

**Canterbury Christ Church University**

**Faculty of Education**

**Faculty Professional Suitability Panel Policy**

**Document reference:**

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**Academic Board Approval:** June 2012

**For review:**

N.B. This policy does not apply to student teachers on Employment Based Routes

**1. Introduction**

- 1.1. The Faculty of Education has a duty to oversee the education of students and take action when there are concerns about a student's fitness to practise. Where concerns of this nature arise the Faculty will convene a Professional Suitability Panel (PSP) and will share information regarding individual cases with regulatory bodies in line with their requirements.
- 1.2. The purpose of the Faculty PSP Policy is to ensure the provision of a timely, transparent and consistent response to matters of student conduct considered to be a major cause of concern (see section 5.2 below).
- 1.3. The definition of Professional Suitability is unsuitable conduct, including misconduct, or behaviour which falls short of misconduct but impinges on a student's professionalism on placement or in other professional settings
- 1.4. If a student with a disclosed disability is called to a Faculty PSP the chair of the panel will ensure that all reasonable adjustments had been made to support the student before commencing panel proceedings.
- 1.5. The procedures of the Faculty PSP Policy take procedural precedence over those issued under the University Student Disciplinary Procedures and the Code of Student Professional Conduct.
- 1.6. The Dean 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 When, pending investigation, a student is suspended or neutrally withdrawn from professional practice placement, the Dean or Head of Department will follow

the procedures for neutral withdrawal set out in the University's Code of Student Professional Conduct<sup>1</sup>.

- 1.7. Students who are referred to the Faculty Professional Suitability Panel will be advised of the support available to them through the Student Support Services and the representation available to them via the Students' Union.

## **2. Terms of Reference of the Student Professional Suitability Panel**

- 2.1. To hear the allegations and the student's response to those allegations, regarding his/her conduct, 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 decide on the appropriate sanction. (Note: Panels use the standard of proof that is applied to civil proceedings, that of the balance of probability);
- 2.3. To compile a brief annual report for the ITE Partnership Steering Committee (new name for SPC) and the Faculty Quality Committee summarising the activity;
- 2.4. To ensure that the requirements of relevant Regulatory bodies and the Vetting and Barring Scheme relating to notification of outcomes of PSP are met.

## **3. Membership of the Student Professional Suitability Panel**

- 3.1. The PSP will comprise a quorum of three members.
- 3.2. The Chair of the Panel will be selected from a list approved by the Faculty Management Team. The chair will have no prior knowledge of the case being considered.
- 3.3. The Panel will normally consist of:
  - Faculty Director of Quality or Faculty Head of School Partnerships;
  - one senior member of a pathway / programme team that is not that of the student being called to the panel;
  - one external person, who is not directly employed by the University, who represents the setting in which the student is seeking to qualify to work. This person will be of a seniority that means they have the capacity to employ staff in their setting;
- 3.4. The following persons will be invited to attend the panel meeting to present the evidence:
  - the relevant Pathway / Programme Director (investigating presenter), or nominee;

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

- the student, if they chose to attend, and their representative (see 4.9) if the student chooses to bring one.
- 3.5. A secretary will minute the meeting and maintain records of Panels.
  - 3.6. Panel members will be advised of the rules and regulations of the University and other relevant statutory regulations.
  - 3.7. 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 Chair at the earliest opportunity.
  - 3.8. The investigating presenter will not take part in the decision making process.

