

FITNESS TO PRACTISE PROCEDURE

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Fitness to Practise Procedure

This procedure should be read in conjunction with [Senate Regulation 14 – Fitness to Practise](#).

Concerns about a student's fitness to practise should be acted upon swiftly in order to provide support to the student, relevant Programme team and external partners (where relevant) and protect public safety. Early intervention is crucial in order to help students develop the skills they need to succeed on their programme, and in their careers, and to prevent matters from becoming more serious. Advice about this procedure and concerns which may fall within its remit can be obtained from the Office of Student Complaints, Conduct and Appeals.

Introduction

1. This procedure sets out
 - how the University will normally respond to instances where a concern is raised regarding the fitness to practise of a student on one of the programmes listed in Appendix 2; and
 - the type of action that the University may take to deal with the concern; and
 - the type and to support which may be offered to the student.

Where a case is appropriately serious to fit within the scope of Appendix 1, and/or be considered as a Level 3 concern, the University may temporarily suspend a student's registration on their programme, or temporarily suspend a student from placement. A student's registration may be terminated completely following a Level 3 Fitness to Practise Panel.

Meaning of Fitness to Practise

2. Appendices 2 and 3 detail the programmes to which this procedure applies and the professional guidance, rules and codes of conduct to which a student must comply as laid down by the professional, statutory or regulatory bodies (PSRBs) and/or professional accrediting bodies (PABs) relevant to their programme. The University is required by these PSRBs and PABs to ensure that students who graduate with one of the qualifications listed in Appendices 2 and 3 are fit to practise.
3. Fitness to practise means the ability to meet professional standards and relates to professional competence, professional character and behaviour, and health. The purpose of this procedure is to ensure the safety of the student and those around them, including member of the public, and to safeguard public confidence in the relevant professions. Details of the specific requirements for each programme are available via the relevant programme specification.

Fitness to Practise Concerns

4. Under this procedure, Fitness to Practise concerns can be divided into, but are not limited to:
 - Health and wellbeing concerns, related to a student's:
 - physical health;
 - mental health;

- the failure to demonstrate a professional attitude or professional approach appropriate for individuals working in the profession concerned including the failure to maintain effective relationships with placement staff
- breaches of data protection and/or confidentiality
- lack of engagement in learning activities (e.g. small group/problem-based learning, portfolio development, practise placements, presentations, academic or pastoral tutorials, or multi/inter-professional focused sessions)
- failure to demonstrate appropriate skills-based knowledge in formative activities or summative assessment such that there are concerns for patient safety
- erratic/unpredictable, unreliable or inappropriate behaviour in educational or placement/work-based learning settings which has an adverse impact on the student's professional practise
- poor time keeping, including missing deadlines and/or attendance without ood cause
- failure to follow relevant procedures and policies
- failure to prepare appropriately for placement activities
- failure to comply with a dress code.

Criminal Conviction Disclosures

7. In accordance with the Admissions policy, Brunel University London, students whose programmes fall under this procedure must immediately disclose to the University any convictions, cautions, reprimands or warnings that will not be filtered under current DBS guidelines including those which are spent and any offences for which they are charged while they remain registered on their programme. Students will be provided with guidance about the consequences for registration within the profession concerned. Disclosure may not lead to formal action under this procedure in every situation but should ensure that students in difficult circumstances can be provided with appropriate support wherever possible.

Disclosures of Concerns to Third Parties and Related External Procedures

- any health professional or disability support worker;
- friend or relative

19. Neither the student nor the University shall normally be represented by a legal practitioner at meetings or hearings held in accordance with this procedure. In exceptional cases where one party wishes to have legal representation, notice should be given to the other party at least 2 working days prior to the meeting or hearing if possible. The Registrar will then make a final decision as to whether legal representation is permitted. Where it is agreed that a student may be represented by a legal practitioner, a legal representative from the University may also attend the meeting/hearing.

Staff Support & Guidance

20. Staff who become aware of a potential fitness to practise concern should inform the Appeals, Complaints, Conduct and Appeals Team (ACSM Team) within their College, and/or may liaise with the Office for Student Complaints, Conduct and Appeals (OSCCA) for procedural advice, guidance and support. Under this procedure, it is good practice for staff to keep the ACSM Team within their College updated throughout the process.

