



UNIVERSITY OF  
WINCHESTER

# **FITNESS TO PRACTISE POLICY**

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<p><b>Summary:</b></p> <p>This policy explains the principles and procedures relating to practice based learning for professionally accredited and regulated programmes and the mechanisms to manage breaches of Professional, Statutory and Regulatory Body (PSRB) requirements.</p>	

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## **1. Introduction and Purpose**

- 1.1. The University recognises that in awarding academic qualifications that lead to admission to a professional body and/or statutory registration it must be satisfied that the student will be a safe and suitable entrant to the given profession/job role.
- 1.2. This policy refers to programmes where placement learning, professional, statutory and regulatory bodies' (PSRB) codes of conduct and professional standards requirements need to be adhered to achieve professional accreditation and standing (Appendix 1):
- 1.3. Fitness to Practise is the ability to meet professional standards; it is about professional competence, behaviour and health. The purpose of this policy is to ensure the safety of the student and those around them, including members of the public, and to safeguard public confidence in the relevant professions.
- 1.4. The procedures in this policy are intended to ensure that any concerns about a student's Fitness to Practise are dealt with fairly, promptly and proportionately. All identified concerns relating to a student's Fitness to Practise must be concluded before the Progression and Award Board confirms an award.

## **2. Policy Principles**

- 2.1. All students agree to adhere to the policies, procedures and regulations that apply to them at the point of enrolment and re-enrolment. Any breaches or infringements of University of Winchester policies, procedures or regulations may also result in the initiation of the Fitness to Practise Policy and/or the Student Conduct and Disciplinary Policy. For a comprehensive up to date list of university policies click [here](#).
- 2.2. Where there is cause for concern regarding a student's behaviour that possibly calls into question the student's Fitness to Practise, then under the Student Conduct and Disciplinary Policy, a joint investigation will be conducted led by the Complaints and Casework Team and Faculty Fitness to Practice Lead. Where required, a joint panel will be held to hear the case, to avoid duplication of process.
- 2.3. Where the allegations relate to harassment or sexual misconduct as defined in the Bullying, Harassment and Sexual Misconduct Policy, the processes outlined in the Student Conduct and Disciplinary Policy will take precedence and any investigation or panel will adhere to those processes. In an appropriate case, at the discretion of the Dean and the Academic Registrar jointly, harassment or sexual misconduct issues may be decided first under the Student Conduct and Disciplinary Policy and the outcome there will form the basis for consideration of any further sanction under this policy.
- 2.4. The University is committed to the protection of academic freedom and lawful freedom of expression in line with our Freedom of Speech Policy. Allegations of misconduct that breach lawful free speech or expectations of professional conduct as outlined in section 3 below or as defined by the relevant professional regulator

may additionally be subject to a disciplinary investigation at the discretion of the Dean, Academic Registrar or nominee.

- 2.5. The constitution of joint panels will consist of a nominated Chair (usually the Dean, Academic Registrar or nominee) who will vote on both the fitness to practise and conduct and disciplinary element and independent academics from within, and external to, the learner's programme. An appropriate external panel member will also be sought. Please refer to the specific Faculty FTP Guidance for the panel constitution specific to each Faculty. In the event of a split panel the Chair will have the deciding vote.
- 2.6. Where there is an allegation of practice-related academic misconduct including falsification or forgery of documentation, it may be appropriate to consider the case under both the academic misconduct and Fitness to Practise procedures. In these circumstances, the University will conduct the academic misconduct process first, as defined in the Academic Integrity Policy, and make necessary recommendations before beginning the Fitness to Practise process. This will avoid the student facing simultaneous procedures for the same allegation.
- 2.7. Where the behaviour amounts to a criminal offence and the police, courts or social services are involved, an investigation will normally be put on hold until the outcome of the investigation or proceedings. Where a student is acquitted of a criminal offence or the investigation is dropped the University may still take action under its disciplinary and/or Fitness to Practise process. If the student is convicted, the role of the Fitness to Practise panel is to determine whether the conviction would impair a student's Fitness to Practise.
- 2.8. Where the Dean, Academic Registrar or nominee believes that a Responding Student poses a serious risk to one or more of the following:
  - i. their own health, safety and/or that of others;
  - ii. University property;
  - iii. the reputation of the University and its proper functioning

they may make a recommendation to a member of the Executive Leadership Team that the student have a temporary interruption of studies and/or access to facilities. The member of the Executive Leadership Team acting under delegated authority from the Vice-Chancellor, will be guided by a principle of safeguarding staff, students, property and institutional reputation and may, pending the outcome of action taken under these procedures:

- iv. impose a temporary interruption of studies on the student for a specified time;
  - v. exclude the student from all or part of the University's premises and University managed accommodation and from University and Students' Union activities for a specified period of time.
- a. The decision to temporarily interrupt studies and access to facilities, and the reason why this action is being taken, may be communicated orally in the first instance. Where this is the case, written confirmation outlining the reasons for this

decision and outlining the right to appeal should be sent to the student within 2 working days.

