective piece of work (written, practical or oral), action planning or other such work. Clear timescales and guidance should be set, and information should be given about where the student should access guidance and support, and who would be responsible for signing off the work as complete and satisfactory.

9.4 The member of staff leading the meeting should take a record of the meeting and any actions agreed which should be kept on the student record for the purposes of monitoring compliance with actions required, and consideration should further incidents occur during the student's studies. The record should be held and disposed of in accordance with the University Record Retention Schedule.

9.5 A record/log of these local resolutions should be kept on the student record, for consideration if further incidents occur during the student's studies in accordance with the University Record Retention Schedule/Policies.

9.6 Should a student fail to complete the appropriate course of action to the required standard, the Head of School or nominee may refer the case to the Formal Stage of the Fitness to Practise Procedures.

9.7 Should a student not agree to an informal course of action, for whatever reason, the Head of School or nominee may refer the case to the Formal Stage of the Fitness to Practise Procedures.

## 10. Formal Stage

10.1 Where a Head of School or nominee determines that a matter cannot be resolved at the informal stage by local resolution, the matter will proceed to the Formal Stage of the Fitness to Practise Procedures. Where this is the case, the Head of School will inform the University Secretary that the Formal Stage of the procedures is being invoked.

10.2 The student will be notified in writing by the Head of the School, normally within five working days of written allegations being received, of the following:

- The nature of the concerns raised;
- That an investigation is to be conducted under the Fitness to Practise Procedures;
- The identity of the Investigating Officer;
- Whether the student is required to attend University and/or the placement pending investigation and outcome of the procedure;
- Whether he/she will be recommending to the Vice-Chancellor that the student should be suspended from the University, pending the outcome of the procedure;
- The support services available to the student from the University and Students' Union;
- The right to be accompanied to any meetings, hearings or decision-making panels by a friend or advisor, who must be a member of the University or a member of the Students' Union advisory staff. A student may not bring legal representation to this meeting without prior consent obtained from the University Secretary, which will be granted only in exceptional circumstances.
- The student should be encouraged to contact their personal tutor for advice and support, unless the tutor is already, or likely to become involved in the investigation/Fitness to Practise procedure. If this is the case, the student may approach any member of staff they feel could support them.

10.3 An Investigating Officer should be appointed by the Head of School or nominee who will conduct the initial investigation and report their findings to the Head of School (or nominee). The Investigating Officer will normally be a senior member of staff from the School or Faculty who has not had any previous involvement with the case in hand or the student. Where it is not possible to identify an Investigating Officer within the School, an Investigating Officer may be appointed from the wider Faculty or from another Faculty.

10.4 The Investigating Officer should conduct a thorough investigation into the concerns raised in, using appropriate methods of evidence gathering. An investigation should normally include an interview with the student about whom the concerns have been raised, and may also include (but is not limited to):

- interviewing relevant University staff and/or the relevant placement tutor, practice educator or professional lead;
- interviewing any relevant witnesses;
- obtaining a written, professional opinion on the effect of the student's behaviour, or state of health/well-being, on their Fitness to Practise;

- obtaining other relevant documents or evidence (For example – including positive statements, attendance, results, good declaration statements, CCTV footage, photographs or social media images etc as appropriate);
  - obtaining information about the student’s progress on the programme.
- 10.5 The student should be provided with the opportunity to meet with the Investigating Officer in person and to provide a written statement in response to the allegations. The student should be invited to an investigatory meeting in writing, and must be provided with a copy of this procedural document when the invitation letter or email is sent and again at the start of the meeting. The student should be reminded that they have the right to be accompanied to any meetings, hearings or decision-making panels by a friend or advisor, who must be a member of the University or a member of the Students’ Union advisory staff. A student may not bring legal representation to this meeting without prior consent obtained from the University Secretary, which will be granted only in exceptional circumstances.
- 10.6 If a student is unable to attend the meeting for good reason, which can be evidenced, and the student advises the Investigator before the meeting, the meeting will be deferred within reason. Should a student fail to attend an investigatory meeting without good cause, and where all attempts to engage the student in the investigation have failed, the Investigating Officer will submit their report to the Dean (or nominee) noting the failure of the student to engage.
- 10.7 The Investigating Officer should ensure that a written summary of discussions is kept. This summary should be shared with the student who should be given the opportunity to respond within a given deadline.
- 10.8 If relevant information should come to light at any time during the investigation, the Investigating Officer may, after consultation with the Head of School or their nominee, recommend to the Vice Chancellor via the University Secretary, that the student should be suspended temporarily from the University pending the investigation outcome.
- 10.9 The University would normally expect an investigation to be completed within a period not exceeding one month. Where an investigation takes longer than this, a student should be notified of the delay and the reasons for it in writing.
- 10.10 After reviewing the evidence, the Investigating Officer will produce a report of the findings of the investigation and submit this report to the Head of School (or nominee) normally within one month of the commencement of the investigation.
- 10.11 On receipt of the Investigating Officer’s report, the Head of School (or nominee), will decide on one of the following outcomes:
- that the concerns are groundless;
  - that the concerns have been addressed;

