

Canterbury Christ Church University
Faculty of Health and Social Care
Faculty Student Fitness to Practise Policy

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1. Introduction

- 1.1. The Faculty of Health and Social Care has a duty to protect the public (in line with the standards for professional practice set by the statutory regulators) by overseeing the education of students and taking action when there are concerns about a student's fitness to practise. The Faculty will convene Student Fitness to Practise Panels (SFTPPs) on behalf of the statutory regulatory bodies and will share information regarding individual cases with these bodies in line with their requirements.
- 1.2. The purpose of the Faculty SFTP Policy is to meet the requirements of the relevant health and social care statutory regulators, relating to student conduct, good health and good character on pre-registration professional programmes within the Faculty. The function of the SFTP Policy is to ensure the provision of a timely, transparent and consistent response to matters of student conduct considered to be a cause of concern. [Note: students undertaking post-registration (CPD) programmes will be considered under different arrangements.]
- 1.3. The procedures of the Faculty SFTP Policy take procedural precedence over those issued under the University Code of Student Professional Conduct.
- 1.4. The Pro-Vice Chancellor (PVC) responsible for the Faculty and the Head of Department have authority delegated by the Vice-Chancellor to suspend a student, pending investigation, with immediate effect from all or part of a programme where the student's alleged conduct, health or character is such that it is inappropriate for the student to remain on the programme. When, pending investigation, a student is suspended or neutrally withdrawn from professional practice placement, the PVC or Head of Department will follow

the procedures for neutral withdrawal set out in the University's Code of Student Professional Conduct¹.

2. Terms of Reference of the Student Fitness to Practise Panel

- 2.1. To hear the allegations and the student's response to those allegations, regarding his/her conduct, health and character that impacts on public safety, professional practice and/or the ability to conduct him/herself in line with the requirements of the relevant regulatory body;
- 2.2. To decide whether the allegation is proved and, if so, to recommend an appropriate sanction to the Head of Department. (Note: Panels use the standard of proof that is applied to civil proceedings, that of the balance of probability);
- 2.3. To notify the relevant Head of Department of the recommendation of the Panel in relation to individual students;
- 2.4. To compile an annual report for Faculty Board of anonymised analysis, reflection and comment on proceedings and decisions, highlighting any issues for curricula;
- 2.5. To ensure that the requirements of relevant Regulatory bodies and the Vetting and Barring Scheme relating to notification of outcomes of SFTPP are met.

3. Membership of the Student Fitness to Practise Panel

- 3.1. The SFTPP will comprise a quorum of four members.
- 3.2. The Chair of the Panel will ordinarily be the Faculty of Health and Social Care Director of Academic Planning and Quality. Where the Director is prevented from chairing a meeting of the Panel, a member of the Faculty of Health and Social Care Management Team who has had no prior engagement with the case will chair the Panel. The Deputy Chair will be a member of the Faculty with appropriate expertise, who is responsible for the organisation of the Panel and is not a substitute Chair.
- 3.3. A meeting of the Panel will normally consist of:
 - the Chair;
 - the relevant Professional Lead, or nominee;
 - two external people not directly employed by the University, at least one of whom shall be a profession specific service partner who is currently registered with the relevant regulatory body.

¹ See: <http://www.canterbury.ac.uk/support/student-support-services/staff/guidance-procedures/index.asp>

- 3.4. The Deputy Chair will also attend the Panel meeting. The role of the Deputy Chair is to ensure the smooth running of the process both pre- and post-hearing, and to advise as necessary. The Deputy Chair is not entitled to vote at Panel. The Deputy Chair may ask supplementary questions to clarify any information being presented to the Panel.
 - 3.5. A Secretary will minute the meeting and maintain records of Panels.
 - 3.6. Note: For Midwifery programmes the Lead Midwife for Education (LME), or nominee, will be part of the Panel and one of the service partner representatives should be a Supervisor of Midwives.
 - 3.7. Panel members will be instructed in rules and regulations of the University and other relevant statutory regulations and Codes in order to meet the expectations and requirements of the Regulatory Bodies.
 - 3.8. All members of the Panel have a duty to declare before the Panel meets any conflicts of interest in cases presented to the Panel. This may be of a private or personal nature as well as in a professional context. Where it is the case that there is or could be a conflict of interest, the prospective Panel member will make this known to the Deputy Chair at the earliest opportunity.
 - 3.9. The investigating presenter will not take part in the decision making process.
 - 3.10. The Professional Lead, with the Deputy Chair, will identify appropriate external Panel members.
4. Procedure – see algorithm Appendix 1 and flow chart Appendix 2.
- 4.1. When a student suitability issue is received the relevant Head of Department and Professional Lead will initially identify the nature and subsequent management of the issue. If a *minor* issue is identified the Programme/Pathway Director will investigate and action using University procedures.
 - 4.2. If it is established that the issue is of a *major concern* the Deputy Chair of the SFTPP will be notified by the Head of Department via the referral proforma, determine the relevant procedure and if appropriate invoke the SFTP procedure. Case logging will commence.
 - 4.3. If a major cause for concern is identified the student will be informed by the Deputy Chair of the case against them, made aware of their rights and directed to relevant student disciplinary policies.
 - 4.4. The Head of Department, in consultation with the PVC may suspend the student from all or part of the programme pending the outcome of the SFTPP. This may include being neutrally withdrawn from placement

