



**Fitness to Practise
Code of Practice**

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1 Introduction

1.1 This Code of Practice sits alongside Regulation B5 (Fitness to Practise) and explains how the University will apply the Regulation to individual students. It sets out how the University will meet its obligations in relation to Fitness to Practise for professional programmes and explains what students can expect if they are involved in a Fitness to Practise case.

2 What is Fitness to Practise?

2.1 Students registered on a programme of study regulated by a Professional, Statutory or Regulatory Body (PSRB) involving practical education in relation to patients, pupils, clients or service users (hereafter referred to as clients) are subject to specific expectations around their conduct, behaviour and in some cases health. These expectations are set out in the requirements of the PSRB who accredits the programme of study.

2.2 The University has to monitor students in relation to the requirements of the relevant PSRB for their programme of study and if issues arise that are in breach of the requirements or are suspected to be in breach of them, then the University has to take action. These procedures are referred to as Fitness to Practise.

2.3 The Fitness to Practise process is normally made up of two stages:

- i. The School Health and Conduct Committee stage is administered by the relevant School and will receive initial reports of concerns regarding Fitness to Practise. In some cases, matters will be dealt with by the School Health and Conduct Committee and the issue will be concluded.
- ii. The University Fitness to Practise Committee sits at University level and will handle cases where the School Health and Conduct Committee has identified a serious problem which cannot be resolved at School level.

2.4 Situations that may result in a referral to the School Health and Conduct or University Fitness to Practise Committee include:

- i. A student has been directly implicated in an incident with a client that has either led or may have led to significant harm to the client.
- ii. A student has been convicted of a crime or is being investigated in relation to a crime that brings their fitness to practise into question;
- iii. A student has been directly implicated in an incident that leads to serious concerns about the student's professional behaviour;
- iv. A student's health and/or behaviour is a cause for concern in terms of its impact on themselves, the care of clients or their relationships with colleagues, members of staff, or clients.

2.5 Other University processes may also lead to a Fitness to Practise case including:

- i. Student Discipline ([Regulation B1](#))
- ii. Temporary Exclusion ([Regulation B2](#))
- iii. Fitness to Study ([Regulation B4](#))

iv. Academic Misconduct ([Regulation D4](#))

2.6 Fitness to Practise procedures are specific to a student's conduct, health or competence and the impact of these on their ability to meet the professional standards required for their programme. The procedures are not designed to address general complaints and disputes or to impose a punishment but instead, to consider the direct impact and risk of a student's conduct in relation to their suitability for their chosen profession, taking account of the requirements of the relevant PSRB. A penalty may be imposed via one of the procedures listed in paragraph 2.5 depending on the nature of the case.

2.7 It should be noted that, depending on the circumstances of the case and the findings of an investigation, School Health and Conduct Committee processes may trigger a further investigation under one of the Regulations listed in paragraph 2.5. This may also apply in reverse, in that, an investigation under one or more of the Regulations in paragraph 2.5 may result in the student being referred to the Health and Conduct Committee within their School.

3 Temporary Suspension of Study

3.1 In some cases, including those described in paragraph 2.4 above, the concern raised may require the University to temporarily suspend a student's studies to enable a thorough investigation to be carried out and/or to safeguard the student or others in the intervening time. This may include a partial suspension for example, suspension of a placement but permission to continue to attend learning and teaching events.

3.2 Whilst studies are suspended, it may be necessary to limit the students' access to University facilities or premises.

3.3 If temporary suspension is required, a meeting will be held with the Head of School or nominee, and the Student and/or their representative to explain the nature of the concern raised and the reasons why it is necessary to suspend their studies.

3.4 The student will normally be given at least 72 hours written notice of the date and time of the meeting.

3.5 In very exceptional cases, if the matter is deemed to be so serious that immediate suspension is required, the student will be informed in writing but should be given the opportunity to attend a meeting within five working days of the decision being taken.

3.6 Following the meeting a letter will be issued to the student explaining the decision taken and what restrictions their suspension places upon them. This will be referred to as a Temporary Suspension of Studies Letter.

3.7 For the duration of their suspension, the student will be sent regular and meaningful updates on the progress of the investigation and estimated timescales to bring the matter to the School Health and Conduct Committee. The frequency of the updates should be specified in the Temporary Suspension of Studies Letter.

