

# Student Fitness to Practise

UPR SA15 version 07.0

## Policies superseded by this document

This document replaces version 06.0 of UPR SA15, with effect from 1 September 2022.

## Summary of significant changes to the previous version

Minor amendments have been made in line with changes to other UPRs.

## Glossary

A glossary of approved University terminology can be found in [UPR GV08](#).

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## 1 Purpose

1.1 This fitness to practise policy and procedure applies to students enrolled on programmes which lead to eligibility for professional registration and/or licence to practise and where Disclosure and Barring Service (DBS) checks are normally required. These programmes are likely to involve a practical professional practice placement as part of the programme. Such programmes include, but are not limited to:

- Initial Teacher Education;
- nursing;
- midwifery;
- radiography;
- social work;
- art therapy;
- optometry;
- paramedic science

- pharmacy;
  - dietetics;
  - sports therapy;
  - clinical psychology;
  - physician associate.
- 1.2 Students on these programmes will have additional responsibilities which are outlined in professional standards and /or the codes of conduct of the relevant Professional, Statutory and Regulatory Body (PSRB). Students will be made aware if they are on a programme covered by this procedure through programme information and any associated guidance. If a student fails to meet these requirements fitness to practise procedures may be applied.
- 1.3 Although there may be variations between professions, fitness to practise procedures have the following essential purposes:
- protection of the public and service users; including patients, children, staff, peers and colleagues;
  - ensuring the upholding of professional standards from the relevant code of conduct and the student code of conduct (where applicable);
  - contributing to upholding the reputation of the profession and public confidence in the profession;
  - providing a means of ensuring that students do not proceed into a career to which they are not suited, given the commitment involved in the process of training;
  - ensuring that the University has taken all possible steps to prevent harm to any individual by a student during the student's training;
  - maintaining confidence that the University has a robust fitness to practise policy for students on professional programmes.
- 1.4 Being 'fit to practise' means being competent, responsible and having the appropriate characteristics (including attitude and the necessary health status) needed to work safely and effectively in a particular profession. The University has a duty of care to its students and to the public to make sure that students are fit to practise in their chosen profession. Conduct that does not meet the standard expected of a student at any stage of their professional programme may fall within the following broad areas:
- relationship with service users including patients, children, parents and young people;
  - demonstrating integrity and trustworthiness;
  - maintaining good practice;
  - demonstrating the ability to reflect on individual skills and knowledge and accepting guidance on improving performance;
  - demonstrating the professional confidence and competence to safeguard children and/or service users;
  - working effectively and collaboratively with colleagues;
  - health-related physical and psychological issues.

(This is not an exhaustive list.)

- 1.5 The fitness to practise policy reflects the University's commitment to prepare students to become effective, safe and qualified professionals. It aims to help students to understand the requirements for entry to their chosen profession and to help them to develop good practice and behaviour from the very start of their studies. If the University identifies that a student has issues in meeting professional requirements, it will deal with these as quickly as possible.
- 1.6 Concerns relating to any academic failure in practice assessments should be dealt with through the University's normal assessment procedures.

## **2 Scope**

### **2.1 Who may raise a fitness to practise concern?**

- 2.1.1 Concerns about a student's fitness to practise may be raised from any source including:
- any member of University staff;
  - another student;
  - a placement partner/provider; including a mentor/supervisor/assessor (or equivalent) or other members of staff;
  - a member of the public;
  - Student Wellbeing;
  - Occupational Health;
  - other agencies such as the Police or Social Services.
- 2.1.2 Only in exceptional circumstances will the University consider concerns received anonymously - when there is a potentially serious case supported by evidence that means the matter should be investigated. The University will not accept vexatious complaints or concerns.

### **2.2 What behaviour is covered by fitness to practise procedures?**

- 2.2.1 Allegation(s) may relate to behaviour whilst a student is on the University premises or in attendance at a placement setting related to the programme. However, if it is reasonably believed that any behaviour in other settings has damaged or compromised relevant professional standards, action may be taken under this procedure.

### **3 At what point in the student journey may fitness to practise proceedings be brought against a student?**

Fitness to practise proceedings may be brought when a student is:

- 3.1 enrolled on a programme (delivered at the University or by or within one of its partner organisations) leading to a University of Hertfordshire Award, successful completion of which would make the student eligible to apply for registration and/or entitle them to practise. This includes students studying to gain employment in certain posts/positions even though their programme does not fall within the remit of a Regulator e.g. physician associate;
- 3.2 currently registered with a PSRB and is undertaking further study at the University e.g. on a short course;
- 3.3 withdrawn from the relevant programme prior to an allegation being resolved; or
- 3.4 an applicant and, as an applicant, declares a health, disability-related or DBS concern at the time when they apply for admission to a programme.
- 3.5 considered as 'resting' or 'dormant' from a programme that leads to the eligibility to apply for entry to a register or licence to practise

### **4 Disability and Fitness to Practise**

- 4.1 At the earliest opportunity, a student must tell the University about a physical or psychological health issue or disability that might reasonably be expected to affect their fitness to practise which either:
  - a exists at the time of the student's application or admission to the programme; or
  - b arises or worsens post-admission.
- 4.2 Once registered as a student at the University, fitness to practise does not include pre-existing medical conditions or disabilities that a student has already disclosed on application and where reasonable adjustments have been made to enable them to complete their academic and practice placement assessments, unless the condition worsens to such an extent that the student becomes unfit to practise on health grounds.
- 4.3 However, fitness to practise will be considered where a disability prevents a student from meeting the core competencies after reasonable adjustments have been made, or the adjustment would have a negative effect on the standard a student is required to achieve or has implications for the safety and protection of the public and service users; including patients, children, staff, peers and colleagues.

