

Fitness to Practise Policy and Procedure

Students on Nursing Courses and Courses Allied to Nursing

1. Purpose and Scope

- 1.1 UEL offers certain courses which entitle successful graduates to become registered members of regulated professions. The regulators of those professions require that the University has processes in place to ensure that students are fit to practise during the course and upon registration.
- 1.2 This fitness to practise procedure applies to students on all UEL Nursing courses and courses allied to health leading to a new registration status with the relevant professional, statutory or regulatory body i.e. pre-registration students. Such students are subject to consideration of their fitness to practise by the University from the moment they apply to the course to the point at which they are awarded, whether on campus, on placement or even in their personal or everyday lives.
- 1.3 This Procedure also applies to enrolled students who may be required to attend practice placements and/or are in contact with patients/clients/service users in a professional practice or work-based learning experience leading to professional registration. It also applies to students already on a professional register where their conduct while on the course may raise concerns about their suitability to be on that register, for example, through persistent plagiarism.
- 1.4 Students on the Registered Degree Nurse Apprenticeship courses will be referred to the relevant fitness to practise procedures operated by their employer.
- 1.5 Any formal investigation or hearing conducted under this procedure (Section 5 onwards refers) will be expected to be completed in a timely manner and within no more than within 35 working days, although the University will give due consideration to the timing of any proceedings where reasonable to do so, for example where proceedings may have additional implications for the status of a student or to meet any reasonable adjustments under The Equality Act 2010. Time limits may also be amended on a case-by-case basis by the University with good reason (such as in the matter of fairness).
- 1.6 The University considers the assessment of fitness to practise as having a threefold purpose: (i) protection of the public; (ii) upholding professional standards including the relevant code of conduct; and, (iii) contributing to the maintenance of the reputation of the profession and public confidence in the profession. It should be noted that reputation in this context does not just relate to an individual's personal reputation but the collective reputation of the profession.
- 1.7 It is the responsibility of students to familiarise themselves with the relevant professional standards and these Regulations and meet the requirements of both.

2. When these Regulations will be applied

- 2.1 Concerns which may be considered under this Procedure include those relating to a student's health, behaviour or attitude which may affect the student's fitness to practise in their relevant profession. These concerns may arise inside or outside the University and may be brought to the attention of the University by any person or organisation. These may include but are not limited to:
- Demonstration of unprofessional behaviour or behaviour that poses a direct risk to themselves or others, threatens the reputation of the University or placement provider, e.g. abusive behaviour/intimidation or falsification of documentation.
 - Student behaviour that puts at risk their own health and safety or that of other students, staff or members of the public.
 - Student behaviour that will debar them from receiving professional body recognition and thus from receiving the award for which they are enrolled.
 - The existence of a criminal record which causes concern relating to a student's fitness to practise.
- 2.2 In cases where the student's health gives rise to initial Fitness to Practise concerns, the Course Leader should investigate these through an appropriate Occupational Health assessment. Occupational Health may seek to obtain GP records/reports and reports by treating specialists, or the case may be supplemented by a psychiatric report. This pre-referral process may negate the need for referral to the Fitness to Practise Panel. It may also be appropriate to initiate a parallel procedure.
- 2.3 Such procedures may include UEL's Suitability, Student Disciplinary or Responsibilities of Students and Fitness to Study procedures (*see link below*). In determining the most appropriate procedure to be used its fairness to the student, the scope and purpose of the procedure and the University's responsibilities to professional bodies will be considered. This decision will be taken by the Dean of the School in consultation with the appropriate Head of Department, Course Leader and/or nominee.

<https://www.uel.ac.uk/Discover/Governance/Policies-Regulations-Corporate-documents/Student-Policies/Manual-of-General-Regulations>

- 2.4 Decisions made under these Regulations cannot be changed by an Assessment Board.
- 2.5 Where there is a professional or regulatory code of conduct which places a continuing duty on the University to ensure that those students are fit to practise and/or to recognise breaches that may put members of the public at harm, the University may start proceedings under these Regulations up to six months after a student has ceased to be a student of the University.
- 2.6 If a student withdraws from the course of study after the proceedings have started, the University may continue the proceedings.

3. Reporting of concerns

- 3.1 In cases where a member of the University observes, or is informed of, any cause for concern about a student's personal or professional suitability to remain on their course of

study, this shall be reported to the course leader, who will discuss the situation with the Dean of HSB or nominee as appropriate.