- b. Any interruption shall include any arrangements to be put in place to minimise the impact on the student's academic studies.
- c. A student may, within 10 working days of the date of the written notification of a decision to interrupt studies, appeal in writing against the decision under the procedures set out in section 14 below. The student will be notified of the decision within 10 working days of the receipt of the letter requesting an appeal.
- d. Where a student has had a temporary interruption or exclusion in accordance with this section, the appointed member of the Executive Leadership Team shall review the decision every 10 working days to determine whether it is reasonable for the interruption/exclusion to continue.

### **3. Expectations on students**

- 3.1. The University recognises that there are differences between the standards expected of students and qualified individuals. Students are however the next generation of qualified practitioners/teachers and there are many similarities between the behaviour expected of them whilst at the University and that expected of qualified individuals. Students who fall short of the expected standards of professionalism and competence early in their studies are more likely to have a chance to improve their behaviour than those nearing the end.
- 3.2. Students on programmes leading to professional qualifications should also acknowledge that it is in their interests not to proceed into a career for which they may not be well suited or for which a professional, statutory or regulatory body (PSRB) may not register them.
- 3.3. Students are always expected to behave professionally and competently, in accordance with the Student Charter, Regulations, Policies and Procedures of the University and to the Code of Conduct (or equivalent) of the relevant professional, statutory or regulatory body (PSRB).
- 3.4. Students are always expected to act in the best interests of those in their care, including patients, service users, pupils, placement staff, university staff or other students, and conduct themselves in a professional manner.
- 3.5. Students will report to the appropriate authority within the placement setting and to the Programme Leader/Placement visitor/link lecturer actions by others that may put patients, service users, pupils, staff or other students at risk. Failure to report such actions could lead to disciplinary action being taken against such a student. Students making disclosures must identify themselves.
- 3.6. Students whose programmes fall under these procedures must disclose any criminal convictions (including spent convictions) and any other sanctions by government organisations (such as Social Services), or regulatory bodies, to the University before starting the programme.

- 3.7. Students whose programmes fall under these procedures must disclose any conviction, caution, or sanction that occurs while they are registered on the course. Students will receive guidance about the implications for professional registration. If a student fails to disclose such information and it later becomes known, they will be referred to the Fitness to Practise process.
- 3.8. Student are expected to engage with these procedures and answer any questions about what has given rise to the Fitness to Practise concerns.

#### **4. Implementation of Procedures**

- 4.1. Programmes which are subject to these procedures should be identified at the time of initial validation and publicised to applicants and students in the Programme Specification and communicated in an Offer Letter. Policy and procedures will be introduced to students in the early stages of their programme, and included in student facing documentation, including programme handbooks and on programme VLE pages. These procedures are a professional body requirement and therefore form a part of the Student Terms and Conditions.

#### **5. Timelines**

- 5.1. The University aims to ensure that the entire process, including any appeal, is normally completed within 90 days of the student being told of the concerns. It may take longer where for example, the case is complex, witnesses are unavailable to attend meetings, the process is paused due to a criminal or external investigation, ill health of the student or other unavoidable circumstances. In such situations, the student (and any witnesses) will be informed about the progress and when it is likely to conclude.
- 5.2. The University reserves the right to adjourn any investigation or panel and reconvene at a later date. For example, in some cases action may be deferred over the period of a vacation, if it is not practicable to gather evidence or interview people.

#### **6. Principles of the Fitness to Practise Procedures**

- 6.1. Fitness to Practise proceedings will adhere to all statutory requirements, including the Equality Act 2010. Requests for reasonable adjustments for declared disabilities will be considered by the Dean, or delegated panel Chair, as appropriate.
- 6.2. The Fitness to Practise procedures follow the principles of natural justice and right to fair process. In exceptional circumstances, where the Dean, or their nominee recommend a temporary interruption to studies and/or temporarily restrict access to campus and associated facilities and/or placement activity in the interests of safety, students will be fully informed of the reasons behind this decision.
- 6.3. In exceptional circumstances, and at the discretion of the Dean, Academic Registrar or their delegated nominee, material of a very sensitive nature that would not have any evidential impact on the outcome of a case (for instance, specific details of distress caused) may not be shared. Where this happens

sufficient information to challenge or to determine the case will be shared with the student and with the panel.