Fair Dealing

21. When implementing this procedure, the University will work with the student concerned in a spirit of support and understanding; ensuring that the student has an opportunity to respond to the fitness to practise concern and that any decisions made under the process are fair, unbiased and impartial.

22. Any investigation conducted under this procedure will be handled in a confidential, independent, impartial, fair and transparent manner by someone who has not previously been involved in the concern raised.

Record Keeping

23. Notes will be made of any meeting held under this procedure, and a copy will be made available to the student. A record will be made of any hearings held under Level 3. Written outcome of cases considered at Level 3 will be kept by the Secretary to the Misconduct and Fitness to Practise Board in OSCCA and retained permanently. The rest of the file relating to a student case considered under this procedure will be retained for 6 years.

Impact of Student Non-Participation

24. Should a student without good cause be unwilling or unable to participate at any stage of this procedure or attend a meeting/hearing, the University may nonetheless follow the procedure in their absence.

Standard of Proof

25. The standard of proof applied at every stage of this procedure is the balance of probabilities.

Nominees

26. Where is this procedure reference is made to any named University officer or member of staff (include the Vice-Chancellor), such a reference is to be read as including reference to their appointed nominee.

Communication

27. Communications relating to matter of concern considered under this procedure will normally be sent to a student's Brunel University London email address. Any variations to this policy will be communicated to the student.

Withholding Awards

28. Where applicable, the University may withhold granting an award to a student subject to this procedure until its consideration of a matter of concern is complete. This may include withholding information that indicates an award is forthcoming.

Relationship with other University Procedures

29. This procedure is only to be used to consider a student's professional competence, e.g., a student's skills, knowledge and attributes that are specifically required by the relevant PSRB and PAB connected to the student's future career as a professional practitioner. The procedure is not to be used to consider a student's ability to demonstrate their academic skills and academic knowledge as determined by the learning outcomes for their programme and the usual academic assessment process. These matters are managed under Senate Regulation 2 (Undergraduate programmes), Senate Regulation 3 (Taught Postgraduate programmes), Senate Regulation 4 (Assessment of Taught Programmes) and Senate Regulation 5 (Research programmes).

30. Whilst the University anticipates that most matters involving fitness to practise concerns will be dealt with under this procedure, matters may arise where it is appropriate for the University to implement other University processes (such as its Student Disciplinary Procedure, Academic Misconduct Procedure, and/or Extraordinary Support for Study procedure) as an alternative or in addition to this procedure, and the University is not prevented from doing so at any time.

31. Where a matter has both fitness to practise and conduct concerns, the University will normally follow its procedures relating to fitness to practise to investigate, consider and determine the outcome of all the concerns arising rather than following separate fitness to practise and misconduct procedures. However, the University reserves the right to vary the procedure followed where appropriate and reasonable.

32. The University may suspend its consideration of a matter under this Regulation to allow another University process to take place, including:

- assessing whether a student needs extraordinary support for study under Senate Regulation 11; and/or
- considering a student's academic appeal against the outcome of an assessment or examination, or their progression, under Senate Regulation 12: Academic Appeals.

However, where a fitness to practise concern arises, this procedure must be immediately invoked to ensure that the student is aware of the concern, even if the procedure is then suspended whilst another process takes place.

33. Where a student raises a complaint under the University's Student Complaints Procedure which is related to a fitness to practise concern already being considered under this Procedure, the University will usually decide to put that complaint on hold until the Fitness to Practise procedure has been concluded in full. Complaints relating specifically to a placement provider should normally be reported to the placement provider, who should normally consider the matter under their own complaints procedure.

34. Concerns about safeguarding should be considered under the Safeguarding Policy and Guidance.

Procedure to be followed at Levels 1, 2 and 3

35. Concerns about a student's professional suit fitness to practise will normally be dealt with under the following Procedure which has 3 levels of concerns:

- **Level 1:** Cause for Concern – Support and intervention to help students address

within 5 working days of the initial concern being raised. The purpose of a preliminary enquiry may be to establish the broad facts related to the concern in order to inform the University of the appropriate manner in which to deal with the matter and advise at which level a matter should be considered.

