**University of Wolverhampton**

**Faculty of Education Health and Wellbeing (FEHW)/Faculty of Science and Engineering (FSE)**

**Faculty Fitness to Practise Procedure (from March 2020)**

**Scope**

The Faculty Fitness to Practise Procedure supports the University Fitness for Practice Policy and Procedure by setting out the requirements for the initial investigation. The University Fitness for Practice Policy and Procedure details the categories of concern in relation to student fitness to practise, the confidentiality disclosure requirements and the procedure commencing with the investigation of a concern through to the University Fitness for Practice Panel hearing.

Prior to referral to the University Fitness for Practice Panel an investigation is undertaken at faculty level utilising a risk assessment process to determine whether or not the fitness to practise referral threshold has been reached. The Faculty Fitness to Practise Procedure details the requirements of the investigation and the operation of the Faculty Fitness to Practise Panel in determining whether or not a case is referred to the University Fitness for Practice Panel. The University Fitness for Practice Panel only deals with the most serious fitness to practise concerns where removal from the course may be a possible outcome.

**Identifying a fitness to practise concern**

Students on professional courses, or courses where students are required to undertake a placement with access to children or vulnerable adults, are required to be of good character and conduct and to be physically and mentally fit to practise. The Health and Care Professions Council define fitness for practice as someone who has the “skills, knowledge, character and health to practise their profession safely and effectively” (HCPC, 2019[[1]](#footnote-1)). Fitness for practice in relation to skills and knowledge is generally dealt with through the University assessment process. Fitness to practise in relation to character and health is used as a basis for these procedures.

The Faculty recognises that academic success does not necessarily equate with the professional/regulatory requirements for registration, and aims to assure itself that the student has the capability for safe and effective practice without supervision. Students on professional courses have privileged access and responsibilities in comparison to students on non-professional courses and are required to meet specific standards of professional conduct.

The purpose of this fitness to practise procedure is to facilitate improvements to the safe practice and professionalism of any student where fitness to practise concerns in relation to health and conduct have been identified. It is acknowledged that most students will want to address any concerns as quickly as possible so that they can complete the course. Faculties are responsible for ensuring that students have opportunities to learn and practise to the standards expected of them. Faculties must explain to students the relationship between the standards for professional courses and the fitness to practise procedures. This should be an iterative process. Faculties must also explain to students the fitness to practise consequences of not abiding by a code of professional standards.

The Faculty Fitness to Practise Procedure relates to all students registered on courses of study that lead to provisional or full registration with an appropriate statutory or regulatory body or which confer a professional qualification or entitlement to practise a particular profession or calling.  The procedure also applies to non-professional courses where students are required to undertake a placement with access to children or vulnerable adults.

If fitness to practise is impaired it means there are concerns about a person’s ability to practise safely and effectively. Minor conduct concerns may be managed through the course assessment requirements rather than the fitness to practise procedures. However, more serious and repeated conduct concerns and health concerns are managed through the fitness to practise procedures. When considering a student’s fitness to practise specific concerns are not considered in isolation: all previous conduct or health concerns, which may or may not have been presented to the Faculty Fitness to Practise Panel previously, may be considered to build a picture and enable a risk assessment to be undertaken to determine whether the fitness to practise referral threshold has been reached (see appendix 1).

These procedures should be read in conjunction with course handbooks and regulations and professional codes of conduct relevant to the professional course of study, the Faculty Suspension of Placement Procedures and the University Fitness for Practice Policy and Procedure.

The faculty fitness to practise procedure does not apply to:

* any aspect of a student's academic progression including academic performance, capability and/or practical competence, unless concerns come to light about a student’s professional suitability on the grounds of conduct/behaviour or where practical competence of a student is impaired to the extent that the protection of the public/client group and the university community may be compromised. In that event, these procedures may be initiated in respect of such concerns;
* matters relating to academic misconduct in which the student has gained, or sought to gain, advantage in assessment contrary to the established conditions under which students’ knowledge, abilities or skills are assessed for progression towards, or the conferment of, an award. These matters must be dealt with under the Regulations and Procedure for Academic Misconduct in the first instance.  Where the outcome of this process gives rise to serious concerns relating to professional conduct, such as an inability to demonstrate a duty of candour or continued failure to demonstrate honesty and integrity, the Faculty Fitness to Practise Procedures may be initiated in respect of such concerns;
* concerns about a student’s general health where the student’s fitness to practise is not compromised.
* matters relating to placement provision that are not within the control of the student such as poor placement provision, or a breakdown of placement which requires an alternative placement to be considered.