4.4 Where a student's disability worsens or is identified during their programme of study, or if the student knew about the disability and declared that disability before starting the programme but it becomes worse and requires new or revised adjustments, the University will need to consider whether:

- i the student could be putting themselves or others at risk of harm by continuing on the programme;
- ii placement providers or relevant professional bodies will be able to make the required alterations to their part of the teaching and learning or assessment process.

4.5 When all reasonable avenues have been explored and it is not possible to make a reasonable adjustment, or to find a student a suitable placement opportunity and a way forward cannot be mutually agreed, it may be necessary for the University to withdraw the student from the programme and offer a transfer to another programme following the fitness to practise process, and if the student meets the relevant entry requirements for the alternative programme.

#### **4.6 The role of Occupational Health**

4.6.1 In circumstances where a student's ability to satisfy the conditions of their programme are called into question because of a health-related issue or disability, the University's Occupational Health Service will make an assessment. The Occupational Health Service will advise on the impact of the issue the student is experiencing on their fitness to practise and, if appropriate, in liaison with the relevant Disability Adviser/Mental Wellbeing Adviser, will advise on reasonable adjustments. If a student's compliance with a treatment programme is necessary to ensure the safety of others is not compromised, the Occupational Health Service will normally act as the point of liaison with the health or disability specialists treating the student.

4.6.2 In normal circumstances, a student's confidential medical information may be exchanged with relevant parties only with the explicit written consent of the student. Where a student is not willing to give their consent, but there is an identifiable risk to the public and service users; including patients, children, staff, peers and colleagues or to the student themselves, written consent to disclosure may be given by the relevant Dean of School (or nominee) who will consult the Director of Legal Services and University Solicitor before doing so.

#### **4.7 Support for students with a health or disability related issues in relation to fitness to practise proceedings**

4.7.1 If a student has declared a health or disability-related issue the University will make all reasonable adjustments in respect of all fitness to practise proceedings, for example in preparation for attendance at meetings associated with the proceedings and with respect to the management of action plans and sanctions.

- 4.7.2 Guidance should be sought by staff and students from the relevant Disability Advisor or Mental Wellbeing Advisor or from the Equality Office, and as appropriate, from the Occupational Health Service about further support during student fitness to practise proceedings.

## **5 Criminal Behaviour and fitness to practise**

- 5.1 At the earliest opportunity, a student must tell the University about a criminal conviction or caution they have received before they commenced their studies or that they receive during their programme. The student / programme handbook or the student's programme leader/professional doctorate director will tell the student how to do this.
- 5.2 Receiving a criminal conviction or caution at application or as an existing student will not automatically mean that a student will be withdrawn from their programme. The factors taken into account by the University are set out in Schools' DBS Procedures.
- 5.3 Where criminal investigations are pending these will normally be completed before fitness to practise proceedings are brought. However, the University may impose an interim suspension (see section 9.4).

## **6 Examples of concerns (other than criminal behaviour) that call into question fitness to practise**

- 6.1 Other examples of concerns which relate to professional conduct or professional suitability include, but are not limited to, the following:
- a actions that have the potential to harm the public and service users; including patients, children, staff, peers and colleagues;
  - b actions that are likely to constitute an unacceptable risk to the student or others;
  - c failure to disclose information about previous matters relating to the student's professional suitability prior to registration on the programme, including health, previous convictions and cautions; including previous student misconduct/involvement in fitness to practise procedures;
  - d concerns raised as a result of an action under academic misconduct disciplinary proceedings / disclosure to barring panel proceedings where professional issues such as lack of honesty or integrity are called into question;
  - e breach of the University's ethics protocols;
  - f contravention of the relevant professional code of conduct;

- g actions that are prejudicial to the development or standing of professional practice;
  - h allegations of inappropriate behaviour;
  - i alcohol, drugs or substance misuse;
  - j concerns about a student's health or wellbeing, involving a failure to seek appropriate medical treatment or other support; unreasonable failure to follow medical advice or care plans and treatment resistant conditions which might impair fitness to practise;
  - k allegations, primarily occurring in placement settings, of a pattern of concerns related to professional behaviours, attitudes, values, despite the student having opportunities to develop, practise and rectify faults and shortcomings. Whilst each individual incident may be less serious on its own, where a pattern has emerged, this may call into question a student's overall professional competence.
- 6.2 This list is not exhaustive. Other behaviours, attitudes or values may cause concerns about a student's fitness to practise.