- 6.4. The standard of proof applied is the 'balance of probabilities,' meaning it is more likely than not, based on the available evidence, that the event occurred. A student will be presumed innocent of any allegation until proven otherwise.
- 6.5. While lawful freedom of speech is protected, it's important to note that some professional regulators may also evaluate how your expressed views impact public confidence in your profession when considering your fitness to practice. Therefore you should also review the relevant regulator's guidance to understand the full the context of obligations considered in any processes.

## **7. Student Support**

- 7.1. The student has the right to be supported and accompanied at all stages of the procedure by a member of the university community, i.e.:
  - i. a registered student;
  - ii. a member of staff;
  - iii. a member of the Students' Union.

Non-members of the University community (for example family members) are not normally permitted to accompany students at meetings and panel hearings.

- 7.2. The role of the individual accompanying the student is to support and advise the student and to help them to present their case. Legal representation in Fitness to Practise cases is not normally permitted, unless the Academic Registrar determines, upon request, that the case factors are exceptional. The University reserves the right to invite its own legal representative(s) to any meetings or panel hearings in cases where a student is legally represented.
- 7.3. Where a student withdraws before these procedures are completed but the behaviour in question would normally result in the student being removed from practice pending an investigation, the process should be completed with the student invited to participate as described and the outcome recorded for future reference.
- 7.4. Enquiries to the Disclosure & Barring Service, both before and after admission, will be managed through either the University's Admissions office or Registry & Academic Quality office, or as delegated to the Faculty Practice Learning team, except where the student contract arrangements already place responsibility for such enquiries on a student's employer.
- 7.5. Professional, statutory and regulatory bodies (PSRB) reserve the right to apply any appropriate assessments for determining suitable entrants to the profession concerned. This may include a separate test of Fitness to Practise in addition to those administered by the University.

## **8. Examples of Fitness to Practise concerns:**



8.1. The following (non-exhaustive) list outlines some examples of circumstances that may render a student unfit to practise:

- i. exploiting the vulnerability of a patient, client or pupil (including to establish a sexual relationship) that is deemed to risk expected and legislated governance of safeguarding responsibility;
- ii. offences against the vulnerable, including children, the elderly and those lacking mental capacity;
- iii. drug or alcohol abuse;
- iv. acting in an inappropriate or unprofessional manner on or away from University premises;
- v. conviction of a relevant criminal offence, or accepting, or receiving a caution;
- vi. intimidation of, including but not limited to, fellow students, staff, patients, clients or pupils;
- vii. failure to rectify behaviour that has been subject to any disciplinary actions under the University's regulations including previous Fitness to Practise procedures;
- viii. very serious, or repeated inappropriate behaviour towards others;
- ix. inaccurate or falsification of patient, pupil, service user or other professional records;
- x. severe and relapsing mental illness affecting ability to practice safely;
- xi. being a carrier of a serious communicable disease without complying with an appropriate management plan;
- xii. lack of insight into how their medical condition could impact upon the safety and wellbeing of themselves and others with whom they come into contact in their professional capacity;
- xiii. academic misconduct (for example plagiarism, cheating in examinations, forging official records);
- xiv. any other circumstance which may call into question a student's fitness to be admitted to and to practise their profession;
- xv. continued or repeated issues with attendance and engagement during programme of study as required under the Attendance Policy;
- xvi. academic failure or non-engagement with programme assessments that are pre-requisite learning in readiness for professional placement requirements.

## **9. Record Keeping and Disclosure**

9.1. The University will keep an accurate and up-to-date log of all Fitness to Practice concerns. The log will contain the following information:

- i. Student name
- ii. The nature of the concern raised
- iii. Whether the matter was dealt with as a low-level concern or referred for further investigation and whether a Fitness to Practise panel was convened
- iv. Whether the student's Fitness to Practise was found to be impaired
- v. Any sanction imposed as a result

9.2 Records must be accurate, contain enough detail to allow informed decisions to be made (where necessary) and ensure annual reports can be created on request for monitoring purposes.