Categories of concern, where the Faculty Fitness to Practise Procedures may apply, are included (but are not limited to) those listed in Appendix 1.

**Confidentiality Disclosure**

The University may consider it appropriate to discuss and/or refer matters and/or their outcomes to third parties such as professional, statutory or regulatory bodies, placement providers and agencies such as social services, the police or the disclosure and barring service. The University will normally notify the student when doing so, but may do so on occasion without notification to the student in situations deemed to be of risk. Where such a third party or agency carries out any investigation or other process, the University may suspend or delay taking action under this procedure, although it is not obliged to do so. The University will not be bound by the outcome of any third party or agency investigation or other process.

When a personal tutor or counsellor has serious concerns about the student having continued access to vulnerable groups, such as patients, they should be advised to pass the information to the student’s Dean of Faculty (Health and Social Care Act 2008).

This policy and procedure is also subject to the (new) requirements of the Independent Safeguarding Authority and recognises the University’s duty to share information under the Vetting & Barring Service.

<https://www.gov.uk/government/organisations/disclosure-and-barring-service>

**Related University of Wolverhampton policies/procedures**

[Fitness for Practice Policy and Procedure](https://www.wlv.ac.uk/current-students/conduct-and-appeals/student-conduct/)

[Policy Statement on Equal Opportunities](https://www.wlv.ac.uk/about-us/corporate-information/equality-and-diversity/policies-and-governance/policy-statement/)

[Student Code of Conduct and Disciplinary Procedures](https://www.wlv.ac.uk/current-students/conduct-and-appeals/student-conduct/)

[Regulations and Procedures for Academic Misconduct](https://www.wlv.ac.uk/current-students/conduct-and-appeals/academic-misconduct/)

**The Faculty Fitness to Practise Procedure**

**Principles**

1. Reporting a case of concern for fitness to practise is appropriate if it is believed that the conduct, competence, practice or good health of a student is impaired to the extent that the protection of the public/client group and the university community may be compromised.
2. In cases of student discipline and academic misconduct, existing university policies will be applied. However it is recognised that academic and professional conduct are interrelated, for example, some cases of academic misconduct may call into question a student’s fitness to practise resulting in referral to the Faculty Fitness to Practise Panel following the academic misconduct hearing.
3. Repeated incidents of a minor disciplinary nature which are documented may result in referral to the Faculty Fitness to Practise Panel.
4. Decisions made about a student’s fitness to practise will be based on relevant university policies and codes, and codes of professional conduct and guidance from the relevant professional or regulatory body.
5. The standard of proof applied at every stage of this procedure is the balance of probabilities.
6. Should a student without good cause be unwilling or unable to participate at any stage of this procedure or attend a meeting/ hearing, the University reserves the right to follow the procedure in their absence.

**Terms of Reference of the Faculty Fitness to Practise Panel**

1. Consider the suitability for admission of students onto a professional course where fitness to practise is called into question[[2]](#footnote-2).
2. Consider a student’s fitness to practise when they have declared a change in the status of their health or character during the duration of their course.
3. Consider evidence where there are concerns about a student’s continued fitness to practise and/or serious breaches in code/s of professional practice/placement and/or university policies and procedures and decide whether further action is required. See the suspension of placement procedures for examples (appendix 3).
4. Produce an annual report of its activity to be used in course enhancement activities.
5. Provide advice to staff about management of faculty fitness to practise concerns.

**Membership of the Faculty Fitness to Practise Panel:**

* Chair/deputy chair: Associate dean or appointed deputy
* Professional representation from the fields of practice/professions taught in the faculty
* Senior academic representation from the fields of practice/professions taught in the faculty
* A representative of the Conduct and Appeals Unit has the right to attend any of the meetings, and will act in advisory capacity to the panel
* A note taker will be in attendance.

Faculty Fitness to Practise Panel members will receive guidance in relation to fitness to practise decision-making.

**Frequency of meetings**

The guiding principle determining the frequency of meetings will be the timely processing of cases in accordance with the timelines identified in the Faculty Fitness to Practise procedure (appendix 2).

# Quoracy

For consideration of student conduct/suitability the quoracy requirement will be a minimum of:

* Chair/deputy chair
* Subject/course leader or representative from the student’s field of practice/proposed profession
* Partner/employer representative from the student’s field of practice/proposed profession\*

\* For nursing, depending on the case being considered, the placement representative should be a nursing registrant who can represent any field of practice.

In exceptional circumstances when the professional/employer representative cannot attend the panel meeting, representation may occur by consultation/correspondence prior to the panel decision.