- 4.5. The Panel will normally meet within twenty working days of the notification to the student by the Deputy Chair that the Panel will be convening.
- 4.6. Investigations of a serious nature, involving other public bodies and PSRBs, often take an extended period of time to complete. In these circumstances, the Deputy Chair will keep the student informed and updated on the progress of the investigation at regular intervals.
- 4.7. The Programme/ Pathway Director will normally be responsible for investigating, reporting and presenting the particular student case to the SFTPP. The preceding investigation will involve liaison with all relevant parties including employers in the case of sponsored students. A written report which includes a time line of events and pertinent evidence related to a breach of the applicable professional code of conduct will normally be circulated to Panel members in advance of the Panel meeting. The report will be made available to the student in advance of, and will be presented during, the Panel meeting.
- 4.8. The Secretary to the Panel will distribute all documentation being presented at the Panel meeting to each member of the Panel, the student, the Programme/ Pathway Director and Deputy Chair, together with notice of the meeting and the time and place at which it will be held. The documents and notice shall normally be sent not less than ten working days before the date set for the meeting of the Panel. In exceptional cases the Chair of the Panel may permit the later submission or circulation of papers.
- 4.9. The student will be invited to attend and speak about the concerns raised. He/she may be accompanied by a representative, who must be a fellow student of the University, or a former member of their cohort if the programme has completed, a Student or Professional Union Officer, or a member of staff who may speak on his/her behalf. In the case of the non-attendance of the student, the Panel will proceed in the student's absence.
- 4.10. The student will be advised of his/her right to submit a written statement before the Panel meeting; this must be sent to the Secretary not less than three working days before the Panel meeting is scheduled to take place. Additional information will not normally be permitted to be tabled at meeting.
- 4.11. Members of the Panel may ask questions of student and the Programme/ Pathway Director. The student and Programme/ Pathway Director may also ask questions of each other.
- 4.12. The SFTPP may adjourn proceedings if necessary.
- 4.13. It is the responsibility of the Chair of the SFTPP to ensure that the outcome and recommendation of the Panel are recorded and communicated to the Head of Department.

4.14. The Head of Department or their nominee considers the Panel's recommendation and decides whether or not to uphold this recommendation/ sanction. He/she is responsible for communicating the outcome to the student and all relevant parties. This also includes informing regulatory bodies and any other organisations (e.g. ISA) as required.

5. Definitions of Issues regarding student professional suitability

5.1. Minor Issue

5.1.1. A minor issue is one in which the student may have become a *cause for concern* and suitability is questioned **but**

- has not seriously transgressed professional parameters or breached professional codes,
- does not require consideration by the SFTPP. The University Student Disciplinary procedures are followed.

Examples of cause for concern may include:

- absence from university taught sessions without explanation, or other communication,
- absence without notice from practice,
- failure to meet professional standards regarding hygiene, dress code, etc.

5.1.2. Consequences of minor breaches in conduct:

Minor breaches are normally those in which the student will be allowed to continue their study/ placement. Minor cases are dealt with by the Programme/ Pathway Director (and LME for Midwifery), Personal Tutor, and in consultation with other relevant parties under University Student Disciplinary procedures.

5.1.3. In a situation where a student has been dealt with under minor procedures and where, despite direct intervention at an earlier stage (e.g. an action plan was drawn up), concerns remain in relation to a student's suitability, referral will be made to the Head of Department and Professional Lead to determine whether the case should be considered under the University Student Disciplinary Process or under the Faculty SFTP Policy.

5.2. Major Issue

5.2.1. A major issue is one in which the student has:

- been investigated concerning, charged with or found guilty of a criminal offence and there remain concerns regarding the safety of people who use services and/or their carers, pending legal outcome

and/ or

- Breached the Code of Professional Conduct issued by a relevant Statutory body, e.g. breach of patient/ client confidentiality

and/ or

- Breached the University's Code of Student Conduct e.g. falsifying documentation

and/ or

- Chronic poor physical or mental health which affects a student's behaviour or fitness to practise either directly or by putting service users and colleagues at risk

and/ or

- Shown evidence of professional unsuitability – inconsistent, unreliable and inappropriate behaviour that falls short of professional misconduct is demonstrated and impinges on the learning or practice context.

6. Decision Making

6.1. Any case of alleged student misconduct referred to the SFTPP will be thoroughly investigated. The resultant outcome and recommendations must be based on all the evidence presented.

6.2. The burden of proof rests with the University. It must prove that the student is not fit to practise. The standard of proof is the same applicable to civil proceedings, that of the balance of probability.

6.3. Panel members must exercise their own personal and professional judgement in coming to a conclusion regarding the outcome and sanction. They must ensure that any recommended sanction is proportionate to the behaviour found proved, and that it will deal effectively with the fitness to practise issue(s).