3.8 Depending on the nature of the issue to be investigated, a student may have had their studies temporarily suspended under [Regulation B2](#) (Temporary Exclusion). If this is the case, Regulation B2 will take precedence although it may give rise to a Health and Conduct or Fitness to Practise concern at a later stage.

3.9 Where a student is permitted to return to the programme following a period of suspension, this will be arranged with the programme team taking account of how long they have been away from the programme, the support they will require to return and the requirements of the Health and Conduct or Fitness to Practise outcome. It may be necessary for the student to take a leave of absence until the next academic year if it is not possible for them to return immediately due to the requirements of the programme.

4 Standard of Proof

4.1 The term Standard of Proof refers to how the University will decide if the fitness to practise of a student is impaired. In Health and Conduct or Fitness to Practise the Standard of Proof is: “On the Balance of Probabilities”. This means that in order to find a case proven, the Committee must be satisfied that the evidence presented shows that it is more likely than not that the issues described impact upon the student’s Fitness to Practise.

4.2 The University Fitness to Practise Committee will use their professional judgement to assess whether, on the balance of probabilities, the evidence presented confirms the allegations against the student are proven and, if so, whether their fitness to practise is impaired. This means that on the evidence available, the student is more likely than not to have committed professional misconduct or demonstrated professional unsuitability.

5 School Health and Conduct Committees

5.1 Each School offering Professional programmes accredited by a PSRB and subject to Fitness to Practise requirements will operate a School Health and Conduct Committee to address any concerns that arise in relation to the Fitness to Practise of their students.

5.2 Each School will have their own terms of reference for their Health and Conduct Committee. The School terms of reference take precedence over this Code of Practice but it is expected that the following broad principles will be followed.

5.3 If concerns arise regarding the fitness to practise of a student, the School must issue a clear communication to the student detailing the nature of the concern and the next step/s to be taken. The formal Health and Conduct process will not begin until this communication has been issued. The process for raising concerns and to begin a formal Health and Conduct process should be set out in the Health and Conduct terms of reference for the School.

- 5.4 If concerns have already been raised and a student is invited to a meeting, it should be clear that the matters discussed will form part of any subsequent School Health and Conduct Committee process. This should be set out in writing and the student given appropriate time to respond and notified of their right to be accompanied by a member of the University for moral support. It should be noted that the requirements for student representation differ between the Health and Conduct and Fitness to Practise stages.
- 5.5 The structure of the Committee in each school may vary, although the following principles apply as a minimum standard. School Health and Conduct Committee procedures will be highlighted to students on programmes subject to [Regulation B5](#) in the programme regulations and programme handbook.
- 5.6 Schools are responsible for ensuring that students subject to these procedures are made aware of the requirements and that the relevant procedures are accessible to them. It is recommended that programme induction materials provide an introduction to these processes and signpost sources of further information and support. Students are responsible for familiarising themselves with the requirements of their PSRB as outlined in the programme documentation.
- 5.7 The School Health and Conduct Committee should have terms of reference, which are available to students via the programme handbook. The terms of reference should set out:
- i. Membership of the Committee
 - ii. Frequency of Meetings
 - iii. Administration of the Meeting
 - iv. Reporting Lines for the Committee
 - v. Matters that the Committee considers or may consider
 - vi. How a case will be referred to the Committee
 - vii. What happens after the referral
 - viii. Procedure for the meeting
 - ix. Requirements for attendance
 - x. Decisions available to the committee
 - xi. How the Committee's decision will be communicated
 - xii. Timescales for communications to the student
- 5.8 All aspects of the School Health and Conduct Committee process should be carried out transparently and fairly. This includes ensuring that the committee is not presented with information the student has not already had access to and that the student is aware of all materials being considered by the Committee in relation to their case. The types of information considered by the committee will be set out in the School Health and Conduct Committee terms of reference. The required timescales for notification to the student and for them to submit their response will also be set out in the School Health and Conduct Committee terms of reference.
- 5.9 To avoid the perception of bias, Committee members should have had no prior knowledge of the current case against the student and should not have worked closely with them, for

example, as their personal tutor or in a supervisory role. Committee members must declare a conflict of interest if they feel they are not suitably independent. Panel members may be changed at the discretion of the Chair.

5.10 The student should have the opportunity to hear and respond to all issues raised during the School Health and Conduct committee meeting, except the Committee's deliberations.

5.11 The case may be heard by the Health and Conduct Committee in the student's absence. Requirements for attendance will be set out in the terms of reference.