**Referral to the Faculty Fitness to Practise Panel**

1. The panel will consider any applicant who is deemed to be medium risk following completion of the disclosure and barring service (DBS) risk assessment process. High risk applicants will be declined.
2. The panel will consider any applicant whose fitness to practise is questioned on health grounds.
3. The panel will automatically consider all students deemed to be medium/high risk following a change to their DBS status and any self-declaration of change to DBS and/or health status made during the course.
4. The panel will be notified of serious academic misconduct, or disciplinary hearings, and in such cases will consider the implications for professional practice and may consider further sanction.
5. Fitness to practise concerns will normally be referred to the Faculty Fitness to Practise Panel by a course leader or principal lecturer from the subject area.
6. The chair will automatically be notified of any suspension of placement when a student’s fitness to practise is called into question, as detailed in the Faculty Suspension from Placement procedures.

If a student’s fitness to practise is considered impaired following an initial faculty investigation, the Faculty Fitness to Practise Panel will consider what sanctions, if any, should be imposed on the student. The Faculty Fitness to Practise Panel is not able to remove a student from the course. Where serious impairment is identified the Faculty Fitness to Practise Panel will refer the case directly to the University Fitness for Practice Panel. The purpose of the University Fitness for Practice Panel is to formally consider whether a student is fit to practise in relation to their continuation on the course. The University Fitness for Practice Panel will decide what sanctions, if any, should be imposed on a student.

**Initial investigation**

On receipt of information regarding any area of concern the investigator (course leader or their representative) will instigate an investigation.

The purpose of the initial investigation is to decide whether there is a case to answer as to whether a student’s fitness to practise is impaired. The initial investigation must be proportionate, weighing up the interests of patients/clients/ the public and the requirements of the relevant professional body, against those of the student.

Fitness to practise investigators will receive guidance before investigating a concern.

It is important to consider at this stage whether the behaviour is better dealt with through a means of student support rather than through a formal panel hearing.

A full written record should be kept of the investigation and decision made. The investigator will present the case to the Faculty Fitness to Practise Panel and as such, should not be a member of the panel. Where this is unavoidable the investigator will not contribute to the Faculty Fitness to Practise Panel decision-making in relation to this student, other than to present the case. If the Faculty Fitness to Practise Panel considers that there is a case to answer the student will be referred to a University Fitness for Practice Panel.

The student will be informed of the investigation and may be suspended from the whole or any part of the course pending completion of the investigation.

The student will be afforded the opportunity to state their case as part of the faculty investigation (detailed below) and will be invited to attend any convened University Fitness for Practice Panel hearing. The student is not invited to attend the Faculty Fitness to Practise panel meeting, as this panel will consider the investigatory evidence and whether further escalation is required. The student is given the opportunity to put their evidence forward at the investigatory meetings.

Investigations of a serious nature, involving other public and professional bodies, may take an extended period of time to complete. The University, in these circumstances, will undertake to keep the student informed and updated on the progress of the investigation at regular intervals but may not be able to make a decision until any investigation is completed, which may affect the student’s ability to progress on the course.

**Format of the initial investigation:**

1. When a possible fitness to practise concern is raised, the investigator (course leader or their representative) will instigate a preliminary investigation into the allegations made[[3]](#footnote-3). The student will be informed of the investigation and may be temporarily suspended from practice and/or from the University pending completion of an investigation. Authorisation will need to be sought from relevant sources prior to suspension from practice or from the university; this decision cannot be made by the investigator alone. Any temporary suspension made is a neutral act and is a means of mitigating risk. It is not a determination regarding any fitness to practise concerns raised and, in all cases, the process will be conducted in as supportive a way as possible.
2. The investigator will consult with the student’s personal tutor and the academic with responsibility for overseeing the student in practice to identify any other concerns in relation to the student, which may inform the investigation.
3. The student and their representative[[4]](#footnote-4) will be invited to a meeting and will be given the opportunity to state his/her case as part of such investigation and will have the right to be represented at any meetings. This meeting will be recorded and will be transcribed and presented as evidence if the student is referred to the University Fitness for Practice Panel.
4. If the investigation reveals health concerns the student will be referred to occupational health to investigate the concerns raised and make recommendations.
5. The investigation should involve consultation with relevant parties/witnesses who may be asked to provide a statement/report that will considered by the panel. Relevant parties may include, but are not limited to, senior managers, college/school/early years settings staff, practice assessors, practice educators, practice supervisors, practice managers and university staff.
6. Once the investigation is completed and all evidence collated and considered (including the occupational health report where relevant) the investigator will complete a risk assessment to determine whether the fitness to practise referral threshold has been reached (see appendix 1 for further guidance*).* All students identified as medium/high risk will be referred to the Faculty Fitness to Practise Panel.
7. If a student is assessed as low risk the investigator must consult with their Institute/School fitness to practise panel principal lecturer representative (names can be provided by the faculty quality placement administrator). If the Institute/School fitness to practise panel representative is in agreement the student can be managed at course level with a developmental action plan. However, all information must be retained at course level, be accessible and be reported to the Faculty Fitness to Practise Panel in the event of any repetition of behaviour.
8. The investigation will normally take up to 30 working days, but may be extended if further investigation or witness statements are required. The student will be notified in cases where an investigation is extended beyond 30 working days.
9. Where there will be a potential delay of 30 days or more in receiving evidence, and concerns remain regarding the student’s fitness to practise, the student will be referred to the Faculty Fitness to Practise Panel prior to receipt of this evidence (e.g. pending the outcome of a specialist referral for occupational health assessment, criminal investigation or employment disciplinary procedure).