## **7 Student responsibilities in relation to fitness to practise**

- 7.1 Students have a personal responsibility to familiarise themselves and comply with the relevant principles of professional behaviour, any relevant code of conduct and the University regulations about students' conduct (UPR SA01 and UPRSA01, Appendix 1).
- 7.2 It is a student's personal responsibility to comply with the requirements of their Regulator or Professional Body and to declare any sanctions they have received during their studies. The obligation to declare may arise at the point at which they receive the sanction or at the point of application for registration.

## **8 University responsibilities in relation to fitness to practise**

- 8.1 Students will be made aware if they are on a programme covered by the fitness to practise policy and procedures.
- 8.2 The University will ensure that programme information and all other School documentation relating to fitness to practise on professional programmes:
- sets out the name of the relevant PSRB or equivalent;
  - sets out the relevant principles of professional behaviour together with any profession specific processes for dealing with these;
  - make students aware of the support available to them.



- 8.3 In considering any allegations, the University will comply with the requirements of its Equality and Diversity Policy.
- 8.4 The University will conduct any proceedings with strict confidentiality. All parties to the allegation(s) and individuals who have been involved in any related investigation and/or the management and/or the administration of an allegation, will observe the requirements for confidentiality. However, the University will share information about a student where there is good reason and urgent cause to do so. This may include passing information to external agencies such as social services or the police, professional regulators and placement providers where, for example, it is considered necessary to protect public and service users; including patients, children, staff, peers and colleagues.
- 8.5 The University may be obliged to report to the relevant PSRB or equivalent a student's unprofessional behaviour, health or other issues that affect their fitness to practise. This may result in the PSRB or equivalent refusing a student registration and /or invoking their own processes.
- 8.6 Responsibility for the application and administration of the fitness to practise policy and procedures**
- 8.6.1 The relevant Dean of School is ultimately responsible for the proper application and administration of the fitness to practise policy and procedure. Deans of School may delegate responsibility for any matters relating to fitness to practise to the Associate Dean of School (Academic Quality Assurance) including putting in place appropriate procedures to enable the School to monitor the proper operation and administration of these procedures.
- 8.6.2 Associate Deans of School (Academic Quality Assurance) may in turn delegate some or all of their responsibilities to members of staff of appropriate standing within their School, including to programme leaders/professional doctorate directors and School Fitness to Practise Officers (where applicable) but the Associate Dean of School (Academic Quality Assurance) must maintain an overview of the activities of members of staff acting as their nominees.

## **9 Procedure for dealing with concerns about a student's fitness to practise**

(See [Student Fitness to Practise Flowchart](#) or [Fitness to Practise Flowchart – Extended view](#))

### **9.1 Receipt of concerns and allegations**

- 9.1.1 Where a concern, complaint or allegation is received by a programme leader/professional doctorate director or other member of staff at the University they must within two (2) working days of the receipt of that information or as soon as possible thereafter, report the concern, complaint or allegation to the Associate Dean of School (Academic Quality Assurance) or nominee.

- 9.1.2 Where a concern, complaint or allegation is notified directly to a programme leader/professional doctorate director, they will obtain written confirmation from the individual who has raised the matter.

## **9.2 Support for students during the fitness to practise process**

- 9.2.1 Should fitness to practise proceedings occur before or during a period of assessment and a student has a concern that the proceedings may affect their performance in an assessment, it is their responsibility to apply for a coursework extension and /or Exceptional Circumstances.
- 9.2.2 Students can access impartial and confidential advice from the Students' Union Advice Centre and Dean of Students Office. They may also seek support from their PSRB (or equivalent) if they are a member.

## **9.3 Initial consideration**

- 9.3.1 On receipt of the concern, complaint or allegation, the Associate Dean of School (Academic Quality Assurance) or nominee, shall in consultation with the relevant programme leader/professional doctorate director determine whether the concern/complaint or allegation is within the scope of fitness to practise or whether it should be pursued via an alternative route (e.g. academic misconduct) which falls short of the relevant professional, statutory and regulatory concerns.
- 9.3.2 Once it is decided that the matter falls within the scope of fitness to practise the Associate Dean of School (Academic Quality Assurance) or nominee will evaluate the risk to the protection of the public and service users; including patients, children, staff, peers and colleagues and the student themselves and take such immediate action as is deemed appropriate in the circumstances to safeguard all relevant parties, but without prejudice to the outcome of the enquiry. This may include recommending to the Dean of School that the student be suspended from their practice placement/school placement; and/or to the Vice Chancellor suspension from academic study and/or restricting the student's access to the University premises pending the outcome of an investigation into the concern, complaint or allegation.

## **9.4 Interim Suspension, conditions and restrictions**

- 9.4.1 Where a concern, complaint or allegation is considered to be of a sufficiently serious nature a student may at any time be suspended from practise and/or have conditions or other restrictions imposed on them in relation to their programme of study, on an interim basis.
- 9.4.2 The purpose of an interim suspension from practise and/or the placing of conditions or restrictions is:
- a to protect the public and service users; including patients and children;
  - b to protect colleagues, staff or fellow students who may be compromised by the student in performing their professional duties; and/or
  - c to protect the student themselves.