- that the matter is considered of low level concern and can be dealt with through local resolution as set out in section 7.
- that the student should be issued with a verbal and/or written warning ( a verbal warning must be recorded in writing for record purposes);
- that there is a health issue which does not warrant referral to a Fitness to Practise Hearing, but that the student is referred to the relevant Student Services team for assessment or the appropriate medical advice is sought;
- That the matter should be referred to a Fitness to Practise Hearing.

10.12 Where the outcome reached does not involve referring the matter to a Fitness to Practise meeting, the Head of School (or nominee) will write to the student to inform them of the outcome of the investigation, normally within ten working days of receipt.

10.13 Where the outcome reached does not involve referring the matter to a Fitness to Practise meeting, the Head of School or nominee is responsible for advising the programme administration, programme team and the University Secretary of the outcome so that a record of all cases is kept up to date for reporting purposes. The record of the investigation will be maintained by the University Secretary. Where a matter is referred back to the Informal Stage for local resolution, records will be kept in accordance with paragraphs 7.4 and 7.5.

## **11. Fitness to Practise Hearing**

11.1 The Head of School may determine that a matter should progress to a Fitness to Practise Hearing where:

- The matter has not been resolved by the course of action under the local resolution or Investigation Stage;
- The original allegation was sufficiently serious;
- Further breaches have occurred since the initial allegation or concern was raised.

11.2 The Head of School or nominee will notify the University Secretary of the intention to refer the matter to a Fitness to Practise Hearing, who will facilitate the Hearing.

11.3 The role of the Fitness to Hearing panel is to make an independent decision on a student's Fitness to Practise, based on evidence gathered and presented to them by the Investigating Officer, student and any witnesses.

11.4 The panel should take into account the balance between patient and public safety, fairness to the student, due process and the need to maintain trust in the profession.

11.5 The panel should consider any guidance from the relevant professional body and work in accordance with the regulations and procedures of the University. Relevant procedures should be set out in writing and made available to students by the University Secretary when arranging a panel.

11.6 The panel will be set up and arranged by the University Secretary's Legal and Governance team. The University Secretary's Legal and Governance team will be provided with all the evidence and other material collected during the investigation and may request further evidence or material from the Investigating Officer as required.

11.7 The Fitness to Practise panel will consist of 4 members. Additional Fitness to Practise panel members may be appointed on a case-by-case basis to represent a balanced approach to the matters under consideration.

11.8 The panel will normally include the following membership:

- A Chair (Senior Academic from Faculty other than the one the student is registered with);
- One academic member not associated with the programme of study ;
- One academic member of staff from the student's programme of study who has not been involved with the case to date;
- A registered practitioner with a licence to practise in the relevant subject, external to the University.

11.9 The following will also be in attendance:

- An advisor from University Secretary's Legal and Governance team; They are not a member of the panel and will not take part in any decision making;
- The clerk from the University Secretary's Legal and Governance team (or nominee) will be in attendance throughout all meetings to take notes, record decisions and determinations. They are not a member of the panel and will not take part in any decision making;
- The Investigating Officer will present the case to the panel and answer any questions from the panel. They are also present for the student interview and can ask questions to the student, and may be asked questions by the student on presenting their report;
- The student will normally be required to attend the panel hearing in person;
- The student's formal representative or supporter. A student may be accompanied the hearing by a friend or advisor, who must be a member of the University or a member of the Students' Union advisory staff. A student may not bring legal representation to this meeting without prior consent obtained from the University Secretary, which will be granted only in exceptional circumstances. The student's representative may speak on their behalf in the meeting, but it is expected that the student will normally respond to the issues of concern and answer questions put to them by the panel. This allows the student to describe personally the course of events surrounding the issues raised and present any extenuating circumstances for the Hearing to consider.
- Any witnesses if appropriate. The student and investigating officer should be given the opportunity to ask questions of any witness who is invited to give evidence during the panel hearing.
- A relevant health specialist may be called as a witness where the concerns are related to health, for example a psychiatrist or occupational health physician.