**Format of the Faculty Fitness to Practise Panel Meeting**

* The Faculty Fitness to Practise Panel should be independent of any investigation that is carried out.
* The Faculty Fitness to Practise Panel reserves the right to request additional information.
* The Faculty Fitness to Practise Panel will consider all available evidence.
* In the case of health concerns, an occupational health assessment that the student has attended and any recommendations will be considered alongside reasonable adjustments.
* A fitness to practise decision may be deferred pending the outcome of an occupational health assessment, criminal investigation or employment disciplinary procedure. This will be at the discretion of the Faculty Fitness to Practise Panel and may require continued suspension from practice and/or from the university during this period depending upon the perceived level of risk. Prolonged deferral will affect the student’s ability to progress.
* Students will be informed in writing of the panel’s decision within 10 working days of the meeting.
* The course leader/representative making the original referral will arrange to meet with the student and their representative to provide feedback regarding the Faculty Fitness to Practise Panel decision. This meeting should take place, where possible, within 10 working days of the Faculty Fitness to Practise Panel meeting and will be recorded.
* For students who are registrants, the regulatory body will be notified of any serious breach of code/s of professional practice or changes in health status that affect the student’s fitness to practise, in accordance with the requirements of the relevant regulatory body.
* The apprentice employer/sponsoring organisation/placement provider will be informed of the fitness to practise outcome.
* The student’s personal tutor will be informed of the outcome so that a course of remedial action can be implemented and monitored, where appropriate.
* There may be circumstances where an extraordinary Faculty Fitness to Practise Panel is required, for example when an urgent decision is required and a planned Faculty Fitness to Practise Panel meeting is not scheduled for an unacceptable length of time. An extraordinary Faculty Fitness to Practise Panel will require attendance by the Faculty Fitness to Practise Panel chair (or deputy), the academic making the referral and a professional/employer from the same profession/employment area that the student is studying. A note-taker will also be in attendance.

**Potential Outcomes of the Faculty Fitness to Practise Panel**

In determining a student’s fitness to practise a risk assessment will be undertaken to identify the level of seriousness as low, medium or high risk (see appendix 1) and will be managed as follows:

**Low risk: initial or emerging minor concerns**

Manage and monitor at course level keeping a record of the concern and action taken for future reference if further concerns are raised at which point the level of risk would increase.

**Medium risk: more serious and/or continuing concerns**

Refer to the Faculty Fitness to Practise panel with recommendations.

**High risk: serious, critical and/or persistent or cumulative concerns**

Refer to the Faculty Fitness to Practise panel with the recommendation for referral to the University Fitness for Practice Panel to consider the student’s continuation on the course.

**Potential outcomes in relation to conduct concerns for enrolled students:**

1. The case provides no grounds for concern and the case is dismissed.
2. A period of monitoring by the personal tutor is applied. At the end of the monitoring period the personal tutor will submit a report to the Faculty Fitness to Practise Panel to consider whether the student has met all requirements indicating that the monitoring can cease.
3. A formal warning is issued, which will usually be accompanied by a period of monitoring as stated above.
4. A final warning is issued, which will usually be accompanied by a period of monitoring as stated above.
5. The case is referred to the University Fitness for Practice Panel to consider removal from the course.
6. In some circumstances students may be advised to take a leave of absence from the course. This can occur for a number of reasons and the requirements for any return to the course may be specified in the fitness to practise outcome. For example, to gain further experience or to reflect upon the concerns raised and consider whether they wish to continue on the course. When the student wishes to return to the course a meeting will be held with the course/subject lead to collate evidence in support of a return, which will be submitted to the Faculty Fitness to Practise Panel to reconsider the student’s fitness to practise status.
7. Where a student refuses to consider a leave of absence the panel may refer the student to the University Fitness for Practice Panel to consider removal from the course. This course of action will be appropriate if the panel are satisfied that the student’s current behaviour does not meet the professional requirements of the course.