- 9.4.3 Interim suspensions, restrictions or conditions are not sanctions or penalties and do not imply guilt.
- 9.4.4 Interim suspension from practise should not be confused with interim suspension, suspension or exclusion from the University which may only be approved by the Vice-Chancellor under Appendix IV, UPR SA15.
- 9.4.5 The student will be informed in writing of their suspension from practise or of any conditions or restrictions imposed by the Dean of School or nominee following appropriate consultation, with for example, the relevant Head of Department, the Dean of Students, the programme leader/professional doctorate director and the relevant practise placement / learning provider/partner school.
- 9.4.6 In notifying a student of any restrictions and or conditions to be imposed, the Dean of School or nominee will provide advice concerning available support including assistance to the student in continuing their studies on a theoretical, rather than a practical, basis. In the case of serious allegations, however, the need for public and reputational protection may mean that it is not possible for the student to continue their studies until the matter is resolved.
- 9.4.7 The interim suspension from practice will remain in place until the fitness to practise proceedings have concluded. In exceptional circumstances the interim suspension may be lifted prior to the conclusion of fitness to practise proceedings and the student will be informed in writing of this as soon as possible. However, the student fitness to practise proceedings will continue to be progressed until they have concluded even where the interim suspension has been lifted.
- 9.4.8 Students should be aware that a practice placement / learning provider/partner school has the right to suspend or withdraw a student from a practice placement and may use its internal procedures to do so. In these circumstances the University will liaise with the practice placement / learning provider to decide:
- a whether the investigation will be conducted concurrently with the University's process; and
  - b what, if any, actions should be taken before the outcome is known and the processes completed.
- 9.4.9 The University may seek advice from the relevant PSRB or equivalent at any stage in the process and, where applicable, representatives of relevant Practice Placement / Learning Providers/ Partner Schools.

## **9.5 Outcomes of the initial consideration**

Within five (5) working days, or as soon as possible thereafter, of receipt of the concern, complaint or allegation by the Associate Dean of School (Academic Quality Assurance)/Associate Dean of School (Research) or nominee will, using their professional judgement, decide either:

- a to treat the matter as an issue for concern that is handled as a developmental issue in which support will be given to the student to help them improve their practice or approach; or

- b to refer the case to student occupational health, fitness to study, disciplinary procedures (academic or non-academic), or via another route (assuming that the concern has not been raised by such procedure or route) or in the case of non-academic or academic misconduct disciplinary issues, to refer the matter to be considered under fitness to practise procedures as set out in (c) or (d) below; or
- c that the case should be dealt with under the preliminary process (Stage 1) where the case is considered as presenting no risk or is judged to be of minimal risk to the public and service users; including patients, children, staff, peers and colleagues or to the student themselves; or
- d that the case should proceed directly to the formal process (Stage 2) where the case is considered as presenting a moderate or major risk to the public and service users; including patients, children, staff, peers and colleagues or the student themselves.

## **9.6 Notifying outcome of the initial consideration to the student**

The student will be notified by their programme leader/professional doctorate director that a concern about them has been lodged or an allegation made within five (5) working days, or as soon as possible thereafter, of the receipt of the concern by the Associate Dean of School (Academic Quality Assurance)/Associate Dean of School (Research) or nominee, along with details of how the university will be progressing the issue as set out in section 9.5 above.

## **9.7 Complaints**

- 9.7.1 Where a student submits a complaint during fitness to practise proceedings, it may be appropriate to pause the fitness to practise process while the complaint is being investigated. However, this will depend on the nature of the fitness to practise concerns and the nature of the complaint, and how they relate to one another.
- 9.7.2 Where the issues are closely related, the issues raised in the complaint will normally be considered as part of the fitness to practise process. The University will inform the student about whether their complaint is being dealt with under the University complaints procedure or whether the complaint is being considered as part of the fitness to practise process.
- 9.7.3 Pausing of the fitness to practise proceedings and/or investigating a related complaint may extend the proceedings and subsequent conclusion/resolution of any concern, complaint or allegation.

## **9.8 Conduct of investigations**

- 9.8.1 The fitness to practise procedure has a preliminary stage (Stage 1), a formal stage (Stage 2) and a review stage.

- 9.8.2 Where a fitness to practise case is to be dealt with under Stage 1 or Stage 2 an Investigating Officer may be appointed. The Investigating Officer will be impartial to the case and will collect the evidence relevant to the concern, complaint or allegation and prepare a written report that does not pass judgement for or against the student nor recommend a particular course of action.
- 9.8.3 In assembling such evidence, the Investigating Officer may interview those involved and will consider any relevant records or other written information. Interviews may be conducted by telephone where appropriate. Non-verbatim notes of any meetings will be kept. The student under investigation and others interviewed will be asked to read and sign the notes of their meeting(s) with the Investigating Officer to the effect that the statement represents a true/accurate record.
- 9.8.4 When interviewing, the Investigating Officer will explain the allegation and then question the student in detail. Students may be accompanied by a friend or student union representative. The role of the friend / student union representative is to act as an observer, to give moral support and to assist the student in making their case. The friend / student union representative will not be permitted to answer questions on behalf of the student. The friend should not also be a witness any alleged breach/incident.
- 9.8.5 In addition, where reasonable adjustments are required, a student may be accompanied by a supporter e.g. a sign language communicator or a note-taker and, if the student has difficulty in understanding English, they may be accompanied by a translator.
- 9.8.6 The Investigating Officer will submit their report to the Stage 1 decision-maker or Stage 2 Fitness to Practise Panel, within twenty **(20)** working days or as soon as possible thereafter, of the case being referred to them. If the investigation takes longer, the student will be kept informed of the progress.