- 11.10 The student will be invited to a hearing before a Fitness to Practise Panel. The student should be given 10 working days' notice of the hearing in writing, usually by email and to the students term time address (sent by registered mail) and provided with:
- Notice of the date, time and place of the hearing;
  - Full details of the Fitness to Practise concern;
  - Documentation in support of the concern, including all records of any initial investigation, and any witness statements;
  - A copy of these procedures;
  - A reminder of the student's right to be accompanied or represented at the hearing (see paragraph 9.3.3);
  - A reminder of the relevant Student Support Services (For example, Students' Union Advice Centre, Student Welfare, Disability Services or Counselling Services as appropriate).
- 11.11 These timescales have been established in the interests of the student and staff involved to allow them to prepare adequately for a formal Fitness to Practise Hearing. Students are expected to prepare for a hearing in a professional manner which includes observing deadlines as would be expected in professional practice. Any lenience in these timescales is at the absolute discretion of the Chair of the Panel following consideration of any relevant circumstances and the importance of a fair, timely and impartial hearing.
- 11.12 The student should confirm to the University Secretary's Legal and Governance team, no later than 5-working days before the hearing, that they will attend and if they are attending with support, and notify the University Secretary's Legal and Governance team of any witnesses they wish to call.
- 11.13 If a student has indicated that they are attending but is prevented from doing so for good reason, which can be evidenced, and the student advises the University Secretary's Legal and Governance team before the meeting, the hearing will be deferred to a later date within reason.
- 11.14 If the student has indicated that they are attending but fails to attend and does not inform the University Secretary's Legal and Governance team prior to the hearing, the hearing will go ahead and a decision will be reached based on the information available to the Panel. Unless the panel accepts that there is a very good reason for the student's absence, in which case the Fitness to Practise Panel Hearing will be adjourned.
- 11.15 If a student fails to confirm attendance and all attempts to contact the student have failed, the hearing will go ahead and a decision will be reached based on the information available to the Panel. Attempts to contact the student will be recorded, copy letters and emails will be held on file and receipts for recorded delivery letters will be requested.
- 11.16 The student may submit to the University Secretary any written evidence which they consider relevant to the issues to be considered at the hearing, provided that it is done at least 5 days in advance of the date of the hearing.



- 11.17 Notice of any witnesses to be called by the student and the University investigating officer at the hearing must also be given in writing to the University Secretary at least 10 days in advance of the date of the hearing.
- 11.18 If the student wishes to supply witness statements, it is the responsibility of the student to organise and supply the witness statements at least 10 days in advance of the date of the hearing and to ensure that any witnesses are informed of the date of the hearing and are available to attend.
- 11.19 The student should also inform the University Secretary of any witnesses he/she wishes to call. Students should be advised that the names of service users (i.e. usually patients or clients) or any other means of identifying service users should not be included in their statement or those of their witnesses. Any details identified in documents received from the student will be removed prior to the hearing. Vulnerable persons will not normally be asked to produce statements or attend the hearing. For example students who fear intimidation, harassment or other reasonable fear of reprisal may request via the University Secretary that their names and addresses be removed from any statements provided to the hearing and the student and this request and the reasons given will be considered and decided by the University Secretary.
- 11.20 The evidence provided to hearings may be oral or in writing. It is expected that anyone wishing their evidence to be heard would attend a hearing. In the event that a person having provided evidence does not wish to attend a hearing, any statement submitted must be signed and dated. In these circumstances panels must give due consideration to the fact that the witness has not been present to respond to questioning.
- 11.21 Any staff called to provide information to a Panel are expected to attend Fitness to Practise hearings as required by the University. All students called to provide information to a Panel are expected to attend Fitness to Practise hearings as a reasonable request of the University and in the interests of dealing with matters promptly. It is however, acknowledged that this may be more difficult outside term-time and appropriate arrangements will be considered by the Chair of the Panel on a case-by-case basis. An alternative date can be requested by the student should the student provide a good cause for being unable to attend the proposed date.
- 11.22 The role of the panel is to deliberate on the evidence presented by the investigator, the student, expert advisers, and witnesses if applicable, and reach a determination. The panel should set out its determination in writing, which should include the decision, reasons for the decision and details any warnings or sanctions.
- 11.23 The Chair of the Fitness to Practise Panel Hearing will write to the student, normally within 10 working days of the Fitness to Practise Panel Hearing, to confirm the decision of the Fitness to Practise Panel Hearing and any sanctions imposed. This may also specify actions to be taken by the student. If the decision is to recommend a sanction to the Vice Chancellor (where only they can make such a decision) this will be also be explained in writing setting out the process.