Warnings will remain on the student record for the duration of the course and may be reported to the regulatory body when the student applies for registration, where appropriate.

Where a student is allowed to continue on the course subsequent breaches of conduct may result in referral to the University Fitness for Practice Panel to consider removal from the course.

Grounds for concern where the individual and/or others are deemed to be at serious risk, or where a student fails to cooperate with an assessment of fitness to practise, are sufficient for referral to the University Fitness for Practice Panel.

If a placement is suspended due to concerns relating to a student’s behaviour and following an investigation the student is subsequently allowed to continue on the course it may not be possible to find an alternative placement, which will affect the student’s ability to progress and to complete the course. The university will not be held to account for not being able to provide an alternative placement in these circumstances.

If a student is deemed fit for practise the panel will make recommendation regarding whether the student should return to the original placement or whether another placement should be offered. If another placement is to be offered this may be delayed until such a time that another suitable placement is available.

**In relation to health concerns (for students on professional programmes only where there are statutory requirements) for enrolled students:**

Where statutory regulatory bodies such as the Health and Care Professions Council, Social Work England and the Nursing and Midwifery Council have fitness to practise requirements related to health status, these would be considered under this procedure.

Where concerns are raised regarding a student’s health status that indicate a potential risk to themselves or to others, which may include service users in placement settings, the student may be suspended from practice and referred for a person-to-person occupational health assessment. The student may be able to continue with their studies in the University whilst this assessment is completed. Any temporary suspension made is a neutral act and is a means of mitigating risk. It is not a determination regarding any fitness to practise concerns raised and in all cases, the process will be conducted in as supportive a way as possible.

Where adjustments in practice are recommended by the occupational health provider the Faculty Fitness to Practise Panel will consider whether these adjustments are reasonable in relation to the student’s course of study.

Where a student has been declared as not fit to practise on health grounds following a person-to-person occupational health assessment, the student will be suspended from practice and may be temporarily suspended from the university, depending upon the circumstances and the risk to both the student and the public. The suspension will remain in place until the case has been considered by the Faculty Fitness to Practise Panel. If it is indicated that the student’s health circumstances are unlikely to change in the long-term, the Faculty Fitness to Practise Panel will consider referral to the University Fitness for Practice Panel to determine the student’s continuation on the course.

In some circumstances the Faculty Fitness to Practise Panel may require the student to take a leave of absence from the course so that they can seek medical assistance for a health concern. The student will be required to undertake a person-to-person assessment by the occupational health department and/or an identified specialist practitioner and be deemed fit to practise before returning to the course. A meeting will be held with the fitness to practise investigator to collate evidence, which will be submitted to the Faculty Fitness to Practise Panel to consider the student’s fitness to practise status. If the student is not yet deemed fit to practise any extension to a leave of absence may affect the student’s ability to complete the course within the required timeframe, as determined by the academic regulations.

If a student fails to engage with a request for an occupational health assessment/specialist assessment when their fitness to practise is called into question on health grounds this may result in referral to the University Fitness for Practice Panel to consider removal from the course if the health concerns represent a risk to others. It is the student’s responsibility to comply with any requests to assess their fitness to practise. Failure to comply will prevent the Faculty Fitness to Practise Panel from making a decision and from confirming fitness to practise, which will result in referral to the University fitness to practise to consider removal from the course.

A decision regarding referral to the University Fitness for Practice Panel will depend upon the student being medically fit to participate in the process. Any suspension from practice or from the University will remain in place until the student is medically fit to participate in the process.

If a student is deemed fit for practise, with or without reasonable adjustments, the panel will make recommendation regarding whether the student should return to the original placement or whether another placement should be offered. If another placement is to be offered this may be delayed until such a time that another suitable placement is available.

**In relation to applicants:**

In cases of the assessment of fitness to practise for entry to the course, the panel reserve the right to terminate the application or terminate the applicant’s enrolment from the course if concerns are identified that have not previously been declared.

In the case of applicants where DBS concerns have been raised, a risk assessment will be undertaken and the application may be accepted or rejected depending upon the seriousness of the concerns raised.

If an occupational health assessment deems an applicant ‘not fit to practise’ the application will be automatically rejected, as the applicant has not met the conditions for entry to the course. This decision sits outside of the Faculty Fitness to Practise Procedures.