## **10 Preliminary stage – Stage 1**

- 10.1 Where the Associate Dean of School (Academic Quality Assurance)/Associate Dean of School (Research) or nominee determines that there is no risk or that the risk is minimal, the concern, complaint or allegation will be considered under the preliminary process – Stage 1.
- 10.2 The Stage 1 process is progressed by the Associate Dean of School (AQA) /Associate Dean of School (Research) or nominee(s) who will:
- where necessary, appoint an investigating officer;
  - consult the practice placement/learning provider/partner school (if applicable) and (where relevant) the School Fitness to Practise Officer;
  - ensure that regular communication is maintained with the student and any relevant parties;
  - normally meet with the student; and
  - exercise their professional judgment.

### 10.3 Stage 1 Outcomes

The possible outcomes to Stage 1 are set out below:

	Outcome	Course of action
10.3.1	There is no case to answer/no further action	Where it is considered that a student has no case to answer and/or no further action is required, the student will be informed in writing within five (5) working days of notification of the concern, complaint or allegation or as soon as possible thereafter.
10.3.2	The concern, complaint or allegation is a fitness to practise issue, but it is considered to be minor and has not been raised previously and /or no other fitness to practise matter has been raised previously.	<p>Where it is considered that the concern, complaint or allegation is minor the Associate Dean of School (Academic Quality Assurance)/Associate Dean of School (Research) or nominee(s) may decide to give a First Warning, or a Final Warning and/or manage the matter informally with the programme team and/or the practice placement /learning provider. The student will be informed in writing within five (5) working days of notification of the concern, complaint or allegation or as soon as possible thereafter, and a copy of the notification will be placed on their file.</p> <p>OR</p> <p>Where it is considered that the concern, complaint or allegation is minor and/or no further action is required, the student will be informed in writing within five (5) working days of notification of the concern, complaint or allegation or as soon as possible thereafter, and a copy of the notification will be placed on their file.</p>
10.3.3	The concern, complaint or allegation is found to be serious and /or is otherwise considered to warrant further investigation and /or has been raised previously and/or another fitness to practise, student discipline or academic misconduct has been raised previously.	In these cases, the student will be informed in writing within five (5) working days or as soon as possible thereafter, that the concern, complaint or allegation warrants further investigation and advises the student of the appointment of independent investigator and the matter may be progressed to Stage 2 and a copy of the notification to this effect will be placed on their file.

10.4 Following the Stage 1 decision, in the limited circumstances set out below a student may request a review by the Deputy Vice-Chancellor (or nominee):

- a where new and relevant information not already brought forward by the student at an earlier stage becomes available, provided they could not have brought forward the information at the earlier stage and such new and relevant information is conclusive of an issue under review; or

- b where the student reasonably believes that there is a prima facie case of procedural irregularity or appearance of bias or actual bias.
- 10.5 The student's request must be made in writing within ten **(10)** working days of the date of the Letter. A review of the decision will be conducted within five **(5)** working days, or as soon as possible thereafter, following receipt of the request for review.

## **11 Formal Stage – Stage 2**

- 11.1 Where the Associate Dean of School (Academic Quality Assurance) /Associate Dean of School (Research) (or nominee) considers that the risk is moderate or major, the concern, complaint or allegation will proceed to the formal stage for consideration by a Fitness to Practise Panel.
- 11.2 The Associate Dean of School (Academic Quality Assurance)/Associate Dean of School (Research) (or nominee) will write to the student within five **(5)** working days (or as soon as possible thereafter) of the Initial Consideration or, where relevant, the decision taken at Stage 1. At this point, a Chair will be appointed and a Student Fitness to Practise Panel under Stage 2 will be convened by Associate Dean of School (Academic Quality Assurance), Associate Dean of School (Research) (or nominee). All relevant documents, along with the allegation(s), will be passed to the Chair, all Panel members University appointed advisors and the student.

### **11.3 Fitness to Practise Panel**

The Fitness to Practise Panel is an ad hoc panel convened on the authority of the Vice-Chancellor. The Chair of the Panel acts as the nominee of the Vice-Chancellor save and except for the purposes of Suspension or Exclusion from the University (see Appendix IV, UPR SA15).