11.24 The Chair of the Fitness to Practise Hearing will proceed as follows. Introduce those present to the student and explain why they are present;

- Explain that the role of the Chair is to ensure that appropriate boundaries are respected;
- Ensure that conduct is maintained during the hearing, and that questions are pertinent to the matter in hand;
- Explain the purpose of the hearing;
- Establish from the outset that the point of the hearing is to establish facts, not catch people out;
- Clarify that the hearing is to be heard in private and the discussions are confidential to those present at the Panel;
- Establish the documentation and other material evidence to be considered as part of the hearing, and that all parties are in possession of the full range of this material, which is confidential to those present;
- Explain the format of the hearing;
- Explain that the student's supporter /representative will be able to confer privately with the student, if the need arises;
- Explain how and when the decision will be notified to the student;
- Explain the role of any other attendees and in particular witnesses.

11.25 The format for the hearing will be as follows:

- A member of University staff appointed to present the case, usually the Investigating Officer, will outline the Fitness to Practise concern(s) and how matters relate to the University's own Policy and procedures relating to Fitness to Practise and expected standards of conduct and behaviour required by the relevant PSRB in those working towards the requirements of the particular profession;
- The Investigating Officer may call and question witnesses;
- The student and his/her representative will be given an opportunity to ask questions of the Investigating Officer and these witnesses, following which the witnesses will be asked to leave;
- The student and his/her representative will have a full opportunity to respond to the case as presented;
- The student and his/her representative may call and question witnesses;
- The Investigating Officer/panel may question these witnesses, following which the witnesses will be asked to leave;
- The Chair will invite the Investigating Officer to sum up the case;
- The Chair will invite the student and his/her representative to sum up the response;
- All members of the Panel may ask questions of the Investigating Officer, the student and his/her representative and of any witnesses called and may recall the parties or witnesses at any time;
- The Chair may adjourn or postpone the hearing where in their discretion it is reasonable to do so or where further enquiries need to be made before a decision can be reached.
- Following the summing up the Hearing will adjourn.

- The Fitness to Practise Hearing will retire in private to deliberate with the advisor to the panel and the clerk who will take notes.

11.26 The panel should consider each case on its own merits and circumstances and make decisions on the balance of probabilities about the facts of the case and use their own judgement to determine whether the student's Fitness to Practise is impaired.

11.27 The Panel may decide on one of a number of possible outcomes:

- No action and refer back for local resolution
- the student receives no warning or sanction;
- the student receives a warning, as there is evidence of misconduct but the student's Fitness to Practise is not impaired to a point requiring a sanction;
- the student's Fitness to Practise is judged to be impaired and they receive a sanction. Beginning with the least severe, the sanctions are;
  - Conditions or undertakings;
  - Recommend Suspension or Exclusion from the University for a period of time, subject to confirmation by the Vice-Chancellor;
  - Recommend Expulsion from the University, subject to confirmation by the Vice-Chancellor;
- An action plan to accompany any of the above.
- More detail on outcomes is provided at Appendix B

11.28 The panel will consider the options available, starting with the least severe and moving to the next outcome, only if satisfied that the previous outcome is not sufficient.

11.29 In the case of suspension or expulsion of the student from the University, the Chair of the Fitness to Practise Panel Hearing shall inform the student at the hearing that the panel's decision is subject to approval by the Vice-Chancellor and this will be confirmed in writing.