**Appeal**

Students will have the right of appeal within 10 working days of receiving the outcome letter. All appeals should be submitted to [FEWHSuitability@wlv.ac.uk](mailto:FEWHSuitability@wlv.ac.uk). Appeals will be reviewed by a senior member of staff within the Deanery who has had no prior involvement in the case.

An appeal will only be considered where further evidence has come to light which has not been considered by the Faculty Fitness to Practise Panel or where a student has evidence that this procedure has not been followed.

Appeals where the student does not agree with the faculty fitness to practise decision and there is not further evidence will not be considered.

There is no right of appeal for applicants. The university has the right to refuse entry to a course.

Approval:

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| --- | --- | --- | --- |
| VERSION: | 3.0 | AUTHOR/OWNER  Faculty of Education, Health and Wellbeing | External Partnerships |
| Approved date: | 12th March 2020 | Approved by: | Faculty Academic Enhancement Committee |
|  | | | |
|  |  | AUTHOR/OWNER  Faculty of Science and Engineering |  |
| Approved date: |  | Approved by: | Faculty Academic Enhancement Committee |
|  | | | |
| Review Date: | March 2023 |  |  |

**Appendix 1**

#### Fitness to Practise concerns

A student’s fitness to practise is called into question when their behaviour or health raises a serious or persistent cause for concern about their ability or suitability to continue on a course. This includes, but is not limited to, the possibility that they could put the public, themselves, other students or staff at risk, and the need to maintain trust in the profession.

#### Categories of concern

The following areas of concern may call into question whether a student is fit to practise. This is not meant to be an exhaustive list, but indicates the most common concerns with illustrative examples of each:

* **Criminal conviction, caution, reprimand, penalty notice of disorder (PND) or equivalent relating to**: theft; fraud; possession of illegal substances; creating or obtaining child pornography or any form of abuse.
* **Drug or alcohol misuse, even when there are no legal proceedings**: driving with excess alcohol or under the influence of drugs; alcohol consumption that affects work or the work environment; misuse of therapeutic or illicit drugs; possession or dealing in substances of abuse.
* **Aggressive, violent or threatening behaviour**: assault; sexual assault; physical violence; bullying; verbal abuse.
* **Persistent inappropriate attitude or behaviour**: lack of commitment to academic work; neglect of administrative tasks; poor time management; poor attendance; poor communication; failure to accept or follow educational advice; failure to follow health and safety requirements; failure to follow the University’s rules and regulations; or failure to comply with professional, statutory or regulatory body requirements.
* **Cheating, collusion, plagiarism or self-plagiarism**.
* **Dishonesty or fraud, including dishonesty outside the professional role**.
* **Unprofessional behaviour or attitudes**: breach of confidentiality; sexual, racial or other forms of harassment; failure to observe appropriate boundaries in behaviour; persistent rudeness; unlawful discrimination.
* **Health, mental health, emotional or inter-personal problems:** where these concerns indicate a lack of insight or management of such problems, which gives rise to concerns about possible risk to self or others.

#### Fitness to practise threshold and risk assessment

The panel must consider whether a student has crossed the fitness to practise threshold on a case-by-case basis. Consideration should be made as to the seriousness of the actions, whether the actions are persistent or are both serious and persistent.

A student’s fitness to practise will be assessed in terms of the seriousness of the conduct/behaviour and will be managed as follows:

**Low risk: initial or emerging minor concerns**

Manage and monitor at course level keeping a record of the concern and action taken for future reference if further concerns are raised at which point the level of risk would increase.

**Medium risk: more serious and/or continuing concerns**

Refer to the Faculty Fitness to Practise panel with recommendations.

**High risk: serious, critical and/or persistent or cumulative concerns**

Refer to the Faculty Fitness to Practise panel with the recommendation for referral to the University Fitness for Practice Panel to consider the student’s continuation on the course.

**Seriousness will be risk assessed in relation to:**

* Any actual or potential harm to self or others. **Where this risk is medium-high a referral to the Faculty Fitness to Practise Panel will be applied automatically regardless of the outcome of the assessment of the other factors.**
* Any impact upon the reputation of the profession or the University
* The student’s stage on the course. Depending upon the seriousness in relation to the other factors, first year students may be considered more leniently than more experienced students or qualified practitioners, as they are still learning and developing in their professional role.
* The potential for repetition, which will be informed by an assessment of the student’s potential for behaviour change.