6 Role of the University Fitness to Practise Committee

6.1 Students will be referred to the University Fitness to Practise Committee from School Health and Conduct Committee. In exceptional cases, where it is deemed necessary due to the severity of the case, students may also be referred directly, this would normally be by the Head of School.

6.2 As set out in Regulation B5 (Fitness to Practise) the Committee can consider and make recommendations on:

- i. Any conduct which may mean that a student is unfit to be admitted to or to practise that profession or which breaches a requirement for a licence to practise; or
- ii. Any health problem which may mean that a student is not fit to be admitted to or to practise that profession or which breaches a requirement for a license to practise.

7 Membership of the University Fitness to Practise Committee

7.1 The University Fitness to Practise Committee is made up of the following members:

- i. The Dean of the Faculty of Medicine and Health Sciences (or their nominee) to be the Chair.
- ii. Deputy Chair to be appointed by a selection process following expressions of interest.
- iii. One member of staff of the University (not from the Faculty concerned) to be nominated by the Chair.
- iv. An external member (for example a serving or previous member of an NHS Trust Board, Head Teacher or an external representative with relevant professional body membership) to be appointed by the Chair following expressions of interest.
- v. the Heads of Schools that have programmes subject to this regulation or their nominees.

7.2 For the Committee to be able to make a decision (quorate) 5 members from the above list must be present.

7.3 The Committee will have the power to co-opt additional members as required.

7.4 The Committee membership should reflect the professional discipline of the case under consideration and should take account of the need for cultural diversity to reduce the risk of unconscious bias in decision making.

7.5 The Committee will be attended by a Secretary who is not a member but will be present throughout the proceedings.

8 Referral to University Fitness to Practise Committee

8.3 When a student is referred to the University Fitness to Practise Committee the referral must include:

- i. The paperwork considered by the School Health and Conduct Committee including the initial referral detailing the concerns about the student's fitness to practise, investigation reports and any other related documentation;
- ii. The minutes and outcome of the School Health and Conduct Committee;
- iii. A referral from the School Health and Conduct Committee explaining their specific reasons for referring the student to the Committee.

8.4 If relevant, an Occupational Health report may be sought by the Committee in advance of the meeting if one has not been obtained by the School at an earlier stage.

8.5 The referral will usually be made by the Chair of the School Health and Conduct Committee as an outcome of the Health and Conduct process, although in exceptional cases it may be made by the Head of School if the case has been referred straight to the University Fitness to Practise Committee.

8.6 The referral should be sent to the Committee Secretary who will make arrangements for the Committee meeting to take place. The student should receive at least 28 calendar days' notice of the meeting and be sent all of the documentation that will be considered by the Committee. Correspondence will be sent to the student's University email address.

8.7 When convening the Committee, the Secretary should provide the name and student number to potential members to ensure they can check the student is not known to them. To avoid any perception of bias in the proceedings, committee members should have had no prior knowledge of the current case against the student and should not have worked closely with them, for example, as their personal tutor or in a supervisory role. If they need to declare an interest they should advise the Secretary as soon as possible so that a replacement member can be found.

8.8 The student should also have the opportunity to review the list of proposed Committee members so that they may object if there is a justified reason for doing so. This should happen before the paperwork is circulated to panel members so that they do not see the student's personal information before their membership is confirmed.

8.9 When the student receives the referral papers, they need to prepare their written case for the Committee. Normally this should be submitted to the Committee Secretary 14 calendar days before the meeting, though reasonable requests for extensions will be considered where there is a clear rationale. Extension requests should be made via the Committee Secretary in the first instance. Their case should include any documentary evidence the student wishes to provide in support of their case.

8.10 Once the student submission has been received, the Chair will ensure there is sufficient information to proceed with the meeting. At this point, the Chair may request additional information or witnesses if they feel it is necessary, for example requiring the student to attend for an occupational health, medical or disability assessment or other relevant report where not provided already. It may be necessary to defer the meeting date to allow time for this information to be gathered and shared.

8.11 The Committee may decide to seek legal or professional advice if it is deemed necessary.

8.12 Once the full paperwork has been collated, the Secretary will ensure it is circulated to members of the Committee at least 7 calendar days before the date of the meeting. Care should be taken to ensure that all documents to be considered have been shared with all relevant parties, particularly where new reports have been requested by the Chair.