### **11.4 Composition of a Fitness to Practise Panel**

- 11.4.1 A Fitness to Practise Panel shall be composed of:
  - a the Chair who will be a Dean of School, a Deputy Dean of School, an Associate Dean of School (or Deputy/Assistant) or a Head of Department;
  - b a University of Hertfordshire Professional/Subject Lead (or equivalent) normally from the same profession as the student;
  - c a Practice Representative from a relevant practice placement/learning provider/partner School, normally of the same profession as the student but from another Trust or practice placement/learning provider;
  - d where specified by the relevant Regulator, a member of University staff who is not a member of the School and who is not of the same profession as the student;

- e in the case of a breach of ethics protocols in relation to the conduct of a study involving human participants, the Chair or Vice-Chair of an Ethics Committee with Delegated Authority (ECDA).
- 11.4.2 No person directly involved with the case shall be a Chair or member of the Fitness to Practise Panel.
- 11.4.3 Categories a, b, c and d (where applicable) must be present.
- 11.4.4 The Dean of Students or nominee may attend as an adviser.
- 11.4.5 The Chair has discretion to invite a Specialist Adviser who normally will be a member of the relevant profession with appropriate standing to attend and to advise the Panel. The Specialist Adviser will normally be a member of University staff.
- 11.4.6 In constituting the Panel, the Associate Dean of School (Academic Quality Assurance)/Associate Dean of School (Research) (or nominee) will have regard for diversity within its membership.
- 11.4.7 The Case Officer will normally be the Investigating Officer or the decision-maker at Stage 1 where applicable.
- 11.4.8 The Clerk will be an Officer in Attendance.
- 11.5 Fitness to Practise Panel – the Hearing**
  - 11.5.1 Students are expected to bring forward to the Fitness to Practise Panel all relevant evidence that is available at the time of the Hearing. Evidence should normally be available within five (5) working days of the panel. Late evidence will be considered at the discretion of the Chair of the Panel.
  - 11.5.2 Normally a student must attend the Hearing in person but in exceptional circumstances the Chair has discretion to allow attendance by video call.
  - 11.5.3 Where for good and evidenced reasons a student is unable to attend on the date set for the Hearing, they may request that the Chair re-arrange the date. Unless otherwise agreed in advance, should a student fail to attend the Hearing at the published time, the Hearing will proceed in their absence.
  - 11.5.4 At the discretion of the Chair of the Panel, and provided that a student gives the Chair at least two (2) working days' notice, they may be accompanied to the Hearing by either:
    - i a friend;
    - ii a representative of the Student Union;
    - iii a representative of a professional union; or
    - iv a legal representative.



This individual may assist and advise the student during the Hearing but may not present their case on their behalf. The role of the student's advisor is to empower the student to represent themselves. Students are expected to provide relevant evidence to their advisor. Where a lawyer is present at the Hearing, the Panel may also have a University legal advisor present.

The Chair of the Panel is responsible for the conduct of Panel members and University representatives present at the Hearing and may adjourn the Hearing if the Chair considers the conduct or behaviour of such a person(s) is not in the best interests of the progress of the Hearing.

Students are responsible for the conduct and behaviour of their advisor at the Hearing. Where the Chair of the Panel considers that the student's advisor is not acting in the best interests of the student, the Chair will adjourn the meeting with a view to deciding whether it is in the best interests of the student for the student's advisor to return to the re-convened meeting. Where re-convening the meeting is not possible, the Chair will recommend that the Hearing is rescheduled to be held on a future date. The Chair will also inform the student that if the Hearing is rescheduled any similar inappropriate conduct or behaviour by the student's advisor will lead to the advisor being asked to leave the rescheduled Hearing and the rescheduled Hearing will continue in order for the case to be progressed in the best interests of the student.

- 11.5.5 Where the facts leading to the fitness to practise concern, complaint or allegations are disputed both the Case Officer and the student may call witnesses. The parties must give the Chair of the Panel at least two (2) working days' notice if they intend to call any witnesses. Witnesses may attend by alternative means (for example by video call).
- 11.5.6 Audio recordings of meetings will not normally be allowed, although reasonable adjustments may be made if required in accordance with the Equality and Diversity Policy. Requests for adjustments must be made at least two (2) working days in advance to the Chair of the Fitness to Practise Panel.
- 11.5.7 The Hearing will be conducted in accordance with the rules set out in Appendix V, UPR SA15.
- 11.5.8 A narrative (non-verbatim) record will be made of the Hearing by a Clerk to the Fitness to Practise Panel. The detailed deliberations of the Panel are confidential.
- 11.5.9 Where relevant and appropriate, in setting out the reasons for the Panel's decision, the Letter will reference any failings in respect of the relevant Principles of Professional Behaviour, or breaches of any relevant Regulator or Student Code of Conduct/Code of Conduct.

## **11.6 Fitness to Practise Panel – Decisions**

- 11.6.1 The University is responsible for proving the allegation against a student (the burden of proof). The level of proof (the standard of proof) the Panel requires is that of a balance of probabilities. On the basis of the evidence, the Panel must be satisfied that it is more likely than not that something happened, having regard to the seriousness of the allegation.
- 11.6.2 Decisions of the Panel are by a simple majority. If the Panel is split equally, the Chair will have the casting vote.
- 11.6.3 The Panel may take one or more of the following decisions:
- a determine that the student has failed to meet the relevant standards of professional behaviour, or that they have breached the relevant regulator's code of conduct or that they are otherwise not fit to practise and that the matter should be reported to the relevant regulator and/or practice placement/learning provider; and/or
  - b where academic misconduct or non-academic misconduct has been proven, impose a penalty specified in Appendix I, UPR SA15 and/or give a warning for academic or non-academic misconduct. The decision will be reported to the relevant Programme/Short Course / Module Board of Examiners; and/or
  - c dismiss a non-academic or academic misconduct allegation. Where the allegation is one of academic misconduct, the relevant Short Course /Module Board of Examiners should be informed that the allegation has been dismissed; and/ or
  - d impose an alternative reasonable penalty, for example, a requirement that the student apologise and/or to give an undertaking as to future behaviour, and/or a fine and /or carry out work to make good any damage caused; and/or recommend to the Vice-Chancellor that the student is suspended if they fail to comply with the penalty imposed; and/or
  - e to add information concerning the matter to the student's personal file; and/or
  - f withdraw the student from the programme or recommend that the Vice-Chancellor suspends or excludes the student from the University.
- 11.6.4 In making its decision, the Panel will have regard to proportionality and take into account the need to:
- a protect the public and service users; including patients, children, staff, peers and colleagues;
  - b uphold proper standards of conduct; and
  - c maintain public confidence in the profession

