

# Fitness to Practise Policy

Any student subject to Fitness to Practise procedures should be advised to make contact with the [Advice Centre](#) in SUSU as soon as possible, so that they can receive independent, confidential advice and arrange for support .

## Introduction

A programme of study which requires a student to undertake practical training in a quasi-professional role in relation to patients, clients, service users or the general public or where the qualification provides a direct licence to practise will be governed by a requirement that the student demonstrates their fitness to practise. In order to protect present or future patients, clients, service users or the general public and to comply with the requirements of professional/regulatory bodies, the following policy has been established to deal with student-related fitness to practise issues.

For a student enrolled on a programme leading directly to a professional qualification which gives the right to practise a particular profession or calling, the purpose of the Fitness to Practise Panel is to consider, make a determination and take action as appropriate in respect of :

- any conduct which may render that student a person not fit to be admitted to and practise that profession or calling ; or
- any health problems which may render that student a person not fit to be admitted to and practise that profession or calling.

The Fitness to Practise policy has been developed with regard to equal opportunities legislation to protect against discrimination and promote equality of opportunity regardless of any protected characteristics - age, disability, sex, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, sexual orientation and religion or belief.

- Section A sets out the the Fitness to Practise Policy; the scope, application and principles to be applied in all cases.
- Section B outlines the procedure to be followed in all cases where impairment of Fitness to Practise is suspected (located in the Quality Handbook).

The timescales set out are the usual timescales, which the University aspires to achieve. Please note that when 'working days' are referred to, this excludes weekends, bank holidays and University closure days.

## Section A

### What is Fitness to Practise

- 1.1 The University expects the highest standards of behaviour from students on programmes leading to a professionally recognised qualification. The Fitness to Practise policy exists to ensure that each student will meet the professional standards of conduct for an award leading to a professionally recognised qualification.
- 1.2 The Fitness to Practise policy may be applied where:
- i) health problems are identified leading to serious concerns that a student may not be fit to practise;
  - ii) there are concerns over misconduct or behaviour, including professional conduct; and/or
  - iii) offences have been committed in breach of the criminal law.
- 1.3 A student who fails to make satisfactory progress in their academic studies or in assessed work, will be subject to a review to determine the appropriate course of action. If concerns come to light about the student's suitability to practise professionally on grounds of health or conduct, then the Fitness to Practise policy may be initiated independently of academic considerations.

### Professional Behaviour/Conduct/Discipline

- 1.4 Any student breaching University disciplinary regulations may be referred under the Fitness to Practise policy to determine if there are implications for their continuation on their programme. This includes any student who commits an offence under the criminal law. Students convicted of violent behaviour, drug dealing or who engage in repeated episodes of intoxication or any similar behaviour will be referred automatically to a Fitness to Practise panel. Further information on Professional Behaviour/Conduct/Discipline can be found in the guidance section in the Quality Handbook.

### Health Related Concerns

- 1.5 The majority of students who become ill during their programme of study regain their health with support from their GP or health care professional. This may entail a period of suspension from study, and such situations will be dealt with under the [Fitness to Study policy](#). Faculties have health procedures designed to protect patients, clients, service users and the general public including other students whilst, at the same time, helping

the student access the most appropriate care and supervision. In some instances the Fitness to Practise Policy may be used to reduce the potential of risk to others.

- 1.6 Students are required to take responsibility for their own health. It is also important that students are able to fulfil the rigorous demands of professional fitness to practise. Students applying for programmes leading to registration with a professional body must declare health problems which could pose a risk to themselves or others on application. Health problems that could pose a risk to themselves or others and which arise after the commencement of the programme must also be declared and managed. Students may not rely on their own risk assessment but must be guided by the advice of a relevant healthcare professional who will assess and make recommendations to the Faculty regarding the student's Fitness to Practise, and identify required reasonable adjustments, whilst maintaining medical confidentiality.
- 1.7 The University initiates Fitness for Practise procedures if a student has been identified as having a health problem that has affected or has the potential to affect their performance or when a student wishes to return from a period of suspension from a programme following a period of ill health. Where the suspension of studies was dealt with under the University's [Fitness to Study policy](#) for students causing significant concern and/or presenting risk, the [Fitness to Study policy](#) should be followed in conjunction with this policy where Fitness to Practise concerns arise.