11.30 In exceptional circumstances, the Panel may adjourn the hearing for normally no more than 10 working days to obtain additional evidence or clarification.

11.31 If the Panel is unable to reach a unanimous decision, the Chair will make the final decision.

11.32 The outcome of a Fitness to Practise Hearing will be notified in writing to the student within five working days of the Hearing taking place. The outcome should include

11.33 The panel should also set out in the determination, any requirement by the student or the University to inform the relevant regulatory body as required by the Health and Social Care Act 2008 (or any subsequent amendment), and any other parties such as the student's employer, where relevant, or the Disclosure and Barring Service. The outcome should also state clearly any length of time the Fitness to Practise proceedings records will be held within the University and whether or not the matter will be referred to in any references given about the student.

11.34 The Fitness to Practise Panel Hearing will be formally recorded with a copy of the minute sent to the student, and a copy retained centrally on the Fitness to Practise file.

## **12. Review Stage (Appeal)**

- 12.1 Students have the right to appeal against decisions of the Fitness to Practise Panel Hearing or the Vice-Chancellors decision on the final outcome of suspension or expulsion by invoking the Review Stage of the Procedures. This must be done before any complaint can be made to the Office of Independent Adjudicator (OIA)
- 12.2 Students have the right to appeal against the outcome of the Fitness to Practise Hearing and a request for an appeal of a decision should be made in writing. The appeal will be normally be dealt with by a Deputy or Pro Vice-Chancellor or a Dean from a Faculty other than that in which the student is registered.
- 12.3 The student must submit the appeal in writing to the University Secretary within 14 days of the date of letter of notification of the panel's decision, stating the grounds upon which the appeal is based. All evidence must be presented with the request. Evidence cannot be presented at an Appeal Panel.
- 12.4 A student may submit an appeal on one or more of the following grounds:
- Procedural irregularity or other administrative failure or error in the operation of the Procedure and which has materially disadvantaged the student;
  - New evidence of extenuating circumstances which, for good reason, was not available, the appeal shall specify the reasons why such evidence was not disclosed at earlier stages of the Procedure;
  - That there is evidence to show that the decision is manifestly unreasonable. In this context, unreasonable shall be taken to mean perverse, i.e. that the outcome was not a possible conclusion which a similar hearing or process of consideration might have reached.
- 12.5 The student must identify which of the specified grounds they are appealing against to enable the appeal process to proceed and the student must include a full explanation of why he/she considers that they are relevant.
- 12.6 Disagreement with the severity of a sanction imposed by a Fitness to Practise Panel Hearing will not of itself constitute grounds for an appeal.
- 12.7 Once an appeal request has been lodged and accepted, no penalty will take effect until the appeals procedure has been exhausted but where a student has been suspended from his/her studies or from accessing services or campus or has been removed from placement the suspension will remain in place.

- 12.8 The University Secretary will determine whether the grounds for appeal have been met. Where they have not, the student will be notified of this in writing. Where they have, the University Secretary will convene an Appeal Hearing.
- 12.9 The composition of the Appeal Panel will include:
- A Deputy or Pro Vice Chancellor or a Dean from another Faculty acting as Chair
  - an senior internal member of academic staff drawn from the profession; e.g. for Pharmacy the member of staff will have experience as a practising pharmacist;
  - a licensed practitioner from the relevant profession external to the University.
- 12.10 The possible Appeal Panel outcomes are listed:
- Dismiss the appeal and confirm the original decision Uphold the appeal
  - Uphold the appeal in part and impose different outcomes or sanctions
  - The decision made by the Appeal Panel is final. The student will be informed in writing within 10 working days.
- 12.11 If the appeal is referred to a newly constituted Fitness to Practise hearing, then there shall be no cross-membership with the original Fitness to Practise Panel Hearing.
- 12.12 The decision of the original Fitness to Practise Panel Hearing will take effect and remain in force until such time as it is changed by an appeal outcome, apart from any penalty imposed apart from suspension from studies, access to services or campus.
- 12.13 If the matter is referred to a newly constituted Fitness to Practise Hearing sitting as an Appeal Panel this will follow the same Fitness to Practise procedure, except, there shall be no cross-membership with the original Fitness to Practise Panel Hearing.
- 12.14 The Appeal Panel will normally be convened within 15 days of the decision to grant the appeal and the Appeal Panel will follow the format of the original Fitness to Practise Hearing as outlined in this Fitness to Practise procedure and will have the full range of outcomes available to it, as outlined above.
- 12.15 The student will be notified in writing, usually by email, and normally within 5 working days of the hearing of the decision of the Appeal Panel, along with its reasons. The decision of the Appeal Panel is final.
- 12.16 The hearing and any subsequent meeting held to review progress or to provide additional support will be formally recorded with one copy of the outcome letter and the notes of the panel sent to the student, one copy retained on the Fitness to Practise file.
- 12.17 The University Secretary will convene the hearing and act as adviser and appoint a clerk as note-taker but neither will be a member.
- 12.18 The University will issue a Completion of Procedures letter to a student where the Review Stage has been concluded.