- 9.3 Records should be retained in accordance with the University's data retention and deletion protocols and any statutory requirements.
- 9.4 Where a student is referred to a Fitness to Practise panel, the outcome will be recorded on their formal Student Record. Information should state if the student is permanently prohibited from practising or if the situation is temporary/repairable and are able to reapply in the future and a timeframe that may be considered appropriate before reapplying.
- 9.5 Ordinarily, consent will be obtained before a student's personal information is shared with investigating officers, subsequent panel members or external authorities, as required by statutory requirements. This may include, but is not limited to, academic progress, relevant demographic data or enrolment information but would exclude personal contact information. However, information may be shared without direct consent where it is deemed that there is a potential risk to colleagues, the public and/or the student, or because subject to a police warrant or as advised by our Data Protection team. This may include, but not be limited to, the student's employer where a duty of disclosure is required under any professional, statutory or regulatory requirements.
- 9.6 The University reserves the right to report any findings it has made about a student's Fitness to Practise to the designated professional organisation/regulator and/or other appropriate bodies. Ordinarily, such disclosures will only be made where the Dean believes that to do so is an appropriate and proportionate means to protect others from any risk the student may pose.
- 9.7 In accordance with the Safeguarding Vulnerable Groups Act 2006, the University is also under a legal duty to refer to the Disclosure and Barring Service any person who:
- i. has harmed, or poses a risk of harm as result of their conduct, to a child or vulnerable adult;
  - ii. satisfied the harm test (i.e. they have taken no action to harm a child or vulnerable adult, but the potential exists that they may do so in the future);
  - iii. has been convicted of, or received a caution for, a relevant offence.

Should the concerns raised indicate a safeguarding concern, these must also be reported in line with the University [Safeguarding Policy](#).

## **Appendix 1 – Fitness to Practise Procedures**

### **10. Initiation of the Procedure**

10.1. The University will consider any information submitted to it which gives reasonable cause to believe that a student's Fitness to Practise may be impaired. Sources of concern may include, but are not limited to:

- i. Placement provider employees
- ii. University employees
- iii. Students (including self-referrals)
- iv. The Students' Union
- v. Medical professionals
- vi. Police and other government agencies
- vii. Regulatory bodies
- viii. General public

10.2. On receipt of information identifying an allegation of concern under the scope of these procedures, the Head of Department, or nominee, will undertake an initial case review to establish whether there are grounds to investigate the matter further. The Head of Department will consider whether other routes available e.g. pastoral care, occupational health and student support are more appropriate before initiating fitness to practice procedures. The Head of Department will also consider other university policies and procedures such as Student Disciplinary and Academic Integrity.

10.3. Anonymous complaints regarding a student's Fitness to Practise will be reviewed with due diligence. Triage of the complaint and initial investigation will be used to decide if the complaint can be independently corroborated, and if it is serious and credible. The concern will be investigated if there is sufficient evidence or severity. Where there is insufficient corroborating evidence to protect delivery of fair and natural justice, a complaint may need to be dismissed.

### **11. Removal of a student from a practise environment**

11.1. The Head of Department may decide that given the nature of the concern that it is appropriate to remove a student from a practice environment immediately prior to or during the initial case review. In some cases it may also be necessary to delay the start of a placement or withdraw the offer of a placement until the initial case review is completed. In such cases, and on the Head of Department's recommendation, the Dean will authorise this.

11.2. Removal from practice is a precautionary measure serving to prevent any potential harm to the public or persons within the University. It may also be applied to limit the prospect of damage to public confidence in the profession concerned.

11.3. Removal from practice is a holding measure and is not indicative of a final outcome.

- 11.4. When determining whether to remove a student from practice, the Head of Department will ensure that the decision is proportionate in the circumstances before making recommendation to the Dean.
- 11.5. Where it is decided that a student should be removed from practice, the Head of Department, under authority of the Dean, should notify the student in writing as soon as possible setting out the reasons they believe it is necessary. The practice environment should also be notified of this action. This notification should also outline that the removal from practice will be for a specified period, which will normally be until the point a formal determination on the student's Fitness to Practise has been made.
- 11.6. The status of the student should be kept under fortnightly review to ensure that it remains appropriate for a student to remain removed from practice and the student should be provided with updates when there is a material change or development.