#### Duties of Students in Relation to Health

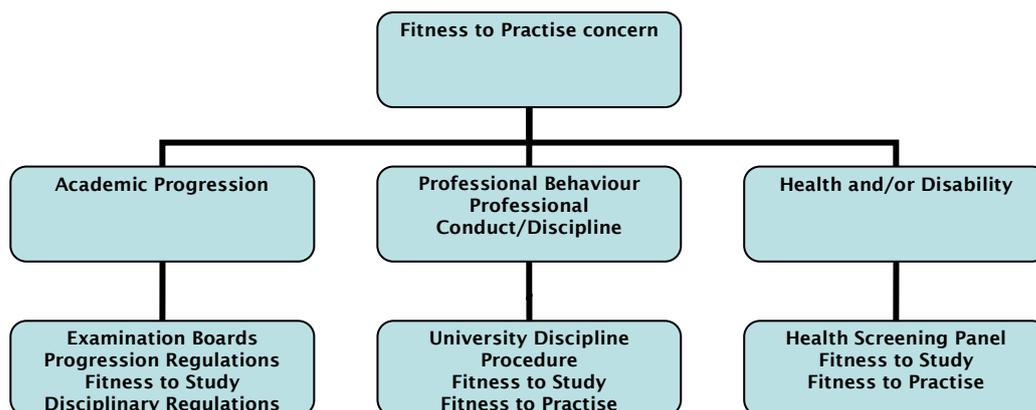
- 1.8 In order to demonstrate that they are fit to practise, students:
- a) should be aware that their health problem(s) may put themselves or others at risk;
  - b) should seek medical or occupational health advice, or both, if there is a concern about their health, including their mental health. Students must register with a GP so that they have access to independent and objective medical care;
  - c) should accept that they may not be able to assess their own health accurately, and be willing to be referred for treatment and to engage in any recommended treatment programmes.
  - d) must protect themselves and others by being immunised against common serious communicable diseases if vaccines are available and are recommended by the Department of Health or relevant devolved department;
  - e) should not rely on their own or another student's assessment of the risk their health problem(s) poses to themselves or others and should seek advice from a healthcare professional;
  - f) should be aware that when they graduate they are responsible for informing their employer or other appropriate person if their health poses a risk to themselves or others and to declare any health problem(s).

For medical students only

- g) should be aware that they are not required to perform exposure prone procedures (EPPs) in order to achieve the expectations set out in *Tomorrow's Doctors*; students with blood-borne viruses (BBVs) can study medicine but they should not perform EPPs; they may have restrictions on their clinical placements; they must complete the recommended health screening before undertaking EPPs; and they must declare their health condition so that their practice is adjusted in light of the declaration made when they graduate.

**Reporting a Concern**

- 2.1 Anyone concerned about the behaviour, health and/or professional conduct of a student has the right to raise a concern, which should be reported in the first instance to a member of academic staff, who will notify the Programme Lead.
- 2.2 Faculties will determine the management of the process in accordance with the Fitness to Practise procedure depending on the nature of the concern.



- 2.3 Where a concern is raised about a student, the student should be notified of the concern and the reasons for the concern in writing and normally within 5 working days. At the same time, the student should be provided with a copy of the Fitness to Practise policy.

*Suspension*

- 2.4 If the concern identified is regarded as potentially constituting **serious professional misconduct**, or potentially constituting a **risk to others**, the student may be **suspended** from the practice/programme by the Dean of Faculty or nominee without prejudice and pending further investigation.
- 2.5 The decision to **suspend** a student from practice or programme should be determined on a case by case basis, and subject to a risk assessment. This should be a proportionate

response to the possible risk to themselves or others. If the student remains in practice whilst awaiting the outcome of an investigation, conditions of practice may be imposed.