4. Dealing with concerns

- 4.1 Where appropriate the student will be given the opportunity and support to rectify the problems before any formal stage of this Procedure is invoked. This may be through a learning contract or action plan agreed with the course leader and/or Mentor/Supervisor in practice. This should be clearly documented and agreed with the student. In this instance concerns may be dealt with under the Responsibilities of Students and Fitness to Study Policy *Part 11 Manual of General Regulations*.
- 4.2 If concerns about a student's alleged behaviour and/or professionalism persist, or where the alleged behaviour is sufficiently serious, the case can be referred directly to the formal stage of this Procedure.

5. Suspension from Practice

- 5.1 Where there are serious concerns in the practice environment the University, in discussion with the placement provider, may suspend a student without prejudice from a placement/work experience. Some examples of a serious concern to warrant a suspension of student from their practice area would include:
- Patients/clients/service users may be placed at risk.
 - The profession might be brought into disrepute by the public knowing that the student remained in the work environment.
 - A student's conduct is alleged to be disruptive to the delivery of (clinical) care in a professional organisation.
- 5.2 The student will remain suspended from the placement until a Fitness to Practise investigation and/or hearing is conducted.
- 5.3 The Dean of School will inform the student in writing of any decision to suspend them from a placement and that the Fitness to Practise procedure is being invoked.
- 5.4 Where a student is suspended from their placement they will be required to return all identity badges and uniforms, etc pending the outcome of the investigation and/or hearing.
- 5.5 A placement provider is not able to formally suspend a student from the course. If an incident occurs which leads to concerns as outlined in 5.1 to 5.4 above and it is not possible to contact the University, the relevant Service Manager will be required to send the student away from the placement until the next working day. The Service Manager will be expected to contact the Dean of HSB or nominee at the University as soon as possible. The Dean of HSB or nominee will consider whether the student should be suspended from the placement with immediate effect in accordance with the above process.

6. Suspension from the University

- 6.1 The Vice-Chancellor or their nominee, on the recommendation of the Dean of School, may additionally suspend a student from the course of study during an investigation if it is

deemed that such suspension is in the best interests of the student, other students and the University, or is necessary to ensure an effective investigation.

- 6.2 Suspension is not a penalty and the decision to suspend a student from the University may include the exclusion from all University activities including studying at or with the University and also the use of any University premises and/or facilities. Any decision taken in accordance with the above may wish to take into account the appropriateness of remote learning and/or any relevant assessment deadlines.
- 6.3 In the case of students on time-limited professional courses involving work placements, it may be necessary to impose enforced intermission during any investigation. In such cases, the Vice-Chancellor may delegate the authority to impose enforced intermission to the Dean of HSB or nominee. Some professional body requirements on the course will permit a period of intermission to be counted as part of the time taken to complete the course, although under UEL's Academic Regulations the period of intermission would not count in this way. The student's statutory funding, if any, may stop during a period of intermission.

7. Formal Stage of Fitness to Practise proceedings

- 7.1 Where the concerns raised about the student's behaviour call in to question their suitability to remain on a course leading to professional registration or where the initial attempts to resolve concerns have not resolved the matter, the Dean of HSB or nominee, in consultation with appropriate persons, shall investigate the matter. The Dean of HSB or nominee may delegate any such investigation to a senior member of staff competent to undertake it. The formal process will only begin if the student is well enough.
- 7.2 Further investigation will include the completion of an investigation report, collection of relevant information to support the allegation with signed and dated statements from the student(s) and witnesses directly involved with the cause for concern/incident.
- 7.3 The investigation should be completed within fifteen working days and the findings will be presented to the Dean of school. The Dean or nominee will decide on one of the following outcomes:
- 7.4 That no further action be taken.
- 7.5 Resolve informally by allowing the student to continue on the course but subject to written advice to their future conduct and/or the imposition of specific requirements regarding behaviour or attendance at an alternative placement.
- 7.6 Referral to a Fitness to Practise Panel.
- 7.7 The student shall be informed of the outcome of further investigation in writing within five working days of completion of the investigation and shall be entitled to receive a copy of the investigation report.
- 7.8 The investigation report is to remain on the student's file for the duration of the course even if there is no further action.