## **12. Investigation and Consideration by Department (Stage 1 – Cause for Concern)**

- 12.1. Where, following an initial case review, the Head of Department believes a case has arisen that warrants the application of these procedures, the Head of Department will either investigate the case or appoint an Investigating Officer who will commence proceedings with an initial meeting with the student to advise the student of the concerns raised and how they may have fallen below the professional expectations of those taking a particular programme. The Investigating Officer should not, as far as possible, be the student's Personal Academic Tutor (PAT) or anyone else who is involved in supporting the student.
- 12.2. The student should be informed of the allegation(s) and/or concern(s), how they relate to the relevant professional standards and provided with evidence of the issues of concern before this initial meeting. The evidence should be verifiable and not based on hearsay, but names may be redacted if considered appropriate.
- 12.3. The student will be given at least 3 working days' notice of the meeting with the Investigating Officer.
- 12.4. Fitness to Practise meetings may be audio-recorded upon request of the responding student or students or to facilitate compliance with Professional, Statutory, Regulatory Body (PSRB) requirements. The audio recordings will be stored securely and deleted upon completion of the policy procedures or securely archived in accordance with statutory requirements.
- 12.5. The meeting may proceed in the absence of a student who has either:
- i. indicated an intention to be present and does not attend;
  - ii. never responded to communications (including 2 different methods of communication);
  - iii. indicated that they do not wish to attend.
- 12.6. The Investigating Officer should be content that they have sufficient evidence available to consider the case and that the student has been given adequate notice of the meeting and an opportunity to provide a written submission.

12.7. The outcome of the meeting should be such that the student is clear on:

- i. the nature of the concerns;
- ii. why they have been raised;
- iii. possible outcomes and who they can contact in respect of queries about the progress of the case.

12.8. Following the initial case review, the Investigating Officer will submit a written report of findings to the Head of Department who then may:

- i. decide that there is no reason for concern and that patient/client/pupil/service user/public safety is assured and no further action is required under these procedures;
- ii. require the student who acknowledges an impairment in their Fitness to Practise, has the necessary insight into their behaviour and is seeking ways to address the underlying issues to sign an undertaking regarding their future conduct.
- iii. establish a written action plan to include details of any follow-up meetings and monitoring if appropriate which is agreed, signed and dated by the student. Where Support to Study processes are appropriate as a required action then the relevant processes for Support to Study will apply. Any student who refuses to agree to the Stage 1 action plan will be referred by the Head of Department to a Stage 2 Fitness to Practise Panel;
- iv. issue a formal warning linked to a written action plan to include details of any follow-up meetings and monitoring if appropriate which is agreed, signed and dated by the student. A warning is appropriate when behaviour is significantly different from expected standards but the behaviour does not present a risk to others or to public confidence. Any student who refuses to agree to the action plan will be referred by the Head of Department to the Fitness to Practise Panel;
- v. decide that the evidence gathered now indicates a need for the for recommendation to the Executive Leadership Team of an immediate temporary interruption to studies and/or temporarily restriction of access to campus and associated facilities in accordance with the principles in 2.8 above.
- vi. conclude that a concern is so serious that the consequences could potentially lead to a termination of studies and refer the case to the Fitness to Practise Panel (Stage 2). The Head of Department will inform the student of the referral and the reason for it, in writing, within ten working days of the decision;
- vii. refer the student concerned to the Occupational Health Service for a formal assessment in order that a report can be made on their Fitness to Practise on medical grounds.

### **13. Fitness to Practise Panel (Stage 2)**

13.1. The membership of the Fitness to Practise Panel will be:

- i. The Dean or a Head of Department (Chair);

- ii. A member of academic staff who does not teach on the student's programme, but is from another professional programme
- iii. A member of the programme team
- iv. One external professional representative from the relevant profession who is licensed/authorised to practise by the relevant professional body or other professional as delegated by the Chair
- v. Where requested, a student advocate from the Students' Union.

The panel Chair, and panel composition, may change, under delegated authority from the Dean. The Panel will normally be chaired by the Academic Registrar or appropriate member of the University Leadership Team, when combined with a Conduct & Disciplinary panel.

13.2. A member of professional services, normally the Dean's Administrative Assistant, will act as Secretary to the Panel. The Secretary is not a member of the Panel.

13.3. No member of the Panel may be or have been directly connected with the teaching or supervision of the student whose case is under consideration, nor must they have any interest or involvement in the circumstances under consideration.

13.4. The student has the right to be present at the meeting of the Panel. The student will normally attend in person but may be permitted to attend by alternative means (e.g. MS Teams) at the discretion of the Chair.