- 2.6 The student will be informed about the **suspension** and reasons for it, in writing, normally within 5 working days and will receive a copy of the Fitness to Practise policy and procedure, unless a copy has already been provided under paragraph 2.3.
- 2.7 Whenever the student is suspended from practice, the Faculty is required to inform the practice supervisor/educator. The student and the practice supervisors/educator will be advised of this in person or by telephone at the earliest opportunity.

### *Wellbeing*

- 2.8 Whenever there is significant concern about a **student's wellbeing** or there is a perceived risk to self or others regarding Fitness to Practise the student should be referred to [Enabling Services](#), for immediate emotional support and intervention.
- 2.9 In all cases, other than where the student is suspended under paragraph 2.4 above, the decision to proceed to a Fitness to Practise investigation is made by the Associate Dean for Education and Student Experience or nominee.

### **Preliminary Review Meeting (PRM)**

- 3.1 A PRM will be set up to review the preliminary report of the Fitness to Practise investigation. The PRM will balance public safety with the interests of the student, and the need to maintain trust in the particular profession. Due regard will be given to the sanctions that can be imposed by the PRM.

### Outcomes

- 3.2 The PRM will decide on one of the following outcomes:
  - a) The **matter is not sufficiently serious** to warrant any action.
  - b) The **matter is of concern but not sufficiently serious** to warrant any ongoing action. The student will be expected to reflect on their behaviour to improve their performance in the future. In this case, a copy of the outcome will be added to the student's file.
  - c) The matter is **of concern but it is deemed to be reversible with additional training** (eg communication skills or equality and diversity training). If this course of action is taken, the student will be informed that they will remain under regular review by the Personal Academic Tutor until there is clear evidence that the

problem has been resolved. In this case, a copy of the outcome and resulting documentation will be added to the student's file.

- d) The **matter is of serious concern**. The matter is referred to the Fitness to Practise panel.

### **Fitness to Practise Panel**

- 4.1 The role of the Fitness to Practise Panel is to consider whether a student's behaviour, health and/or professional conduct raises a serious or persistent cause for concern regarding their ability to continue on their programme or practise after graduation. The Panel will balance public safety with the interests of the student, and the need to maintain trust in the particular profession.
- 4.2 Where a concern is referred to the Fitness to Practice Panel, it will consider, make a determination and take action as appropriate in respect of :
  - a) any conduct which may render that student a person not fit to be admitted to and practise that profession or calling ; or
  - b) any health problems which may render that student a person not fit to be admitted to and practise that profession or calling
- 4.3 The Fitness to Practise Panel will review the evidence presented to it and will consider this in the context of any pattern of behaviour, health and/or professional conduct problems over the duration of the undergraduate or postgraduate programme together with any earlier history of relevant problems.

### Outcomes

- 4.4 Having considered the evidence, the Panel will recommend either:
  - a) that the student's fitness to practise is not impaired, the case is dismissed and the student receives no warning or sanction.
  - b) the student is permitted to continue with the programme and receives a warning that there is evidence of misconduct but the student's Fitness to Practise is not impaired; the purpose of a warning is to give a formal indication to a student that their conduct has deviated from the standards expected of students on professional/regulated programmes and if repeated, sanctions will be imposed.
  - c) the student is permitted to continue with the programme but receives a sanction as their Fitness to Practise is judged to be impaired. The purpose of a sanction is not to punish the student but to protect them and others. The sanctions are as follows:

c1) **conditions are imposed.** Conditions / undertakings will only be applied if the Fitness to Practise Panel agrees that the student has shown insight into their problem(s) and is likely to respond positively to the sanction imposed. Conditions include but are not limited to permitting the student to continue with the programme with appropriate advice and guidance; with additional training or under close supervision; after repeating a specified part or parts of the programme or any other action that the Fitness to Practise Panel determines is appropriate to enable the student to complete the programme successfully.