Action Plans

40. Where the outcome at any Level of this Procedure includes the drawing up of an action plan, the plan will set out how the matter will be managed and any requirements to be placed on the student. The main purpose of the action plan is to provide support and guidance to enable the student to rectify any gaps in their awareness and/or ability to apply/meet professional standards.

41.

46. The Nominated Department Representative will complete a Cause for Concern form and send this to the student to inform them of the fitness to practise concern and any evidence supporting the concern. The student should be reassured that whilst the matter is to be dealt with under Level 1 of this procedure, the aim of the intervention is to address the concern and provide relevant support and help to the student via an action plan to facilitate positive progress. The student will be provided with a copy of Senate Regulation 14 and this procedure. At this stage, the Nominated Department Representative will also notify/update the ACSM Team in the student's College about the concern and action being taken.

47. The Nominated Department Representative will arrange to meet with the student in order to listen to their response to the concern, finalise the Cause for Concern form, discuss any support needs the student may have. The student will be given 5 working days' notice of the meeting. The Nominated Department Representative may invite other staff members to attend the meeting, such as the student's personal tutor or, where appropriate a representative from the student's placement and may consult with and seek information from other persons in order to appropriately deal with the matter and to provide support to the student. The Nominated Department Representative may also consult with a Critical Advisor for their support, advice, guidance and expertise in relation to the fitness to practise concern.

48. The Nominated Department Representative will determine whether the student's fitness to practise is impaired or may become impaired and any actions to be taken. Such actions may include (but are not limited to) one or more of the following outcomes:

- a) an action plan be drafted, with a review date if deemed necessary, which may include support arrangements or referral to University or external support services;
- b) the matter be referred to another Level;
- c) support arrangements and/or reasonable adjustments be put in place for the student, if necessary in consultation with the Student Wellbeing Team;
- d) the matter be referred for consideration under another University process (e.g. Extraordinary Support for Study, Academic Misconduct or Student Disciplinary procedures);
- e) no action be taken.

49. The Nominated Department Representative will write to the student, normally within 5 working days of the date of the meeting to confirm the outcome of the Cause for Concern Level 1 process and any actions to be taken. A copy of the outcome letter will be sent to the student's Personal Tutor, Head of Department and/or Head of Division, as well as the ACSM Team within the student's College.

50. If the student does not agree with the conclusions of the Cause for Concern Level 1 process, they have the right to challenge the outcome by requesting the matter be considered in accordance with paragraphs 52-60 in Level 2 below. Students should notify the Head of Department within 10 working days of the Cause for Concern Level 1 outcome that they wish for the concern to be considered at Level 2 by contacting the ACSM Team in their College. Where a student challenges a Level 1 Cause for Concern outcome, any scheduled action plan review meeting will not take place.

Level 2 – College Investigation

Support and Intervention to address serious and/or continuing and/or cumulative and/or repeated concerns

51. Serious and/or continuing and/or cumulative and/or repeated concerns about a student's fitness to practise will normally be dealt with under Level 2. Examples of such concerns include, but are not limited to,

52. The concerns will be reported to the Head of Department responsible for the area in which the programme resides, who will follow up any preliminary enquiry already conducted by formally informing the student in writing about the fitness to practise concern and that the matter is to be dealt with under Level 2. The student will be provided with a link to Senate Regulation 14 and this procedure. The student's personal tutor and the Programme Lead and the ACSM Team in the student's College will also be informed.

53. The student will be invited to a meeting with the Head of Department and the programme leader to discuss the concern and any support needs the student may have. The student will be given a full opportunity to respond to the concern. The Head of Department may invite other staff members to attend the meeting and may consult with and seek information from other persons in order to assess with the matter and to provide support to the student. Records of previous meetings under this procedure and any action plans may be available at the meeting.

54. The Head of Department may also consult with a Critical Advisor for their support, advice, guidance and expertise in relation to the fitness to practise concern.

55. The student will normally be given at least 5 working days' notice of the date, time and place of the meeting and will be provided in advance of the meeting with relevant documentation supporting the concern, including evidence.