6.4. If the student has a conviction or caution the relevance, seriousness and circumstances in which the offence was committed must be taken into account. For example:

- Whether the conviction or caution was disclosed
- The relevance of the offence to the chosen profession
- The degree of risk posed to patients/ clients/ public
- The circumstances surrounding the offence
- The student's explanation of the offence
- The student's commitment to work safely and effectively, upholding the trust and confidence of patients/ service users

6.5. The possible outcomes and recommendations of Panel hearings are as follows:

6.5.1. Outcomes

1. There is no case to answer
 - The student receives no warning or sanction as there is no case to answer. However the student is supported to reflect on their situation and experience. The case is referred back to Programme/ Pathway Director/ LME/ Head of Department and may be treated as a minor issue (see 5.1 above)
2. There is a case to answer and the Panel recommends a sanction (see 6.5.2 below).

6.5.2. Indicative recommendations (alternative recommendations may be made as appropriate to individual cases):

- Securing an apology from the student
- The student receives a warning if there is evidence of misconduct but the student's fitness to practise is not impaired to a point of requiring any of the sanctions listed below
- The student receives a sanction – beginning with the least severe and proportionate to the risk to patients, service users and public as follows:
 - Undertakings and conditions:
 - Putting in place remedial and or pastoral support
 - Asking for evidence of improvement and/ or reflection via a formal learning contract
 - Imposing other conditions via a formal learning contract
 - Requiring the student to retake part of the programme
 - Suspension from professional programme for a specified period of time
 - Withdrawal from the professional programme with the ability to re-register in the future²
 - Withdrawal from the professional programme without the ability to re-register in the future but with possible transfer to another non-professional programme³
 - Exclusion from the University

6.6. Where the case has been found against the student, the Panel outcome and recommendations will be conveyed in writing to the relevant Head of Department. The Head of Department communicates the final decision to the student in writing. It is anticipated that the final decision will normally reflect the recommendations of the Panel. The Head of Department will be

² Where students are withdrawn from their professional programme of study but not excluded from the University, career support and guidance to facilitate possible transfer to another non-professional programme is available from the University's Student Support and Guidance department

³ As above

responsible for communicating the outcome and recommendations of the SFTPP to the student and all relevant parties, including regulatory bodies and other organisations as required, in keeping with the Student Disciplinary Procedures.

- 6.7. When a lesser penalty is deemed suitable, the Panel recommends a supportive and formative approach is taken with the student.
- 6.8. In the event that the SFTPP comes to a view where it is felt that wider public interest may be involved, guidance and assistance will be requested from the University Solicitor.
- 6.9. Outcomes and recommendations made by the Panel will be clearly documented and will be attached to the relevant student file. Any subsequent incidents may be considered in light of earlier warnings
- 6.10. The student shall have the right to appeal, notwithstanding section 7 below.

7. Appeal Process

- 7.1. There is no right of appeal by the student against the professional judgment of the SFTPP.
- 7.2. The student may appeal following the procedures and on the grounds approved by Academic Board for Academic and Fitness to Practise Appeals⁴.
- 7.3. The student will be informed of the rights of appeal, the grounds and the procedures at the time when the decision is communicated.
- 7.4. The Academic Registrar will be informed in all cases of the decision conveyed by the Head of Department (or their nominee) and will inform the relevant Head of Department and Chair of the SFTPP when any request for an appeal has been received.
- 7.5. The decision of the Head of Department shall take effect and remain in force pending the decision of an Appeals Panel.
- 7.6. The Head of Department (or their nominee) will inform the regulatory body of any appeal being lodged, and the outcome of the appeal.

Appendices

Appendix 1: Algorithm

Appendix 2: Procedure flowchart

⁴ PPE27 Academic and Fitness to Practise Appeals (<http://www.canterbury.ac.uk/support/quality-and-standards-office/policies-procedures.asp>)

Document History

Issue version	Name of author	Date	Sent to
1.0	J. Jensen and Prof Leads	26/09/08	Considered by FMT
1.1	F. McArthur-Rouse	13/10/08	Revised following FMT meeting 8/10/08
1.2	F. McArthur-Rouse	16/10/08	Revised following feedback from FPG and J. Jensen
1.3	F. McArthur-Rouse	16/10/08	Revised (for Faculty Board)
1.4	F. McArthur-Rouse	31/10/08	Revised following feedback from R. Melville – sent to VC
1.4	F. McArthur-Rouse	07/11/08	Approved by the VC for Academic Board by Chair's Action
2.01	A. Hayford	23/09/09	Updated following feedback from the SFTPP review meeting
2.02	A. Hayford	08/10/09	Updated following feedback from C. Biela and F. McArthur-Rouse – for Quality and Standards Committee
2.03	F. McArthur-Rouse	13/11/09	Amended following QSC – for approval by Academic Board
2	A. Hayford	09/12/09	Approved by Academic Board
3.01	A. Hayford	02/08/10	Updated following feedback from the SFTPP review meeting
3.02	A. Hayford	21/03/11	Updated following SFTPP team meeting
3.03	F. McArthur-Rouse	3/8/11	Revised
4	F. McArthur-Rouse	24/10/11	Revised for QSC. Approved by AB 7.12.11