8. Fitness to Practise Panel

- 8.1 In line with professional body requirements membership of the Fitness to Practise Panel will include:
- 8.2 A Chair, who is a member of the School's Senior Management Team.

- 8.3 One or more members of University or academic staff in the relevant field.
- 8.4 One or more senior clinical representatives (who do not know the student) working at a relevant strategic level.
- 8.5 A representative of the Students' Union.
- 8.6 Members of the Panel will not have had any previous involvement with the concerns that have given rise to the Fitness to Practise investigation.
- 8.7 A Secretary to the Panel who will be responsible for making the arrangements for the panel hearing and preparing a written record.

9. Prior to the Panel Hearing

- 9.1 The student will be given at least ten working days' notice of the date of the Hearing and such notice will include the following information:
 - 9.2 A statement of the allegation to be considered, including reference to the breach of specific Regulation/Student Code of Conduct.
 - 9.3 Students who are dealt with under this Procedure are entitled at any meeting or Disciplinary Hearing to be accompanied and/or represented by a staff member, friend, relative or representative of the Students' Union or its staff. This is in addition to any health professional or support worker who may usually accompany the student or who may attend at the University's discretion by way of making reasonable adjustments for a student.
 - 9.4 A copy of the investigation report.
 - 9.5 A statement to the effect that witnesses may be called in support of the allegation and that the student has the right to call witnesses on his/her behalf.
 - 9.6 Copies of any documents to be considered in connection with the allegation, including any signed and dated statements.
 - 9.7 A statement as to whether the student requires any reasonable adjustments.
 - 9.8 Details of the date, time and place of the hearing and those who will be present.
 - 9.9 Reference to the relevant professional body requirements, if appropriate.
- 9.10 The student will be invited to submit a statement about the allegation(s) not less than five working days prior to the hearing. This will be circulated to all members of the Panel and the student's friend or representative.
- 9.11 A student who intends to be accompanied by a friend will inform the Secretary of the name of the person accompanying them in writing no later than two days before the meeting.
- 9.12 All parties present at the Panel hearing will receive the same papers.
- 9.13 The Chair will satisfy themselves that the student has been sent all this information before they allows the hearing to go ahead.

- 9.14 Should a student notify the Chair of the Panel in advance of the hearing that they are unable to attend the hearing on the scheduled date, normally one further attempt to reschedule the hearing shall be made.
- 9.15 If a student does not attend the hearing and does not communicate the reason for their non-attendance, the Chair will consider whether the hearing should proceed in the absence of the student, taking into account the seriousness of the allegation(s) and any implications for further delay.
- 9.16 Where a student has provided a reason for their non-attendance, the Chair of the Panel will consider in the circumstances whether it is reasonable for the hearing to be reconvened or if the hearing should proceed based on the written evidence.

10. Conduct of the Panel

- 10.1 The Fitness to Practise Panel will consider the following:
- 10.2 The impact or relevance of the student's action on their suitability to continue to study on a professional course leading to practitioner registration.
- 10.3 The student's suitability to undertake professional practise.
- 10.4 The risk in the practice area if the student has a physical or mental health condition.
- 10.5 For students who are already registrants, consider referral to the relevant regulatory body.

11. The Hearing

- 11.1 The Chair is responsible for ensuring that the hearing is conducted in a fair manner and will (i) explain the purpose and the possible outcomes of the hearing if the allegation is upheld; and (ii) establish the names and identities of everyone present at the hearing and confirm the names of all witnesses who will be supplying evidence.
- 11.2 If the matter involves several students, the Chair may decide to hear the allegations at one hearing subject to there being no reasonable objection from the student(s) or their representative(s).
- 11.3 All parties will be present during the hearing but where witnesses are to be heard they are only to be present for the duration of their own evidence.
- 11.4 The Chair will request the student or their representative to present their case, including submission of written or oral statements from witnesses.
- 11.5 The Panel may ask questions through the Chair of anyone present at the hearing at any time for the purposes of clarification.
- 11.6 All parties may be given the opportunity by the Chair to address questions through the Chair to any of the witnesses.
- 11.7 The Chair will invite the student or, where the student requests it, their friend or representative to make a final statement.

11.8 The Chair will then ask everyone except the members of the Panel to withdraw from the room.

11.9 The Chair may adjourn the hearing where further evidence or information is required at any time and shall communicate the rationale for the amendment of procedure to the student.