56. The Head of Department will determine whether or not the student's fitness to practise is impaired or may become impaired and any actions to be taken. Such actions may include (but are not limited to) one or more of the following outcomes:

- a) no further action be taken;
- b) support arrangements and/or reasonable adjustments be put in place for the student, if necessary in consultation with the Disability and Dyslexia Service;
- c) an action plan be drawn up;
- d)

- At least one of the additional members of the Panel will normally be an academic from another University in the same discipline as that of the student's programme.

67. In addition to matters of fitness to practise, the Panel may consider and determine the outcome and take actions in relation to any matters of student academic or non-academic misconduct arising from the case. See the [Student Disciplinary Procedure](#) and [Academic Misconduct Procedure](#) for the range of actions that may be taken regarding these matters.

68. The Clerk to the Misconduct and Fitness to Practise (MFP) Board (the 'Clerk') shall allocate a Panel Secretary to each Panel. The Clerk will act as a neutral observer at the panel hearing and will provide advice and guidance on procedure. A recording of the hearing will normally be made and a transcript produced.

69. The student will be invited to a hearing before the Fitness to Practise Panel. Normally, at least 10 working days in advance of the date of the hearing, the

- d. the matter be referred for consideration under another University process (e.g. Extraordinary Support for Study);
- e. a written warning be given to the student to be held on the student's personal file;
- f. the student be withdrawn from placement or other work-based activity or related learning activity, and that either:
 - i. the student be permitted to undertake another placement, or other related learning activity; or
 - ii. the student not be permitted to undertake another placement or other related learning activity.
- g. a professional award is withheld or withdrawn;
- h. a recommendation be made to the Board of Examiners that an alternative non-professional award be awarded;
- i. suspension of the student from the programme with immediate effect for a specified period of time (with or without conditions);
- j. exclusion of the student from specific areas of the University, or from specified University activities, services, or facilities for a specified period of time (with or without conditions);
- k. expulsion of the student from the University, normally with a prohibition on readmission on to any professional or other programme in the future and that the relevant PSRB or PAB should be notified of the Panel's decision where appropriate.

82. Where the Panel decides that a student should be permanently expelled from the University because their fitness to practise is impaired and the student is unfit to practise, the student will normally retain any academic credits they have acquired. However, no professional award, which includes a protected title, can be made to such students, even if they have successfully completed the relevant parts of their assessed work. In these circumstances, only academic awards that do not confer an eligibility to practise can be made.

83. The student, their personal tutor, the relevant Programme Lead, relevant Head of Department and/or Division, the University Representative, ACSM Team within the student's College and other persons deemed necessary by the Chair of the Panel will be notified in writing, normally within 5 working days of the date of the hearing of the decision of the Fitness to Practise Panel, with reasons, and any actions to be taken. A copy will be retained by the Secretary to then Misconduct and Fitness to Practise Board.

84. The hearing (and any subsequent meeting held to review progress and/or to provide additional support) will be formally recorded with a copy of the record being retained by OSCCA in accordance with the relevant retention schedule.

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- d) That there is new material evidence which the student can demonstrate was for good reason not previously available.

87. The decision of the Fitness to Practise Panel will take effect and remain in force until such time as it may be changed by the Appeal outcome.

88. The Registrar will consider the appeal request within 5 working days of receipt of the appeal and determine whether valid grounds are disclosed. The student, their tutor, the Programme Lead and the Head of Department or Division will be informed accordingly. If no grounds are disclosed, the student will be issued with a Completion of Procedures letter within 5 working days of the Registrar's decision (see Paragraph 98 below).

89. Where valid grounds have been determined, the matter will be referred to a Vice Provost (VP). Within 5 working days of the referral, the VP will write to the student and invite the student to submit their substantive appeal, along with evidence to support the ground(s) relied on. The student should submit their substantive appeal and evidence within 10 working days of the date of the VP's

Appendix 1 – Temporary Suspension and Exclusion

1.1 Circumstances can arise where it is necessary for the University to take precautionary action in order to manage risk to the University, its members, and/or to the wider community. This Appendix sets out how this risk will be managed.