### **13. Office of the Independent Adjudicator (OIA)**

- 13.1 Once the internal appeal procedure has been completed, if the student is still not satisfied with the outcome, they may take their case to the Office of the Independent Adjudicator (OIA). The OIA operates externally to the University. Further information on procedures for external and independent review can be obtained at <http://www.oiahe.org.uk>

## Appendix A

### List of Programmes subject to Fitness to Practise Policy and Procedures

- BA Social Work (3 year)
- BSc Diagnostic Radiography (3 year)
- BSc Healthcare Science (Life Sciences)(3 year)
- BSc Midwifery Studies (3 year)
- BSc Nursing Adult (3 year)
- BSc Nursing Adult (3 year) (Harrogate and District NHS Trust)
- BSc Nursing Adult (3 year) (Mid Yorkshire Hospitals)
- BSc Nursing Child (3 year)
- BSc Nursing Mental Health (3 year)
- BSc Occupational Therapy (3 year)
- BSc Optometry (3 year)
- BSc Paramedic Science (4 year)
- BSc Physiotherapy (3 year)
- BSc Public Health and Community Wellbeing (3 year)
- MA Social Work
- MPhysiotherapy Sport and Exercise Medicine (4 year)
- MPharm Pharmacy (4 year)
- MPharm Pharmacy (5 year)
- MSc Midwifery Studies (3 year)
- MSc Physician Associate Studies
- Postgraduate Diploma Physician Associate Studies
- Return to Practice for Health Care Professionals

## Appendix B

### Panel Outcomes

#### B.1 No action

If the Panel is satisfied that no breach of professional standards or professional conduct has occurred, the student will be advised that:

- the matter is considered to be concluded with no further action and the student receives no warning or sanction;
- no report of it will be made within the University, nor will the matter be reported to the professional body by the University;
- a recommendation will be made that any suspension or restriction is lifted;
- Where appropriate, the student will be given advice on future conduct.

In relation to the reporting of information to the student's professional body, the student should be reminded that they must declare the outcome of Fitness to Practise to their professional body irrespective of outcome should the professional body require this.

If the Panel considers the allegation to have been vexatious or malicious, the matter will be referred as appropriate for action under the Staff Disciplinary or Student Disciplinary procedures.

#### B.2 Warnings and Sanctions

Warnings and sanctions will remain on a student's file throughout the duration of the student's registration on the academic programme and in accordance with the University policies on record retentions.

A record of any imposed sanctions will, in addition, be kept on the students file for 36 months subsequent to the student leaving or completing the programme (this is in case of any subsequent investigation by the relevant regulatory body).

Any student receiving a warning or a sanction will be closely monitored by the student's personal tutor, and will attend an annual fitness to practise interview with their personal tutor and the relevant programme leader. Notes will be taken during this interview and placed on the student's file.

Any student who receives a warning or sanction will be informed in writing why they have received it, its intended purpose, how long it will remain on their file and whether or when their Fitness to Practise would be considered again in a formal hearing.



### **B.2.1 Warnings**

A Warning is a formal statement that indicates that a student's behaviour represents a departure from the standards expected of students, and should not be repeated. A warning will be issued when a student's behaviour raises concerns, but it is not so serious that their Fitness to Practise is impaired.

Any student receiving a warning will be offered support, in the first instance through their personal tutor, to allow them to address any underlying problems that may have contributed to their unacceptable behaviour.

Subsequent incidents will be considered in the light of earlier warnings, as patterns of poor behaviour may give rise to more serious concerns about a student's Fitness to Practise.