**The potential for behaviour change will be risk assessed in relation to the student’s ability to demonstrate:**

* self-awareness including insight and remorse, in relation to the effect that their conduct has had on others, through reflection
* honesty and integrity, particularly in relation to a duty of candour

Further consideration will be made in relation to the following:

* Whether a student has shown a deliberate or reckless disregard of professional responsibilities towards patients, other students, staff or others
* Whether a student’s health or impairment has compromised the safety of the public, themselves, other students, staff or others
* Whether the student has abused the trust of another person or violated another person’s autonomy or other fundamental rights

These questions are illustrative of the areas to be considered when assessing fitness to practise; they are not intended to be a complete list.

#### Reporting

Reporting a case is appropriate if it is believed that the conduct, competence, practise, good health or character of a student may be impaired to the extent that:

* the protection of the public and the University community may be compromised or
* the reputation of the University or the relevant profession may be compromised.

In cases of student discipline, existing University policies will be applied. However it is recognised that academic and professional conduct is interrelated. Some cases of academic misconduct may call into question a student’s fitness to practise resulting in referral to the Faculty Fitness to Practise Panel following investigation by the academic misconduct hearing.

Repeated incidents of a minor disciplinary nature, which are documented, may result in referral to the Faculty Fitness to Practise Panel.

Decisions made about a student’s fitness to practise should adhere to the relevant University policies and the codes and guidance of the relevant professional/regulatory body.

**Appendix 2: Faculty Fitness to Practise Panel Procedure\***

Up to 30 working days

Academic Misconduct Hearing

[CAU]

Significant Health Issue

[Course Leader/ Head of Subject]

Change of DBS

[Course Leader/ Head of Subject]

High Risk DBS (applicant)

[PQA]

Suspension of Placement

(excl. poor performance) [Course Leader/ Head of Subject/Practice Learning]

Notify Placement Quality Administrator & Chair Faculty Panel

Professional Misconduct Concerns

[Personal Tutor/[Course Leader/ Head of Subject]

Serious/Repeat Breaches of the Student Code of Conduct [CAU]

Investigatory Meeting Scheduled: course leader/head of subject, student and their representative

Referral: Investigation Report + Evidence to Placement Quality Administrator

Faculty Fitness to Practise Panel Meeting

Outcome letter sent (includes right to appeal) [Chair + PQA]

No case to answer

Concerns confirmed: Faculty actions/sanctions agreed

Concerns confirmed: Referred to University Fitness for Practice Procedure

Student Appeal

[Associate Dean Teaching Excellence]

10 working days

10 working days

Outcome letter sent [Chair + PQA]

FACULTY Fitness to Practise Outcome Meeting Scheduled:

course leader/course representative, student and their representative

10 working days

10 working days

Appeal Not Upheld

Appeal Upheld

* **\*Not Included:** Poor Placement, Breakdown of Placement, Placement failed on academic grounds, General Health Issues (OH), Low risk DBS.

**Appendix 3 Faculty of Education Health and Well Being/Faculty of Science and Engineering**

**Suspension of Placement Procedures[[5]](#footnote-5)**

**1. Introduction**

This document contains the suspension of placement procedures for the Faculty of Education Health and Wellbeing (FEHW) and the Faculty of Science and Engineering (FSE). This should be read in conjunction with course guidance and regulations specific to the course of study, and the FEHW/FSE Faculty Fitness to Practise panel procedures. Suspension of placement should only occur in exceptional circumstances and is normally a last resort if informal measures to resolve problems have failed, or a student’s conduct is considered to be either sufficiently unsafe or so unsatisfactory as to warrant immediate removal of the student from the placement whilst a full investigation is carried out. Students are advised to seek impartial help, advice, guidance and support from the Student Union during such an investigation.

In cases where the student is undertaking practice as part of a course at the university but is also an employee of the organisation the suspension will only apply in relation to the placement requirements of the course. It will be for the employer to decide whether the student may continue working within the organisation in the capacity of the normal terms and conditions of their employment. Employer disciplinary procedures may also apply and will be a matter for the employing organisation. Information relevant to any proceedings will be shared between the organisations as appropriate and may be considered by either organisation in relation to the concerns raised.