1.2 The University may in appropriate cases use its powers to temporarily suspend a student from their studies, including from their placement only, and/or exclude a student for a defined period of time (which may be extended) or until a matter is considered under the relevant University procedures.

1.3 Where a concern is raised relating to a student's fitness to practise, whether on or off campus, including on a placement, which represents a potential or actual threat to the safety, security, health, wellbeing, good order, or reputation of the University, its members, an external organisation or placement provider, or members of the public, a member of staff may make a recommendation to the Vice-Chancellor or Vice-Chancellor's delegate that the student should be temporarily suspended from their studies, including a placement and/or excluded from the University.

1.4 Where the Vice-Chancellor's delegate determines that such a risk exists, the Vice-Chancellor's delegate may take one or both of the following precautionary actions until such time as the matter is considered under the relevant University procedures:

- Temporarily suspend a student from all or part of their studies or research. This may include suspension from placement or any other University activity, includi

Appendix 2 – Programmes applicable to the Fitness to Practise Policy and Procedure

(Fitness to Practise concerns relating to students on some post-registration professional programmes (for example PEPS, MSc Advanced Clinical Practice) would normally be referred directly to the student's employer and/or regulatory body as appropriate as not dealt with under this procedure)

Department of Arts and Humanities

MSc Art Psychotherapy

Department of Education

Postgraduate Certificate in Education with the recommendation for Qualified Teacher Status programmes

Division of Nursing

BSc (Hons) Nursing (Adult)

BSc (Hons) Nursing (Mental Health)

BSc (Hons) Nursing (Child Health)

BSc Specialist Community Public Health Nursing: Health Visiting

BSc Specialist Community Public Health Nursing: Occupational Health Nursing

BSc Specialist Community Public Health Nursing: School Nursing

FdSc Nursing Associate

MSc Specialist Community Public Health Nursing: Health Visiting

MSc Specialist Community Public Health Nursing: Occupational Health Nursing

MSc Specialist Community Public Health Nursing: School Nursing

Postgraduate Diploma in Specialist Community Public Health Nursing: Health Visiting

Postgraduate Diploma in Specialist Community Public Health Nursing: Occupational Health Nursing

Postgraduate Diploma in Specialist Community Public Health Nursing: School Nursing

Division of Occupational Therapy

BSc Occupational Therapy

MSc Occupational Therapy

Division of Physiotherapy

BSc Physiotherapy

MSc Physiotherapy (pre-registration)

MSc Physician Associate

Division of Social Work

MA Social Work

MSc Social Work

Medical School

MBBS Bachelor of Medicine and Bachelor of Surgery

Appendix 3 – Programme Specific Policies and Procedures Relating to Fitness to Practise

Faculty of Physician Associates

3.A1 The programme in The Division of Physiotherapy and Physician Associate to which the procedures set out in this Regulation apply are:

- MSc Physician Associate

3.A2 The professional expectations of these programmes are set out in full in student handbooks attendance agreements and other programme documentation. Students on Physician Associate programmes will be expected to demonstrate behaviours consistent with the Code of Conduct for Physician Associates published by the Faculty of Physician Associates (FPA) at the Royal College of Physicians (RCP), and the General Medical Council's (GMC) 'Good Medical Practice' Guidance. Concerns about a student's Fitness to Practise which would lead to consideration under the Fitness to Practise Procedure include a failure to demonstrate behaviours consistent with these Codes (Programme documentation, FPA and GMC), professional misconduct or inappropriate behaviour, or health reasons.

3.A3 The Code of Conduct defines a Physician Associate as a healthcare professional with the attitudes, skills and knowledge base to deliver holistic care and treatment within the general medical and/or general practice team under defined levels of supervision.

3.A4 Physician Associates are currently undergoing GMC regulation. Once in effect students will be expected to demonstrate behaviours consistent with the GMC's 'Good medical practice: interim standards for physician associates and anaesthetic associates',

Composition of Panels and Appeals Panels

3.A5 The membership of a Fitness to Practise Panel and a Fitness to Practise Appeals Panel convened to consider the Fitness to Practise of a Physician Associate student shall be constituted in accordance with paragraph 67 above, and will include:

- One practicing Physician Associate and one registered Medical Practitioner with a licence to practise;
- At least one of these professionals shall be an external to the University.