c2) **suspension from the programme** Suspension prevents a student from continuing with their registration on the programme for a set period and from graduating at the expected time. When a student is suspended, then conditions will also be set for the period of suspension and/or their return to the programme.

c3) **termination of the student's place on the programme.** Termination of a student's studies will occur when the Fitness to Practise Panel believes that this is the only way to protect them and others. Termination of studies (ie expulsion) is applied if the student's behaviour, health and professional conduct is considered to be incompatible with their continuation on the programme. Termination may include consideration of whether any exit award is appropriate.

d) In each case a copy of the panel report and decision will be placed in the student's file.

4.5 A student who receives a sanction/warning (short of expulsion from the programme) will be supervised or monitored in a manner that is appropriate to the sanction / warning given.

4.6 The Fitness to Practise Panel must not make a recommendation beyond their authority that conflicts with other University regulations or the requirements of the relevant professional or regulatory authority.

## 5. Timescales

5.1 The time between initial reporting of the Fitness for Practise concern and the student receiving written details of the outcome will normally be no longer than 45 working days. Students should be kept informed of the progress of their case.

## **6. Student Advice**

- 6.1 Students are advised to contact the Students' Union Advice Centre for appropriate advice and support on the Fitness to Practise policy and procedure.
- 6.2 Students are advised to make contact in good time during busy periods.
- 6.3 During all stages of the procedure, students may be accompanied to appeals meetings by a member of the University, usually either a member of staff or a fellow student, or by an advisor from the SUSU Advice Centre. Only in exceptional circumstances and by prior agreement may a student be accompanied by someone who is neither a member of the University nor a SUSU advisor.
- 6.4 The role of the individual accompanying the student is not to offer formal representation, but to offer support and advice to the student.

## **7. Sharing of information**

- 7.1 The University will process all personal information in accordance with its *Data Protection Policy*
- 7.2 The University will disclose all information related to a case:
  - a) to inform the student of the allegations made and give him/her an opportunity to respond,
  - b) to allow an investigation to be conducted,
  - c) to disclose information about an outcome under the Fitness to Practise policy and procedure,
  - d) for the discharge of its duties (including contractual obligations owed to third parties), or
  - e) as required by law.
- 7.3 Information will be shared with appropriate other parties in circumstances where there may be a risk to others if information were withheld. Unless a case has been dismissed, reference to Fitness to Practise procedures will be made in all exiting student references.
- 7.4 Audio and/or visual recordings of meetings are not normally permitted. If, due to exceptional circumstances, it is agreed in advance that a recording is permitted, it is on condition that the recording is confidential and must not be copied/shared with any third party, published or disseminated in any way. A true and complete record of the meeting must be provided to the other party as soon as possible after the recording is made.

## 8. Staff Development

- 8.1 Chairs of the Fitness to Practise Panel should receive training for the role. It is the responsibility of the chair to ensure that panel members are aware of their role and responsibilities.

## 9. Appeals

- 9.1 A student may appeal against the decision of a Fitness to Practise Panel as soon as possible and normally within 10 working days of the date of the letter conveying the outcome.
- 9.2 The notice must be given in writing using the Fitness to Practise Appeal Form to be sent to the Curriculum and Quality Assurance (CQA) Team in the relevant Faculty in which the student is registered.
- 9.3 The student may appeal against the decision of the Fitness to Practise Panel on the ground
- 9.3.1 that they possess **new substantive information supported by evidence** which was not known by the student and/or the evidence could not reasonably have been obtained by the student in time to present to the Fitness to Practise Panel which made the decision against which the student is appealing; *and/or*
  - 9.3.2 that there has been **significant failure of due process** in the making of the original decision (including but not limited to irregularity in the procedures of the University or significant computational or administrative errors of fact in results published), which the student believes affected the University's original decision.
  - 9.3.3 that the **outcome is disproportionate** to the case.