**2. Criteria for the suspension of placements**

A placement can be suspended for any of the following reasons:

* 1. **Serious breach of professional codes of conduct and ethics or breaches of practice/placement policies and procedures. For example:**

1. The student has taken advantage of their role or abused an individual or group.
2. The performance of the student has fallen well below the standard expected with serious or repeated mistakes that compromise public safety[[6]](#footnote-6).
3. The conduct of the student is subject to criminal charges or alleged offences which may affect the student’s performance or calls into question their fitness to practise[[7]](#footnote-7).
4. It is considered that the practice of the student is bringing or has brought the placement provider, profession or university into disrepute. This includes behaviour in the student’s personal life.
5. The practice of the student is damaging and or dangerous to the public or colleagues. This includes actual or potential harm.
6. The student knowingly attends placement with a health issue which, poses a risk to the public.
   1. **The student is deemed to be a risk to themselves or at risk from others, for example:**
7. The student is experiencing a health problem which makes them vulnerable.
8. A serious breach of health and safety requirements by the placement provider puts the student at risk.
   1. **Behaviour/conduct in personal life that poses a risk to individuals and/or groups, for example:**
9. Behave in a way that indicates s/he is unsuitable to work with children or vulnerable adults
   1. **The university considers that the practice learning opportunities/placement do not meet university standards.**

Students are not allowed to terminate their own placement. Students terminating their own placement without prior approval by the relevant course team will be considered to have failed the placement. Students who are concerned about their placement should seek support and advice from the course team.

**3. Procedure**

**3.1 Suspension of placement**

1. Suspension of placement should occur following consultation between the placement provider the principal lecturer with responsibility for the subject area and the principal lecturer with responsibility for practice learning in the subject area[[8]](#footnote-8).
2. Protection of the public is paramount, and in exceptional circumstances, for example if university staff are not available or a delay in contacting them would compromise safety, a placement can be immediately suspended by the placement provider. In such circumstances the principal lecturer with responsibility for the subject area and the principal lecturer with responsibility for practice learning must be notified at the earliest opportunity.
3. The quality placement administrator must be notified of the suspension or intended suspension of placement within three working days.

**3.2 Notification of suspension of placement**

1. The student must be notified in writing by the university if a placement is suspended stating the reasons why within five working days. The letter must state the reasons for suspension under 2.1 above, and provide specific reasons detailing actions/inactions leading to the suspension of placement\* or add as appendix.
2. All suspension of placements should be documented in the student SITS electronic record, detailing reasons for suspension and any subsequent actions required. This process is overseen by the faculty quality placement administrator.

**3. Investigation and subsequent action following suspension of placement:**

1. If suspension of placement is because of 2.1, 2.2 or 2.3 above, the investigation will be in accordance with the Faculty fitness to practise procedures. The completion of the process would not normally be longer than 30 working days after the suspension of the placement. Students will not be eligible to return to placement or to be considered for another placement until the outcome of the Faculty Fitness to Practise Panel is known.
2. If suspension of placement is because of 2.1(ii) the assessment regulations will apply rather than Faculty Fitness to Practise Procedures. In these circumstances the student will be deemed to have failed the assessment of practice and will be presented to the next assessment board. Where public safety may continue to be compromised the Faculty may also seek permission from the University Academic Registrar to withhold the right to a resit opportunity.
3. In cases where criminal or child protection investigations are in progress the student may remain suspended pending the outcome of that investigation and subsequent consideration by the Faculty Fitness to Practise Panel. The outcome of these investigations will be considered by the Faculty Fitness to Practise Panel as and when appropriate. Where any such investigation exceeds two years this will affect the student’s ability to complete the course within the required registration period.
4. In cases where the employer is undertaking an investigation the student may remain suspended pending the outcome of that investigation and subsequent consideration by the Faculty Fitness to Practise Panel.

Approval:

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1. HCPC (2019) <https://www.hcpc-uk.org/concerns/what-we-investigate/fitness-to-practise/> [↑](#footnote-ref-1)
2. This will be undertaken by the ‘Fitness to Train’ for podiatry students studying at Birmingham Metropolitan College [↑](#footnote-ref-2)
3. For Social Work and AMHP courses this may be delegated to the Practice Placement Enquiry, and in such cases the chair should be independent, i.e. has not had any involvement with the student in relation to the practice issue under investigation. [↑](#footnote-ref-3)
4. You are entitled to bring a friend with you to the meeting for support and it is recommend that you seek advice from the Students’ Union. Contact Information for the Advice and Support Centre is available at their website [www.wolvesunion.org](http://www.wolvesunion.org). [↑](#footnote-ref-4)
5. Suspension of placement normally occurs as a precaution whilst a full investigation is carried out, if it is considered to be in the interest of the student or other parties involved, or following an investigation pending the decision of the Faculty Fitness to Practise Panel. [↑](#footnote-ref-5)
6. Suspension may lead to a permanent termination of placement without the opportunity of another placement if the course exemptions against the academic regulations permit. [↑](#footnote-ref-6)
7. It should be noted that the university has a duty to comply with the requirements of police and safeguarding agencies [↑](#footnote-ref-7)
8. This may include the placement learning module leader for Social Work. [↑](#footnote-ref-8)