3.A6 No academic award made to a student deemed to be 'unsuitable' to become a Physician Associate shall contain the words 'Physician Associate'.

Health and Care Professions Council (HCPC)

3.B1 The programmes to which these procedures apply are:

- MSc Art Psychotherapy
- BSc Occupational Therapy
- MSc Occupational Therapy
- BSc Physiotherapy
- MSc Physiotherapy (pre-registration)

3.B2 The professional expectations of these programmes are set out in full in student handbooks and other programme documentation. Concerns about a student's fitness to practise in terms of breach of the codes (Health and Care Professions Council (HCPC), Royal College of Occupational Therapists (RCOT) and Chartered Society of Physiotherapy

(CSP)), professional misconduct, inappropriate behaviour or for health reasons, will be addressed in accordance with this Fitness to Practise Procedure.

3.B3 The HCPC Guidance on Conduct and Ethics for Students sets out the conduct that is

has a responsibility, throughout the whole period between application and graduation, to assess the suitability of its students on these programmes “for entry to and continued maintenance on approved programmes leading to NMC registration”.

3.C3 The NMC Guidance on health and character (2019) stipulates “We require all student nurses, midwives and nursing associates seeking registration to be of good health and good character to satisfy to us that they are capable of safe and effective practice.” Good character issues may be considered under these Fitness to Practise Procedures.

3.C4 The NMC Code (2018) states that when applying to join the register or during revalidation, nurses, midwives and nursing associates must commit to upholding the Code. This commitment includes a promise to “uphold the reputation of your profession at all times”.

Composition of Panels

3.C5 The membership of a Fitness to Practise Panel convened to consider the fitness to practise of a Nurscenttes5.9 (e)1036w -35.891 -1.696d 3 Tcpj-0.002 Tc 0.0tionsider the fihen applying to jo

Appendix 4 – Flowchart showing overview of Fitness to Practise Process

This is an overview of the process and is not meant to contain an exhaustive list of all possible scenarios:

(see next page)

Concern raised about a student's Fitness to Practise

Prior to any matter being considered at Level 1 or 2, or a hearing at Level 3, a preliminary enquiry may be undertaken within 5 working days of the initial fitness to practise concern being raised. The Head of the student's Department or Division will conduct the preliminary enquiry and, if necessary, will consult with a Critical Friend, as well as seeking procedural advice and guidance from the ACSM within the student's College and/or the Office of Student Complaints, Conduct & Appeals (OSCCA).

Support and intervention to help student address initial, emerging or minor concerns. (page 11)

Nominated Department Representative will complete a Cause for Concern form and send this to the student with any evidence to inform them of the Fitness to Practise concern(s).

Nominated Department Representative determines what action, if any, is to be taken. (paragraph 48)

Nominated Departmental Representative will write to the student to confirm the outcome of the Cause for Concern Level 1 process.

The student will have the right to challenge the outcome within 10 working days of the date of the Cause for Concern outcome.

Support and intervention to help student address serious and/or continuing and/or cumulative and/or repeated concerns. (page 12)

Head of Department to follow up any preliminary enquiry already conducted by informing the student in writing about the Fitness to Practise concern and that the matter is to be dealt with under Level 2.

Student to be invited to a meeting with the Head of Department and the programme lead to discuss the concern and any support needs the student may have. The student will be given a full opportunity to respond to the concern.

Head of Department will determine whether or not the student's fitness to practise is impaired or may become impaired and any actions to be taken. (paragraph 56)

Support and intervention to help student address critical and/or persistent or cumulative concerns. (page 13)

The Level 3 concerns will be reported to the Deputy Dean (Academic Affairs), who, within 5 working days of the report will inform the student in writing that there is a concern about their Fitness to Practise and of the nature of the concern and that the matter is to be considered under Level 3.

The student will be invited to the hearing before the Fitness to Practise Panel. Normally, at least 10 working days in advance of the date of the hearing. The student has the option to submit any evidence in response to the concern, including witness statements.

The Student, and all relevant parties will be notified in writing, normally within 5 working days of the date of the hearing of the decision of the Fitness to Practise Panel, with reasons, and any actions to be taken.