#### 4. Procedure

- 4.1. When a student suitability issue is received the relevant Head of Department and Pathway / Programme Director will initially identify the nature and subsequent management of the issue. If a *minor* issue is identified the Pathway / Programme Director will investigate and action using University procedures.
- 4.2. If it is established that the issue is of a *major concern* the Chair of the PSP will be notified by the Head of Department, or nominee, via the referral proforma, determine the relevant procedure and if appropriate invoke the PSP procedure. Case logging will commence.
- 4.3. If a major cause for concern is identified the student will be informed by the 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 Dean may suspend the student from all or part of the programme pending the outcome of the PSP. 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 Chair that the Panel will be convening.
- 4.6. Investigations of a serious nature, often take an extended period of time to complete. In these circumstances, the Chair will keep the student informed and updated on the progress of the investigation at regular intervals.
- 4.7. The Programme/ Pathway Director (investigating presenter), will normally be responsible for investigating, reporting and presenting the particular student case to the PSP. The preceding investigation will involve liaison with all relevant parties. A written report which includes a time line of events and pertinent evidence 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, 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. A student attending for interview may be accompanied by a friend who may be a fellow student of the University, a member of the Student Council (for example, a Sabbatical Officer), or a member of staff who may speak on his/her behalf.
- 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.
- 4.11. All additional information, from any party, will be circulated not less than 3 days before the meeting and papers will not normally be permitted to be tabled at meeting.
- 4.12. 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.
- 4.13. The PSP may adjourn proceedings if necessary.
- 4.14. The Chair of the PSP is responsible for communicating the outcome to the student and all relevant parties. This also includes informing regulatory bodies and any other organisations as required.

## **5. Definitions of Issues regarding student professional suitability**

### **5.1. Minor Issue**

- Minor issues will be dealt with through the normal programme or pathway procedures

### **5.2. Major Issue**

- A major issue is one in which the student has:
  - been investigated concerning, charged with or found guilty of a criminal offence

and/ or

- Breached the Code of Professional Conduct issued by a relevant Statutory body

and/ or

- Breached the University's Code of Student Conduct

and/ or

- Chronic poor physical or mental health which affects a student's behaviour or fitness to practise , which cannot be addressed by Reasonable Adjustments and/or Occupational Health Support, and that may affect the safeguarding of vulnerable groups

and/ or

- Demonstrated unsuitable conduct which falls short of misconduct but impinges on student's professionalism on placement or in other professional settings

## **6. Decision Making**

- 6.1. Any case of alleged student misconduct referred to the PSP will be thoroughly investigated. The resultant outcome and decision 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 decision 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 children/ 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 children / public
- 6.5. The possible decisions and sanctions of Panel hearings are as follows:
  - 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 the Head of Department (and copied to the Pathway / Programme Director) 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 below).

Indicative sanctions (alternative sanctions 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 actions listed below
- The student receives a sanction – beginning with the least severe and proportionate to the risk as follows:
  - Being graded as Cause for Concern or unsatisfactory as appropriate within the programme rules
  - 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
  - Suspend from professional programme for a specified period of time
  - Withdrawal from the professional programme with the ability to re-register in the future<sup>2</sup>
  - Withdrawal from the professional programme without the ability to re-register in the future but with possible transfer to another non-professional programme<sup>3</sup>
  - Suspend or exclude the student with immediate effect from University premises and/or services [**Note:** Any decision to suspend or exclude a student will require the prior approval of the Vice Chancellor, or nominee. The decision to impose such a penalty should include a recommendation as to whether the penalty should or should not be suspended before a review of the decision has taken place, if this is requested by the student].

- 6.6. Where the case has been found against the student, the Panel decision and sanctions will be conveyed in writing to the relevant Examination Board. The Chair of the PSP will be responsible for communicating the outcome and sanctions of the PSP to the student and all relevant parties, including

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<sup>2</sup> 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

<sup>3</sup> As above

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 PSP 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 sanctions 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 PSP.
- 7.2. The student may appeal following the procedures and on the grounds approved by Academic Board for Academic and Fitness to Practise Appeals<sup>4</sup>.
- 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 Chair of the PSP and will inform the relevant Head of Department and Chair of the PSP when any request for an appeal has been received.
- 7.5. The decision of the PSP 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.

## Document History

Issue version	Name of author	Date	Sent to
1.0	Louise O'Sullivan	January 2012	School Partnership Committee
	Louise O'Sullivan	February 2012	Faculty Management Team
	Louise O'Sullivan	March 2012	Faculty Management Team
	Louise O'Sullivan	May 2012	Quality & Standards Committee
	Louise O'Sullivan	June 2012	Academic Board
2.0	Della Kreffer	September 2013	Academic Board

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