9 Attendance at University Fitness to Practise Committee Meetings

9.3 The student is required to attend the meeting in person or via video link. If the student does not attend and does not provide a reasonable explanation, the Committee may consider the case in the student's absence. The explanation for absence is expected to be provided to the Chair of the University Fitness to Practise Committee before the meeting takes place. The decision as to whether the meeting may proceed in the student's absence rests with the Chair. The student's representative may attend on their behalf (see Section 20). If the meeting proceeds in the student's absence, a clear rationale for the decision to go ahead should be recorded in the minutes, including any efforts made to contact the student.

9.4 If the student does not to attend or submit a response to the University Fitness to Practise Committee, or withdraws from the University before or during consideration of the case, the Committee will complete its consideration of the case.

9.5 The Chair may require members of Keele University staff relevant to the case attend the meeting.

9.6 The Chair may, at the request of the Committee, call upon other persons to provide advice on specific aspects of the case.

9.7 The School's case will be presented by the Head of School or their nominee (this is usually the Chair of the Health and Conduct Committee making the referral), who may call witnesses in support of the case.

9.8 The student may also call witnesses in support of their case. Notification of the names of the witness(es) must be provided in advance of the meeting. Ideally, this should be at the same time as the student submits their case but should be no later than 24 hours before the meeting.

10 Conduct of University Fitness to Practise Committee Meetings

- 10.1 Prior to the meeting, the Chair will hold a short pre-meeting with the members of the Committee to agree the areas of questioning for the student and their representative during the meeting.
- 10.2 The student and their representative and the school representative presenting the case against the student will be invited in to the room and the Chair will formally introduce themselves and their role in the meeting. All parties will be invited to do the same.
- 10.3 The Chair will check to see if there are any declarations of interest; if so the meeting will be adjourned while the matter is dealt with. If not, the meeting will proceed.
- 10.4 The Chair will confirm the student has received all the relevant information ahead of the meeting.
- 10.5 The Chair will confirm the procedure of the meeting as set out in the next section.
- 10.6 The Chair will confirm at this point how the outcome will be communicated to the student. This may be verbally at the meeting, to be followed up with a detailed outcome letter, however, if the Chair deems it necessary, the procedure may be varied and the decision communicated in writing. If this is the chosen method, the student will be informed of when to expect the letter.
- 10.7 The Chair will confirm that an adjournment may be requested by any party, at any point.
- 10.8 The School will present their case first, including calling any relevant witnesses and then Committee members will have the opportunity to ask questions, followed by an opportunity for the student or their representative to ask questions.
- 10.9 The student and their representative will then present their case, including calling any relevant witnesses. The School representative and the Committee members will have the opportunity to ask questions. When questioning is concluded the witness will leave the meeting.
- 10.10 At this point the Chair will check with all parties that they have nothing further to add and that all points they wish to raise have been discussed. If this is confirmed the Students, their representative and the School representative will be asked to leave the meeting.
- 10.11 The Committee will then consider the information they have heard to reach a decision. If more information is required from any party then all parties will be invited back in to the room while this is discussed and will leave again when the Committee resumes their consideration of the case.
- 10.12 If the Committee cannot agree on an outcome, a majority decision will be accepted. If no outcome can be agreed, the meeting will be adjourned to allow for further investigation.

11 Roles and Responsibilities of Attendees at the University Fitness to Practise Committee Meeting

11.1 The Chair

- a. Responsible for overseeing the proceedings of the meeting and coordinating the Committee meeting.
- b. Responsible for communicating the decision made on the professional advice of the members of the Committee.
- c. May vary the procedure of the meeting if deemed necessary and after consulting with all parties.

11.2 Committee Members

- a. Use their professional judgement to decide on the issues raised in reference to the evidence presented and information provided at the meeting and in questioning.

11.3 The Secretary

- a. Making arrangements for the meeting and ensuring all parties receive the required documents on time.
- b. Taking minutes of the meeting, ensuring they provide a full record of the discussions held and a rationale for any decisions taken.
- c. Advising the Chair on matters of procedure and process and the application of the Regulation.

11.4 School Representative

- a. Present the case on behalf of the School fully and respond to any questions asked of them.
- b. The School representative should be familiar with the case and able to confidently discuss matters with the Committee. Witnesses may be called to support this.

11.5 Student

- a. Present their case and respond to questions posed to them fully and honestly.

11.6 Student Representative

- a. Supporting the student in making their case, see Section 20 for more details.