When deciding if it is appropriate to issue a warning, panels might want to consider whether:

- the student has behaved unprofessionally;
- the student's behaviour or health raises concerns but falls short of indicating that the student is not fit to practise;
- the concern is sufficiently serious that, if there was a repetition, it would be likely to result in a finding of impaired Fitness to Practise and sanctions.
- A formal written warning will remain in force for the duration of the course and may be shared with any future placement providers or employers.
- Adequate support will be provided for the student to address any underlying problems that may have contributed to their unacceptable behaviour.
- Subsequent incidents will be considered in the light of any earlier warnings, as patterns of poor behaviour may give rise to more serious concerns about a student's Fitness to Practise.

More serious concerns may require a sanction. Subsequent incidents that are not serious can cumulate into the need to apply sanctions.

### **B.2.2 Sanctions**

When a Fitness to Practise panel decides to impose a sanction it will make it clear in its written determination that it has considered other options, and why these are not appropriate. The panel will give reasons, including any mitigating or aggravating factors that influenced its decision to impose a particular sanction.

Under the Health and Social Care Act 2008, the University of Bradford may have a legal responsibility to inform the relevant regulatory body, of any sanctions that it imposes on students.

Students will be informed in writing of any outcome that is disclosed or required to be disclosed to the relevant regulatory body by the University.

Students may also have a responsibility to inform the relevant regulatory body in accordance with that body's rules, at the time of their application to register with them, of any imposed warning or sanction. If so then the student will be informed of this in writing.

Possible sanctions are listed and subsequently defined below:

- Conditions;
- Undertakings;
- Suspensions or restrictions (permanently or for a defined period) from the course;
- Recommendation for exclusion from the University.

### **Sanction 1 – Conditions**

Conditions are appropriate where there is significant concern about the behaviour or health of a student. This sanction should be applied if the panel is satisfied that a student might respond to remediation, and has displayed insight into their problems or is judged to have the potential to gain insight with training and coaching. The panel should consider any evidence such as reports on the student's performance, health, behaviour, and any other mitigating circumstances.

Before imposing conditions, the Fitness to Practise panel should satisfy itself that:

- the conduct, performance or health of the student can be improved through conditions;
- the objectives of the conditions are clear;
- any future assessment will be able to establish whether the conditions have been complied with, the objective has been achieved, and whether patients, carers, service users or others continue to be at risk.

Although this list is not exhaustive, conditions may be appropriate when most or all of the following factors are apparent:

- the student has demonstrated insight, and there is no evidence that they are inherently incapable of, or unwilling to comply with good practice and professional values;
- there are identifiable areas of the student's studies in need of further assessment or remedial action;
- the student is willing to respond positively to support and conditions;
- the student is willing to be honest and open with patients, carers or other service users, other students and staff if things go wrong;
- there is evidence, in cases involving relevant health issues, that the student has genuine insight into their health problem, is aware of the necessity of complying with the guidance on health, and has agreed to abide by conditions relating to their medical condition, treatment and supervision;
- patients, carers or other service users will not be put in danger either directly or indirectly as a result of the conditions;
- the conditions will protect patients, carers or other service users.

This sanction is applied when the Panel is satisfied that a student has displayed an insight into their problems and would respond to remediation.

The objectives of any conditions will be clearly stated so that the student understands what is expected of them and so that a panel at any future hearing can identify the shortcomings and the proposals for their correction.

Criteria that a future panel will use to determine the student satisfying the conditions will be explained to the student and recorded. A time period will be given for completion of the conditions.

## **Sanction 2 - Undertakings**

An undertaking is an agreement between a student and a school when there is a determination, and a student acknowledges with insight or has the potential to gain insight, that their Fitness to Practise is impaired.

Undertakings may include restrictions on the student's practice or behaviour, for example a limitation may be placed on their contact with patients, carers or other service users or permission to undertake placement learning may be restricted or suspended temporarily.

Undertakings will only be appropriate if there is reason to believe that the student will comply with them, for example, because the student has shown genuine insight into their problems and potential for remediation. The panel may wish to see evidence that the student has taken responsibility for their own actions, and taken steps to improve their behaviour.

When considering whether to invite the student to accept undertakings, the panel should consider:

- whether undertakings appear to offer sufficient safeguards to protect patients, service users and the public;
- whether the student has demonstrated sufficient insight.