13.5. All attending the Panel will be required to ensure that all matters discussed within the Panel are held in the strictest confidence.

13.6. The Secretary to the Panel will give the student up to ten working days' notice of the date of the Panel and:

- i. provide details of the case they have to answer;
- ii. provide copies of all documentation, including witness statements, relating to the case and a copy of these procedures;
- iii. inform the student of their right to be accompanied at the Panel by representative who may speak on their behalf. The name of this representative must be notified to the Secretary to the Panel in advance of the Panel meeting;
- iv. provide the names of the members of the Fitness to Practise Panel;
- v. provide the student with the names of any witnesses that the University proposes to call;
- vi. require the student to submit as soon as possible and in any event not later than 4 working days before the time fixed for the Hearing a copy of any further written evidence which they may wish to present, in support of their case along with any written questions they may wish to ask relating to any redacted witness statement(s);
- vii. the name and status of any person who will accompany the student;
- viii. the names of any witnesses the student wishes to call.

13.7. If the student wishes to object to a member of the Fitness to Practise Panel they must do so as soon as possible and in any event at least 4 working days before

the time fixed for the panel. The only ground for objection is that of possible bias arising from one or more of the following criteria:

- i. involvement in the Fitness to Practise process at an earlier stage;
- ii. involvement in a related appeal Panel, disciplinary Panel or grievance procedure or
- iii. prior knowledge of the matter.

13.8. The Secretary to the Panel should ensure that sensitive information is not disclosed to panel members until their membership has been confirmed and no objections have been received.

13.9. Guidelines for the procedure for Panel members are set out in Appendix 3.

13.10. The Investigating Officer at Stage One will normally present the case to be considered by the Panel but will not be involved in the decision making by the Panel.

13.11. The Panel will be held in private and with reasonable facilities for the student and the individual accompanying the student to consult in private.

13.12. If the student is unwell or prevented from attending the Panel by other good reason, the student will notify the Secretary to the Panel prior to the Panel and, in the case of ill health, will submit a medical certificate. In circumstances where there are valid reasons, the Panel may be rearranged. The meeting may proceed in the absence of a student who has:

- i. indicated an intention to be present and does not attend;
- ii. has failed to respond to communications;
- iii. indicated that they do not wish to attend.

13.13. The Panel should be content that it has sufficient evidence available to consider the case and that the student has been given adequate notice of the meeting and an opportunity to provide a written submission.

13.14. Unless the issue has already been determined under the Student Conduct and Disciplinary Policy, the Chair is responsible for ensuring that the student has been sent all the written evidence, including any witness statements, in advance; and that the student has a proper opportunity to meet the case against them, including by making a statement, by calling witnesses and by questioning witnesses called by any other party.

13.15. The Fitness to Practise Panel will consider each of the following options starting with the least serious and decide whether the student's fitness to practise is either impaired or unimpaired and either:

- i. Permit the student to continue with the programme with no further action;
- ii. Permit a student to continue with the programme but under additional supervision, and conditions if appropriate, and within an additional reporting and monitoring procedure;

- iii. Impose disciplinary sanctions on the student, consistent with the Student Conduct & Disciplinary Procedures
- iv. Refer a case to a relevant Progression and Award Board for consideration whether or not a resit of a specified part or parts of the programme is required;
- v. Permit a student to continue with the programme but the award made will not lead to a professional qualification and an alternative award title will be used as described in the Programme Specification;
- vi. Withdraw the student from the programme leading to a professional qualification but permit the student to apply for an alternative programme.
- vii. Where panel outcomes are combined with a Level 3 Conduct and Disciplinary panel outcome then recommend to the Executive Leadership Team that the student's enrolment on a programme be terminated and that the student be permanently excluded from the University. The University will consider the results profiles for the student at the next Progression and Award Board meeting. Where a student achieves, or has already achieved, an exit award, the student will be issued with a certificate and transcript confirming the award.

13.16. The Fitness to Practise Panel should attempt to reach a majority decision regarding whether the student's Fitness to Practise is impaired and what action should be taken. Where this is not possible the Chair will have the casting vote.

13.17. If the Panel concludes that the student is currently unfit to practise, but in the future may become fit to practise, it should be explained to the student what steps they may be able to take to resume their studies.

13.18. The Chair's written decision along with the rationale of the Panel will be notified to the student in writing by the Secretary to the Panel within 5 working days of the Panel with a copy sent to the relevant Pro-Vice Chancellor (Faculties). If the University is required to report the outcome to the professional body or regulator then this should be explained to the student along with any requirement for the student to disclose this outcome when applying for other regulated programmes. The student will be notified of their right to request a review of the decision of the Panel.