11.7 Witnesses

- a. Present their statement and respond to any questions posed.

12 Outcomes Available to the University Fitness to Practise Committee

12.1 There are a number of possible outcomes available to the University Fitness to Practise Committee. These are explained below with some possible examples of what the outcome would mean for the student. The examples given are only an indication of what the Committee may decide, it is at their discretion as to how they apply the outcome in a specific case. Any

outcome given will be explained in detail in the outcome letter with any relevant timescales provided.

- i. Dismiss the case, either by way of no case to answer, whereby no declaration will be made to professional bodies (where this is allowable by the professional body) or by way of the case being proven but no sanctions are deemed to be appropriate or necessary.**

This means that no further action will be taken by the Committee on this occasion and the student will be allowed to return to the programme. A record that the case was considered by the University Fitness to Practise Committee will be kept and may be referred to should there be a future referral to the Committee.

- ii. Allow the student to continue with the programme with appropriate advice and guidance**

This means that the student will be allowed to return to their studies with a requirement for increased support from staff on the programme to address the behaviours or concerns that led to the referral. For example, the student could be required to undertake guided reflection on an aspect of their behaviour or practise, reporting to a member of the programme team to help them to improve the situation to avoid a repeat incident.

The terms and duration of the required advice and guidance will be communicated to the student as part of the outcome letter. The setting of conditions means that the Fitness to Practise process is not completed, should the conditions not be met, the case may be referred back to the University Fitness to Practise Committee which could lead to further investigation and a different outcome. This will be made clear in the outcome letter. The student may be required to meet with the Committee again prior to their return to the programme.

- iii. Allow the student to continue with the programme under close supervision**

This means that the student will be allowed to return to the programme with a requirement for close supervision by either a member of the programme team or a nominated professional (e.g. a supervisor at a placement provider).

The terms and duration of the supervision will be set out in the outcome letter. The setting of conditions means that the Fitness to Practise process is not completed, should the supervisor become concerned about the student's progress or the student not engage with the required supervision, the case may be referred back to the University Fitness to Practise Committee which could lead to a further investigation and a different outcome. This will be made clear in the outcome letter. The student may be required to meet with the Committee again prior to their return to the programme.

- iv. Suspend the studies of the student for a specified time**

This means that the student will be allowed to return to the programme in the future but the Committee believes they require a break for a period of time before this happens. The Committee may impose conditions upon the student's return for example, requiring an Occupational Health assessment is undertaken before they are allowed to return to the

programme. Any conditions will be explained in the outcome letter. The student may be required to meet with the Committee again prior to their return to the programme.

v. Require the student be reassessed in a specified part or parts of the programme

This means that the Committee requires the student to undertake re-assessment of specific aspects of the programme. The details will be explained clearly in the outcome letter as some PSRB requirements may limit reassessment options available. This outcome may also be unavailable if the student has already repeated some aspects of the programme. These factors will be taken into account when the outcome is agreed. The student may be required to meet with the Committee again prior to their return to the programme.

vi. Require any other appropriate action to support the student's continuation on the programme

This outcome covers any other actions the Committee may wish the student to complete to allow them to return to the programme. It could include a referral for an Occupational Health assessment, a requirement to complete additional training (e.g. an e-learning package or study skills development) or any other reasonable actions, relevant to the issues that have been raised by the case.

The requirements and any associated timescales will be detailed in the outcome letter. Should the requirements not be satisfied or if further relevant concerns arise, the case may be referred back to the Committee which could lead to a further investigation and a different outcome. The student may be required to meet with the Committee again prior to their return to the programme.

vii. Require that the student's studies on a programme leading to a professional qualification be terminated but permit registration for an alternative academic qualification if such a programme of study is available

This means that the student will not be permitted to return to the programme as the Committee have determined, based on the evidence presented, that their Fitness to Practise is permanently impaired. This outcome would apply in cases where although the student is deemed unsuitable to complete a professional programme, they may be eligible to study on a different programme (without professional accreditation) within the University. Where this outcome is applied alternative programmes will be discussed with the student, however, if a suitable alternative is not found, the student's studies will be terminated. Usually, they will be able to keep the credits already awarded (if any) at the point of termination of studies including an exit award if applicable.

viii. Require that the student's studies are terminated

This means that the Committee have found the case against the student proven and their Fitness to Practise is deemed to be permanently impaired. Their studies will be terminated with immediate effect. Usually, they will be able to keep the credits already awarded (if any) at the point studies were terminated including an exit award if applicable.

ix. Permit a combination of the above

Where one or more outcomes is combined, the details will be set out clearly in the outcome letter and the student will be advised of any relevant timescales they need to comply with.