### Outcomes

- 9.4 The Fitness to Practise Appeals Panel shall have the power to confirm or alter the original decision. Where the original decision is confirmed the student shall be given reasons in writing for that decision.
- 9.5 Where the Fitness to Practise Appeals Panel alters the original decision it may grant whatever remedy it considers reasonable and proportionate in the circumstances and shall give reasons in writing for its decision.
- 9.6 In exceptional circumstances, for example where the student has presented very substantial new material evidence, which has been accepted by the Fitness to Practise

Appeals Panel as meeting ground 8.3.1 above, the Fitness to Practise Appeals Panel shall have the power to refer the case to a fresh Fitness to Practise Panel.

9.7 The decision of the Fitness to Practise Appeals Committee is final. At this point the internal appeal mechanisms of the University of Southampton have been completed and a **Completion of Procedures** letter will be issued by the Vice-Chancellor.

## **10 External Review - Office of the Independent Adjudicator for Higher Education**

10.1 A Completion of Procedures letter signifies to the student that the University's internal procedure for appeals has been completed and should be sent to the student normally within **30** working days of the University's final decision. The letter will provide information about complaining to the OIA.

10.2 Information about the OIA's procedures may be found at <http://www.oiahe.org.uk/> or in the OIA leaflet '*An Introduction to the Student Complaints Scheme*' which is available from the SUSU Advice Centre. Students wishing to make a case to the OIA must normally do so within 3 months of the date of the Completion of Procedures letter, in writing using the Scheme Application Form.

10.3 Contact details for the Office of the Independent Adjudicator are:

Office of the Independent Adjudicator

**Second Floor**

**Abbey Gate**

**57 - 75 Kings Road**

**READING**

**RG1 3AB**

Tel: 01189 599813

Email: [enquiries@oiahe.org.uk](mailto:enquiries@oiahe.org.uk)

## **11. Recording, Monitoring and Reporting**

11.1 All records related to the procedure, the meeting and any ruling of the Panel will be held on the student's file for a period of ten (10) years after the date the award is made.

11.2 Fitness to Practise Preliminary Review Meetings and Fitness to Practise Panels will be monitored in each Faculty by the Faculty Programmes Committee. All reports for monitoring purposes will be anonymised. The University will record and monitor Fitness to Practise cases and an annual report will be made to the Academic Standards and Quality Committee. The outcome of such monitoring may identify trends, inform other University practices, procedures or activities and enable the sharing of information across faculties as may be required from time to time.

11.3 Where there is an opportunity for the enhancement of care delivery, anonymised feedback will be given to the department, academic unit or external agency concerned and relevant stakeholders.

## **12. Relationship with Other Regulations**

12.1 If the concerns referred to a Fitness to Practise Panel or appeal overlaps with other procedures under other University regulations or policies, advice should be sought from the Head of Academic Appeals and Student Complaints about how to proceed, if at all.

12.2 Normally, the Academic Integrity Regulations will take precedence over the Fitness to Practise policy.

## **13. References and External Documents**

13.1 This policy and procedure document has been developed with reference to the following key documents:

[Equality Act 2010, HMSO, London](#)

University of Southampton, [Regulations governing Academic Appeals by students](#).

Health Professions Council: [Standards of conduct, performance and ethics](#), 2008. London

Nursing and Midwifery Council 2008, [Good health and good character guidance](#).

November 2010, NMC, London

[General Medical Council, Concerns about Doctors, Fitness to Practise Panels](#) (accessed March 2011)

[Medical Student: professional values and fitness to practise document](#) (2009) produced by the General Medical Council and the Medical Schools Council.

[General Social Care Council, Codes of Practice for Social Care Workers, \(2010\)](#)

[Fitness to Teach](#)

[Code of Conduct and Practice for Registered Teachers](#) (accessed November 2011)

[National College for Teaching and Leadership \(disciplinary\)](#)

[Office of the Independent Adjudicator](#)