## **14. Procedures for Appeal of the Decision**

14.1. A student may request a review in writing against the decision (outcome and sanctions) at any level within 10 working days of the issue of notification confirming the decision. The grounds for appeal are limited to :

- i. The University has failed to follow procedures detailed within these Procedures; ;
- ii. The decision was not consistent with the nature of the causes of concern or offence and associated sanctions described in these procedures;;
- iii. That new and credible evidence is available that would materially affect the outcome and it was not available at the time of the determination.



- a. The appeal is not an opportunity to have the case re-heard and will be limited to issues related to the clearly identified grounds of appeal above.
- b. The appellant must submit their appeal in writing (normally by email) to The Dean of Faculty. Appeals will be heard by the Academic Registrar or an appropriate member of either the University Leadership Team or Executive Leadership Team who was not previously involved in the case.
- c. The appellant must clearly identify the grounds against which they are appealing and must provide evidence to support their appeal.
- d. Once the appeal has been considered, the appellant shall be informed of the outcome in writing to the student's Unimail address, normally within 15 working days of its receipt.
- e. Throughout the review process, the original decision about fitness to practice will be considered to apply until overturned or set aside, including not agreeing an award if the Progression and Award Board are due to meet during the review process. Where the outcome of a case is overturned following review because of a failing to follow due process, this does not overrule any decision about whether a student is fit to practise. In these circumstances, the case will need to be reconsidered by the University following the Fitness to Practise procedures and giving due consideration to any potential impairment of a student's Fitness to Practise.
- f. The outcome of the appeal will be one of the following:
  - i. The appeal is upheld and the disciplinary sanction is reduced/replaced or removed;
  - ii. The appeal is upheld and there is a request for a re-investigation or re-hearing
  - iii. The appeal is dismissed in part and the disciplinary sanction is reduced/replaced or removed
  - iv. The appeal is dismissed and the original decision is upheld.
- g. If the appeal is not upheld, either the Director of Placement Learning or the Head of Complaints and Casework (where combined with a Disciplinary outcome) shall be informed and they will issue a Completion of Procedures Letter.
- h. The decision of the Academic Registrar, member of the University Leadership Team or Executive Leadership Team shall be final and will conclude the internal procedures of the University. There is no further internal appeal against the decision of the Academic Registrar/member of the Executive Leadership Team but see Section 15 below.

## **15. Office of the Independent Adjudicator for Higher Education (OIA)**

- a. A Responding Student who is dissatisfied with the outcome of the Fitness to Practise procedures and/or combined outcomes with the Conduct & Disciplinary procedures as detailed in the appropriate policy or policies, and has completed all internal processes, has the right to submit an application to the Office of the Independent Adjudicator (OIA), an independent review body, for the outcome to be reviewed independently of the University.

- b. This right may only be exercised once the University's internal processes have been exhausted.
  - c. The Responding student must first get a Completion of Procedures letter from the Conduct and Complaints team. The letter and an OIA Scheme Application Form must be completed in order to make a submission to the OIA and this must be received within 12 months of the date of the Completion of Procedures letter.
  - d. Guidance on making an application to the OIA can be found on its website at <https://www.oiahe.org.uk/students/> and <https://www.oiahe.org.uk/students/how-to-complain-to-us/>
  - e. Students may also wish to seek advice from the Students' Union about making a submission to the OIA.
- 

## **Appendix 2: List of Programmes that are subject to this Policy and integrated Procedures**

All Undergraduate and Postgraduate programmes, both standard delivery and Degree Apprenticeship delivery for the following subject areas:

- i. Nursing
- ii. Occupational Therapy
- iii. Physiotherapy
- iv. Social Work
- v. Nutrition & Dietetics
- vi. Midwifery
- vii. Primary Education (with QTS)
- viii. Secondary Education (with QTS)

## **Appendix 3: Procedure for Fitness to Practise Panel under Stage 2**

1. Panels will normally follow this procedure in outline. However, the Chair of the Panel has a general discretion over the running of Panels according to individual circumstances. In particular, the Chair may use their discretion to adjourn proceedings or curtail evidence or statements to ensure that the Panel is conducted in an orderly and reasonably expeditious manner.
2. The Panel members will meet prior to the Panel to agree on matters of process and procedure. Any submissions by the student in this respect will be considered at this point and oral submissions may also be considered.
3. The student and, where applicable, their representative, will be invited to join the Panel.
4. The Investigating Officer will be invited to join the Panel.
5. It is not normal for Panels to be recorded but may be done so with the authorisation of the Chair as either a reasonable adjustment or for audit purposes.
6. The Chair will summarise the procedure to be adopted at the Panel, establish there are no conflicts of interest and ask if there are any procedural questions. The Chair will stress to all present the importance of ensuring that matters discussed within the Panel are treated with the strictest confidence.