Should the requirements not be satisfied or if further relevant concerns arise, the case may be referred back to the Committee which could lead to a further investigation and a different outcome. The student may be required to meet with the Committee again prior to their return to the programme.

13 Confidentiality and Record Keeping

13.1 Records of the meeting remain confidential within the University, subject to the provisions of the Data Protection Act (2018), and, where appropriate, the Medical Act 1983 (Section 35A).

13.2 Graduates may be required to make a self-declaration at the point of registration with regard to any Fitness to Practise judgements made against them whilst at Keele University.

13.3 The University may disclose, voluntarily or on request, to a relevant PSRB, academic institution, healthcare service provider or the Disclosure and Barring Service (DBS) the record or findings of a case considered by the Committee.

13.4 The University will retain a record of all Health and Conduct and Fitness to Practise proceedings, even if the case is not proven. This is to allow for consideration of past offences should the student be referred back to either Committee during the course of their studies.

13.5 The record of the meeting will be kept in accordance with the University's Retention Schedule, for seven years following the last action on the case.

14 Fitness to Practise Appeals

14.1 In some cases a student may be eligible to appeal the decision of the University Fitness to Practise Committee.

14.2 To be eligible for appeal, the student must meet one of the following grounds:

i. Procedural irregularity in the conduct of the case;

A procedural irregularity means that the University has not applied its procedures or Regulations correctly or consistently.

In order to establish a case on the grounds of procedural irregularity, the student must present details of the procedural irregularity that occurred, supported by evidence where possible.

ii. Evidence which could not have been presented at the time of the original hearing.

In order to establish a case on the grounds of new evidence, the student must provide the evidence in question and explain why it was not available at an earlier stage.

15 Procedure for Fitness to Practise Appeals

15.1 In order to appeal, the student should write to the Student Appeals, Complaints and Conduct Manager outlining their grounds for appeal and providing any relevant evidence.

15.2 The appeal should be submitted within 14 calendar days of when the student receives the outcome of the University Fitness to Practise Committee.

15.3 When an appeal is received, the Student Appeals, Complaints and Conduct Manager will consult with the Chair of the University Fitness to Practise Appeals Committee or their nominee. Together, they will assess whether the appeal criteria have been met based on the information provided in the appeal submission and by reviewing all the paperwork from the University Fitness to Practise Committee, including the minutes and outcome.

15.4 If they decide that the student has not met the appeal grounds then the case will be rejected and an outcome letter will be issued to the student.

15.5 If they decide that the student has met the grounds for appeal, they will recommend appropriate action to remedy the situation. This will usually mean that the case is returned to the University Fitness to Practise Committee for reconsideration of new evidence or to correct the identified procedural issues.

15.7 If agreement cannot be reached as to whether the grounds for appeal have been met or it is not possible to return the case to the University Fitness to Practise Committee then a University Fitness to Practise Appeals Committee will be established.

16 University Fitness to Practise Appeals Committee

16.1 The members of the University Fitness to Practise Appeals Committee are as follows:

- i. two senior members of staff of the University (not from the same Faculty as the student, one to be the Chair) to be nominated by the Vice-Chancellor;
- ii. a lay member (not a member of the University for example a serving or previous member of an NHS Trust Board, Head Teacher or an external representative with relevant professional body membership), to be nominated by the Vice-Chancellor;
- iii. the Deans of the other two faculties or senior members of the faculties nominated by the Deans, those attending must not have been a member of the University Fitness to Practise Committee;
- iv. two senior members of the Faculty concerned nominated by the Dean of the faculty, which may include the Dean if not a member of the University Fitness to Practise Committee.

16.2 Members of the Fitness to Practise Appeals Committee should have had no previous involvement with the case.

16.3 The meeting can go ahead if a simple majority of the members listed in 16.1 are present.

16.4 The Committee may ask additional members to be present if necessary, for instance to represent the appropriate professional discipline.