- 11.6.5 Within five (5) working days of the Hearing or as soon as possible thereafter, the decision of the Panel, and the reasons for that decision, will be communicated to the student. A copy will be sent to the Dean of Students who will be responsible for instigating any consequent action, including providing copies of the letter to other relevant members of staff.

**11.7 Recommendation for suspension or exclusion from the University by the Vice Chancellor**

Where the Fitness to Practise Panel has recommended that the student be suspended or excluded from the University, the letter referred to in section 11.6.5 will make clear that the matter has been referred for final decision by the Vice-Chancellor.

**11.8 Reporting to the relevant regulator, practice placement / learning provider and to existing and potential employers and/or other relevant external organisations.**

Where this is required by the Regulator and where a decision of the Fitness to Practise Panel is that a report should be made to the relevant Regulator, the Chair of the Fitness to Practise Panel will:

- a consult with the Associate Dean of School (Academic Quality Assurance)/ Associate Dean of School (Research) to confirm whether the University is obliged in the circumstances of this case to report the matter to any relevant Regulator, Practice Placement/Learning Provider; and/or to existing and potential employers and/or to other relevant external organisations; and
- b after the time-limit for appeal (see section 12.2), notify the relevant external parties of the Fitness to Practise Panel's finding.

## **12 Review of a Fitness to Practise Panel Decision**

**12.1 Grounds for requesting a review of a Fitness to Practise Panel decision**

- 12.1.1 Following the decision of the Fitness to Practise Panel and in the limited circumstances set out below a student may request a review by the Deputy Vice-Chancellor (or nominee):

- a where new and relevant information not already brought forward by the student at an earlier stage becomes available, provided they could not have brought forward the information at the earlier stage and such new and relevant information is conclusive of an issue under review; or
- b where the student reasonably believes that there is a prima facie case of procedural irregularity or appearance of bias or actual bias.

- 12.1.2 The procedure in this section does not apply to decisions taken by the Vice-Chancellor in relation to suspension or exclusion from the University.

## **12.2 Process for reviewing a Fitness to Practise Panel decision**

- 12.2.1 A student must make the request in writing and it should be received by the Student Procedures Co-ordinator not more than ten (10) working days following the date of the letter of notification of the Panel's decision.
- 12.2.2 A request for a review will be denied where the grounds cited in the written request are other than those set out in section 12.1 above.
- 12.2.3 The Deputy Vice-Chancellor may nominate another member of staff with appropriate standing to undertake some or all of the duties assigned to the Deputy Vice-Chancellor under these procedures (UPR SA15).

## **12.3 Fitness to Practise Review Panel**

- 12.3.1 Where, at their absolute discretion, the Deputy Vice-Chancellor (or nominee) determines that the case is eligible for further consideration, they will refer the matter to a Fitness to Practise Review Panel composed of individuals who were not members of the Fitness to Practise Panel that heard the case initially.
- 12.3.2 The role of the Fitness to Practise Review Panel is to review the decision made at the original Fitness to Practise Panel hearing and to reach a conclusion as to whether the decision made by the Fitness to Practise Panel should be upheld or referred to a newly constituted Fitness to Practise Panel for a new hearing. The composition of the Fitness to Practise Review Panel is that set out in section 11.4 above.
- 12.3.3 The decision of the Fitness to Practise Review Panel will be final. Within five (5) working days of the Hearing or as soon as possible thereafter, the decision of the Panel will be communicated to the student by the Chair of the Fitness to Practise Review Panel. A copy of the notification will be provided to the Dean of Students who will be responsible for instigating any consequent action, including, as appropriate, providing copies to other relevant members of staff.
- 12.3.4 Where the decision of the Fitness to Practise Panel has been upheld, the student will also receive a **Completion of Procedures Letter**, which may be used in relation to any future dealings with the Office of the Independent Adjudicator. Where the Fitness to Practise Review Panel has referred the matter back for a new hearing, the Completion of Procedures Letter will be issued once the new hearing has been completed.

## **13 Office of the Independent Adjudicator**

Once a student has exhausted the University internal procedures and subject to the provisions of legislation, the student has the right to request the Office of the Independent Adjudicator to review their case.

## 14 Legal Redress

Nothing in this document is intended to exclude or limit a student's right to bring legal proceedings.