7. The facts relevant to the case will be introduced by the Chair, including allegations.
8. The Hearing will not normally need to hear oral evidence from witnesses (other than the student) when facts have already been established or agreed.
9. The Investigating Officer will set out the case regarding the concerns about the student's fitness to practise. The Investigating Officer may call witnesses and refer to evidence, which will have been disclosed in advance.

[Where witnesses are called, they will normally first be questioned by the person calling them, secondly by the other party and thirdly by the Panel members, through the Chair.]

10. The student and their representative will be given an opportunity to respond to the Investigating Officer's statement and may ask questions.
11. The Panel members, through the Chair, may also ask questions of the Investigating Officer.
12. The student or their representative will be invited to present a statement and may call witnesses.
13. The Panel members, through the Chair, may also ask questions of the student.
14. The Investigating Officer will be given the opportunity to summarise the case in the light of the evidence presented.
15. The student will be invited to make a closing statement and will have the last word.
16. All parties other than the Panel members and Secretary will be asked to withdraw.
17. The Panel will deliberate in private and come to a decision, either straightaway or at an adjourned meeting.
18. The student will be informed of the outcome in 5 working days of the Panel Hearing

## Appendix 4 – Fitness to Practise Panel Agenda [TEMPLATE]



FACULTY OF xxx

### **Fitness to Practise Panel Hearing**

**[DATE]**

### **Agenda**

Chair –

Programme Team Member (voting)–

External Panel Member (voting) –

Note taker (non-voting) –

1. Chair welcome

*Reminder that meeting is being recorded for note taking purposes. This will be stored securely and deleted upon completion of the minutes.*

2. Chair confirms:
  - a. panel constitution & clarification of panel member roles
  - b. principles of confidentiality
  - c. conflicts of interest
3. Panel discussion of report and preparation of questions
4. Clarification of allegations to be discussed
5. Student and investigating officer invited into panel

*Reminder that any family/colleagues are there to provide pastoral support and not contribute to the meeting.*

6. Panel Questions for Investigating Officer
7. Panel Questions for Student
8. Student asked for any additional statements, comments or evidence to support mitigating circumstances.

*Clarification that student will/won't be called back to given verbal outcome from panel*

9. Student & IO asked to leave the meeting

10. Panel discussion

- Decision about whether or not the student did what is alleged.
- Aggravating & mitigating factors
- Outcome Decision
- Relevant sanctions, if appropriate

11. Student to be informed of next steps

12. Panel thanked & meeting closed.

Equality Impact Assessment	
Summary of process undertaken to determine equality impacts:	A review of all protected characteristics and the engagement requirements of the policy to establish any detrimental impact of policy, practice or procedure as defined by the Equality Act 2010.
University Committee (name/ date) where equality impacts discussed (may be Committee of approval, or another):	ULT
<b>Identified equality impact(s) on colleagues and students</b> (i.e. any specific impacts related to this policy that may cause disadvantage for people due to one or more particular protective characteristic)	
Protected Characteristic	Impact(s) identified and any action(s)/mitigation(s) to address these impact(s), as necessary.
Age	There are no discernible negative impacts relating to Age
Disability	There are no discernible negative impacts relating to Disability and considerations for reasonable adjustments or where a declared disability has been an impacting factor on a Fitness to Practise cause for concern.
Gender Identity	There are no discernible negative impacts relating to Gender Identity.
Marriage/Civil Partnership	There are no discernible negative impacts relating to Marriage/Civil Partnership.
Pregnancy and Maternity	There are no discernible negative impacts relating to Pregnancy and Maternity.
Race (incl. nationality)	There are no discernible negative impacts relating to Race (incl. nationality).
Religion and Belief	There are no discernible negative impacts relating to Religion and Belief.
Sex	There are no discernible negative impacts relating to Sex.
Sexual Orientation	There are no discernible negative impacts relating to Sexual Orientation.