17 Possible Outcomes of the University Fitness to Practise Appeal Committee

17.1 The University Fitness to Practise Appeals Committee may decide:

- i. To refer the case back to the University Fitness to Practise Committee for consideration of new evidence;
- ii. To refer the case back to the University Fitness to Practise Committee to address an identified procedural irregularity
- iii. To take any other action appropriate to remedy the situation. The University Fitness to Practise Appeals Committee cannot overrule the decision of the University Fitness to Practise Committee but may ask for a case to be reconsidered.

18 Conduct of University Fitness to Practise Appeals Committee Meetings

18.1 The meeting will be conducted in accordance with the same procedure set out for the conduct of the University Fitness to Practise Committee (see Section 10).

18.2 The University Fitness to Practise Appeals Committee should consider the papers provided to the University Fitness to Practise Committee and the minutes of their meeting.

18.3 They should also receive the student's appeal and any evidence submitted.

18.4 The student should receive at least 28 calendar days' notice of the date and time meeting.

18.5 Paperwork should be circulated to the Committee and the Student at least 14 calendar days before the meeting.

19 Communication of the Outcome of a Fitness to Practise Appeal

19.1 Initial consideration of a Fitness to Practise Appeal will usually be completed within 28 days of the appeal being received. If it is expected to take longer, the student will be kept up to date with the progress of their case at regular intervals.

19.2 If the student has not established grounds for appeal, they will be notified in writing by the Student Appeals, Complaints and Conduct Manager.

19.3 If the student has established grounds for appeal and the required action to remedy the situation has been identified, they will be notified in writing by the Student Appeals, Complaints and Conduct Manager. This letter will inform the student what the identified remedy/remedies for their case are and how these will be implemented.

20 Student Support and Representation

20.1 Being involved in a Fitness to Practise case has potentially serious implications for a student's ability to complete their programme of study and enter professional practise. As such, the University strongly advises that students who are subject to Health and Conduct or Fitness to Practise procedures seek support with this process, sources of support are outlined in this section.

20.2 Students have the right to be accompanied to any formal Health and Conduct or Fitness to Practise meetings. This would normally be by a member of staff, a current student, a member of the ASK (Advice and Support at Keele) Team, or an elected officer of the Keele University Students' Union or Keele Postgraduate Association. The University has the discretion to accept other supporters where this is deemed necessary. The accompanying person may attend the whole meeting, even if the student is not present.

20.3 If the accompanying person is from within the university, their name and status should be provided to the administrator of the process as soon as possible and no later than 24 hours before the meeting.

20.4 The accompanying person may attend the meeting without the student, if the student is not present they are expected to submit written representations to the Committee. Their representative will not be able to respond to any direct questions from the panel. If the student is present, the accompanying person may make representations and ask questions on their behalf but cannot answer direct questions for the student.

20.5 It is important to note that the University's student conduct related processes are not legal processes. It is reasonable for the University to define who may or may not accompany a student to a meeting about a student conduct related process and there is no obligation to allow external representation.

20.6 External representatives are not permitted at meetings relating to School Health and Conduct Committee processes including full Committee meetings.

20.7 Where a student wishes to bring an external representative to a Fitness to Practise related meeting, they should make a request in advance of the meeting to the Chair of the Committee which will be considered in consultation with colleagues in Academic Services and a response provided. More information on consideration of requests of this nature can be found by contacting the Student Appeals, Complaints and Conduct team.

21 Grievance

21.1 If the student is still dissatisfied following the outcome of their appeal, the final stage of the University's internal procedures allows them to submit a grievance against the decision.

21.2 A grievance should be submitted via the grievance submission form within 14 calendar days of the appeal outcome being issued.

21.3 The grounds to submit a grievance are:

- a. procedural irregularity in the conduct of the case;
- b. that there is new evidence that can be substantiated, including exceptional circumstances, which was not known at the time, and may have affected the outcome

had it been known to the Committee and that there is a valid reason for not making it known at the time.

21.4 More information on the grievance process can be found in [Ordinance XXVIII](#).

22 Office of the Independent Adjudicator (OIA)

22.1 Under the Higher Education Act 2004 the University subscribes to the independent scheme for the review of student complaints.

22.2 If the student is dissatisfied with the outcome of their appeal but feels they do not meet the grounds for a grievance they may request a Completion of Procedures letter.

22.3 The letter allows them to apply for a review of their case to the Office of the Independent Adjudicator for Higher Education (OIA) providing that the complaint is eligible under its rules.

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Acronyms:
FTP- Fitness to Practise
H+C- Health and Conduct
OIA- Office of the Independent Adjudicator