## 15 Monitoring

- 15.1 The University will monitor the operation of this policy and procedure and emerging trends and will publish non-confidential data.
- 15.2 The Dean of Students will co-ordinate an annual review of the decisions taken and provide a report to the Deans of School and Associate Deans of School (Academic Quality Assurance)/Associate Deans of School (Research), of the Schools that offer Professional Programmes.
- 15.3 The Vice-Chancellor will submit an Annual Report to the Academic Board and to the Board of Governors on the operation of these procedures (UPR SA15). The information in the Annual Report will be anonymised.

## 16 Standard Forms and correspondence

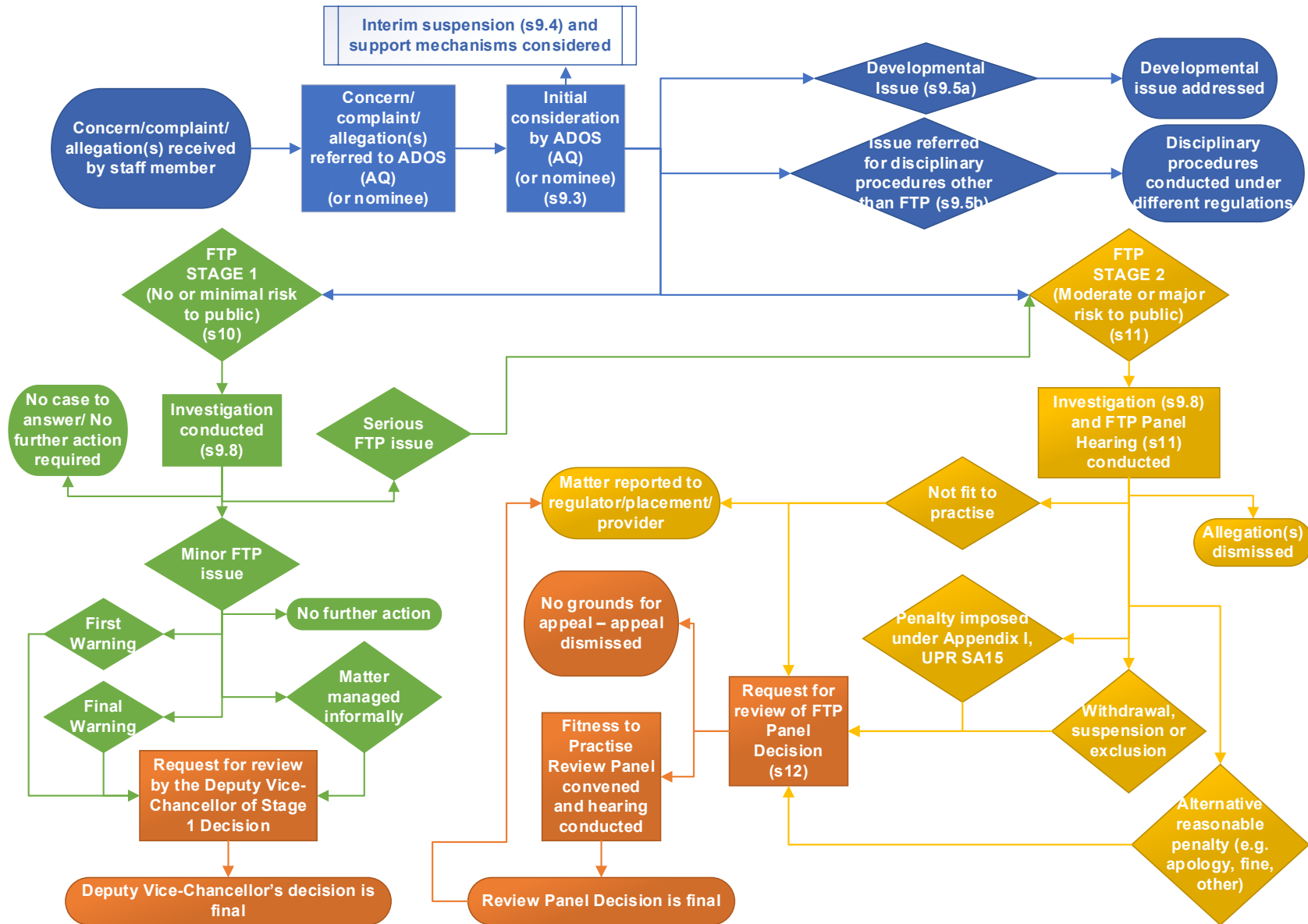
- 16.1 The Secretary and Registrar will devise and issue standard forms and correspondence to be used in conjunction with UPR SA15 (Appendix VI, UPR SA15).
- 16.2 Associate Deans of School (Academic Quality Assurance)/Associate Dean of School (Research) and/or the Dean of Students will ensure that only the current standard forms and letters approved by the Secretary and Registrar from time-to-time are used (Appendix VI, UPR SA15).

Sharon Harrison-Barker  
Secretary and Registrar  
Signed: **1 August 2022**

### Alternative format

If you need this document in an alternative format, please email us at [governanceservices@herts.ac.uk](mailto:governanceservices@herts.ac.uk) or telephone us on +44 (0)1707 28 6006.

## Student Fitness to Practise Flowchart



## Student Fitness to Practise Flowchart – Extended View