12. Findings and Decision of the Panel

12.1 The decision of a Panel may be reached by majority view with the Chair having the casting vote where necessary and the Panel must reach a decision based only on the balance of probabilities and the facts available at the time. Once the Panel has reached its decision, the student and their friend or representative may be invited back into the room and the Chair will announce the decision to the student(s).

12.2 The Chair may re-convene the Panel members only if the Panel members are unable to reach an immediate decision and require more time. In such circumstances the findings and decision of the Panel will be communicated to the student in writing within five working days of the original hearing date.

12.3 Where the Panel has upheld the concerns, the student's file/record will be made available to the Panel at this stage along with a short summary of the student's current academic position. In arriving at a decision, the Panel will take account any previous suitability to practise issues that may have been investigated previously and the decision(s) made in respect of this.

12.4 The Chair of the Panel will sign the written record of the decision of the panel and a copy will be placed on the student's file. This will include the findings, the decision and the reason for the decision.

13. Outcomes and Penalties with respect to nursing and the professional body requirements the following possible outcomes apply

13.1 The Fitness to Practise Panel will have the power to decide on one or more of the following outcomes:

13.2 Defer a decision pending the receipt of further information or advice.

13.3 No further action be taken.

13.4 Permit the student an extended period of placement with the same provider or, if appropriate, an alternative placement provider.

13.5 Permit the student a new placement with the same or a different provider or, if appropriate, to allocate an alternative placement provider.

13.6 Enforced deferral of studies whilst receiving therapy/counselling/medical treatment. In such cases, students will be asked to provide evidence of suitability to resume study and professional practise before being re-admitted to their course (a student may be referred to an appropriate Occupational Health adviser for this purpose);

13.7 Require the student to provide a written undertaking that the Student Code of Conduct and Academic Regulations will be observed for the remainder of the student's studies.

13.8 Require the student to apologise in the appropriate manner to any person.

- 13.9 Notify the relevant Professional Statutory or Regulatory Body where required.
- 13.10 Permit the student to continue the course, either unconditionally, or subject to such requirements relating to the course as may be reasonably imposed.
- 13.11 Require the student to repeat a specified part or parts of the course, as permitted under the PSRB requirements.
- 13.12 The student is unsuitable for professional practice and should be excluded from the course.
- 13.13 The student is suspended until such time that evidence is produced that they are mentally and physically fit to resume studies. (Other than in exceptional circumstances this should not exceed 12 months).
- 13.14 Recommend an exit award or transferring the student to a different programme without professional registration.
- 13.15 Recommend to the Vice-Chancellor that the student is expelled permanently from the University.
- 13.16 Exceptionally, recommend to the Academic Board that an award already made is withdrawn.

14. Notification of the Panel's decision to the student

- 14.1 The student and all relevant parties will be notified formally in writing of the Panel's findings and decision, with reasons, by the Secretary within five working days of the date of the hearing. This notification will include details of the right of appeal and any support available to the student e.g. from the Students' Union.

15. Right of Appeal

- 15.1 The student has a right of appeal to UEL's Complaints and Appeals Managing Officer against the decision of the Fitness to Practise Panel on one or more of the following grounds within ten working days of the date of the letter notifying the student of the outcome:
 - That due process was not followed.
 - That the decision was unreasonable and/or disproportionate to the circumstances.
 - That there was material new information which was not reasonably available before.
- 15.2 Where valid grounds for an appeal are determined, a nominated Dean of School/ Director of a Professional Service not previously involved in the case will determine the appeal solely by review of the documentary evidence available and will either:
 - dismiss the appeal (in whole or part), and/or
 - uphold the appeal (in whole or part) and:
 - refer the matter back to the Panel for reconsideration, or
 - impose an alternative sanction.

- 15.3 The outcome of the appeal will be notified to the student in writing, with reasons, within five working days of determination of the appeal.
- 15.4 If an appeal is not upheld or is not permitted to proceed under the grounds of appeal, a Completions of Procedures letter will be issued within 28 days.
- 15.5 The decision of the Dean of School/Director of Professional Service will be final and will conclude this Procedure.
- 15.6 The Complaints and Appeals Managing Officer will ensure that the outcome is notified to other relevant parties, including the Dean of School.