Undertakings should be monitored by the student's personal tutor. The student's personal tutor will submit a 3-monthly report on progress to the programme leader to report on the student's compliance.

The student will be given a timeframe to complete the undertakings.

## **Sanction 3 Suspension from the University**

Suspension prevents a student from continuing with their course for a specified period and graduating at the expected time. Suspension is appropriate for misconduct that is serious, but not so serious as to justify expulsion from the academic programme.

A student is suspended when the Panel considers that, due to either their behaviour or their health, suspension from the course is the only way to protect patients, the public, other students or staff.

Students can transfer to other courses but may not be accepted to those subject to Fitness to Practise.

When a student returns from suspension, they may be required to comply with further conditions. These will be made clear to the student on their return.

Although the list is not exhaustive, suspension may be appropriate when some or all of the following factors are apparent:

- a breach of professional values that is serious, but is not fundamentally incompatible with the student continuing on a course, and not so serious as to justify expulsion to protect patients, service users or the public but, given the seriousness of the breach, any sanction less than suspension would not be in the public interest;
- the student's judgement may be impaired, in cases that relate to the student's health, and there is a risk to the safety of patients, service users or the public if the student were allowed to continue on the course, even under conditions;
- there is no evidence that the student is inherently incapable of following good practise and professional values;
- the panel is satisfied that the student has insight or has the potential to gain insight and is not likely to repeat the behaviour;
- there will be appropriate support for the student when they return to the academic programme.

In cases where the Fitness to Practise Panel wishes to recommend that the student should be suspended from the University for a defined period of time, the matter is referred to the Vice-Chancellor.

#### **Sanction 4 Expulsion from the University**

The panel may recommend that a student be expelled from the University, if it considers that this is the only way to protect patients, service users and the public, other students or staff. The student should be helped to transfer to another course, if appropriate. However, the nature of the student's behaviour or health may mean that they will not be accepted on health or social care related courses, or on any other course.

Expulsion, the most severe sanction, should be applied if the student's behaviour or health is considered to be fundamentally incompatible with continuing on the relevant health or social care programme or eventually practising as a health or social care professional.

Although this list is not exhaustive, expulsion may be appropriate when a student has:

- seriously departed from the principles set out in a published Code of Conduct for Students or published Professional Standards in the relevant discipline and in this guidance;
- behaved in a way that is fundamentally incompatible with being a health or social care professional;
- shown a reckless disregard for the safety of others;
- caused serious harm to others, either deliberately or through incompetence;
- abused their position of trust;
- violated the rights of a patient, carer or service user or exploited a vulnerable person;
- committed a serious offence of a sexual nature, including creating or obtaining child pornography;
- committed offences involving violence;
- been dishonest, including covering up their actions, especially when the dishonesty has been persistent;

- put their own interests before those of patients, carers or service users;
- persistently shown a lack of insight into the seriousness of their actions.

In cases where the Fitness to Practise Committee wishes to recommend that the student should be terminated from the programme as unfit to practise, the case file and recommendation are sent to the Vice-Chancellor. The Vice-Chancellor will consider whether the stated procedure was followed, whether a reasonable decision was made on the basis of the available evidence, and whether clear reasons have been given for the decision. The Vice-Chancellor will notify the student of his/her decision in writing.

### **B3 Action Plans**

Where the outcome of the Fitness to Practise Hearing includes the drawing up of an action plan, the Plan will set out how the matter will be managed by the School and any requirements to be placed on the student and/or the course team.

The student and relevant members of the course team will be provided with a copy of the action plan and a date will be arranged at which the action plan will be reviewed by an appropriate member of staff as determined by the Dean (or their nominee).

At the review meeting the nominated member of staff will consider whether the action plan should continue and, if so, whether it should be amended and whether all requirements have been complied with and undertaken by both the student and/or the course team. The student will be informed that where they fail to comply with any requirements, the matter may be referred to a further Fitness to Practise Hearing, where consideration will be given to the circumstances, findings and outcomes of any previous proceedings relating to Fitness to Practise.

If a Fitness to Practise Panel Hearing has found a student's Fitness to Practise impaired by reason of physical or mental health, the conditions should relate to the medical supervision of the student, as well as to supervision in learning and practise environments.