



REGULATION B5: FITNESS TO PRACTISE

(formerly Regulation 18: Fitness to Practise)

1. PURPOSE AND SCOPE

1.1 This Regulation **applies** to you if any of the following apply:

- i. You are registered on an undergraduate programme that involves practical education in relation to patients, pupils, clients or service-users, (hereafter referred to as clients) which is regulated by a Professional, Statutory or Regulatory Body (PSRB).
- ii. You are registered on a professional postgraduate programme that involves practical education in relation to clients. This includes post-registration qualifications where you are already registered with the relevant PSRB.
- iii. Your qualification results in a direct license to practise or is a requirement for a license to practise.

1.2 The regulation **does not** apply to you if you are already registered with a PSRB but are undertaking an unrelated programme of study that does not lead to any professional accreditation or license to practise.

1.3 This regulation **does apply** to you if you are studying an intercalated degree.

1.4 If you are subject to this Regulation it is your responsibility to be familiar with the requirements of the relevant PSRB to your programme both in terms of health and conduct.

1.5 If you are the subject of alleged or proven academic misconduct (Regulation D4) or a disciplinary offence (Regulation B1), your Head of School will be informed and may decide to refer you to the School Health and Conduct Committee or directly to the University Fitness to Practise Committee.

1.6 If someone has concerns about your health, behaviour or ability to practise these may also be referred to your Head of School who may decide that a fitness to practise investigation is required. This decision will be based on the professional requirements of your programme.

2. SCHOOL HEALTH AND CONDUCT COMMITTEES

2.1 If your School offers programmes of study that fall under this regulation it will have a Health and Conduct Committee, to monitor and if necessary investigate the health and professional behaviour of its students.

2.2 Normally, all suspected breaches of professional behaviour will be considered first by your School Health and Conduct Committee. The standard of proof required for the University to prove the case against you will be the balance of probabilities. This means that the evidence must indicate that it is more likely than not that the case is proven.

2.3 Possible outcomes of the School Health and Conduct committee are defined in the Fitness to Practise Code of Practice.

2.4 Where suspected breaches of professional behaviour are deemed to be particularly serious, your Head of School may refer you directly to the University Fitness to Practise Committee.

2.5 Your School Health and Conduct Committee may report any suspected breach of professional behaviour to your employer or PSRB for investigation and action. If this is the case, the Chair of the University Fitness to Practise Committee and the Head of Student Appeals, Complaints and Conduct will be informed.

3. TEMPORARY SUSPENSION OF STUDY

3.1 In some cases the nature of the concern about your fitness to practise may require the University to temporarily suspend your studies via the School Health and Conduct Committee, to enable a thorough investigation to be carried out and/or to safeguard you 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 Examples of incidents requiring this type of action include where:

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

3.3 In cases where the matters causing your Fitness to Practise to be questioned relate to a disciplinary matter under [Regulation B1](#) (Student Discipline), your case will be considered under the Discipline Regulation first. If this is the case, your School will be represented on the Risk Assessment Panel.

4. UNIVERSITY FITNESS TO PRACTISE COMMITTEE

4.1 The University Fitness to Practise Committee will consider students referred to it by the School if it offers academic programmes which are subject to this Regulation.

4.2 Where concerns regarding your fitness to practise arise, your case will be referred to the University Fitness to Practise Committee by the School's Health and Conduct Committee, or Head of School.

4.3 The University Fitness to Practise Committee will consider:

- i. Any conduct which may mean that you are unfit to be admitted to, or to practise in the profession your programme relates to, or which breaches a requirement for a licence to practise from the relevant PSRB; or
- ii. Any health problem which may mean that you are not fit to be admitted to, or to practise the profession your programme relates to, or which breaches a requirement for a licence to practise from the relevant PSRB.

5. POWERS OF THE UNIVERSITY FITNESS TO PRACTISE COMMITTEE

5.1 Following consideration of the case in the light of the relevant professional requirements and code of behaviour the Committee can:

- i. Dismiss the case;
 - a) By way of no case to answer, whereby no declaration will be made to professional bodies (where this is allowable by the professional body);
 - b) By way of the case being proven but no sanctions are deemed to be appropriate or necessary.
- ii. Allow you to continue with the programme with appropriate advice, guidance or undertakings;
- iii. Allow you to continue with the programme under close supervision;
- iv. Suspend your studies for a specified time;
- v. Require you to be reassessed in a specified part or parts of the programme;
- vi. Require any other appropriate action to support your continuation on the programme;

vii. Require that your 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;

viii. Require that your studies are terminated;

ix. Permit a combination of the above.

5.2 If you are deemed not fit to practise on health grounds, your registration on the programme will be suspended whilst reasonable efforts are made to offer an appropriate alternative programme of study. However, if this is not possible, your studies will be terminated.

5.3 If your studies are terminated, you will normally be awarded any credits you have already obtained while completing the programme.

5.4 Where you are allowed to continue with the programme, or if your studies have been temporarily suspended, you may be required to meet with the University Fitness to Practise Committee on further occasions in order that your progress can be monitored.

5.5 The standard of proof required for the University to prove the case against you for fitness to practise matters is the balance of probabilities. This means that the evidence must indicate that it is more likely than not that the case is proven.

6. APPEALS AGAINST DECISIONS OF THE UNIVERSITY FITNESS TO PRACTISE COMMITTEE

6.1 You can only submit appeals using one or more of the following grounds:

- (a)** procedural irregularity;
- (b)** exceptional circumstances, providing that:
 - i. the circumstances were not already considered by an Exceptional Circumstances Panel;
 - ii. the circumstances can be verified by appropriate evidence (see University guidelines); and, Statutes Ordinances Regulations
 - iii. there is a valid reason for not submitting an Exceptional Circumstances claim relating to these circumstances (and/or appropriate evidence) by the specified deadline (see Regulation B3).
- (c)** bias or reasonable perception of bias.

6.2 If you submit an appeal, the first stage of the process is for your submission to be considered by the Chair of the University Fitness to Practise Appeals Committee and the Head of Student Appeals, Complaints and Conduct. Together, they will assess whether your case has met the above appeal criteria based on the information provided in your appeal submission and by reviewing all the paperwork from the University Fitness to Practise Committee, including the outcome letter.

6.3 If you have not met the criteria for appeal, you will be informed in writing.

6.4 If you have met the appeal criteria, the Chair of the University Fitness to Practise Appeals Committee and the Head of Student Appeals, Complaints and Conduct will determine what action can be taken to remedy the situation. This may include referring your case back to the University Fitness to Practise Committee for reconsideration or constituting a University Fitness to Practise Appeals Committee.

7. POWERS OF THE UNIVERSITY FITNESS TO PRACTISE APPEALS COMMITTEE

7.1 The Powers of the Fitness to Practise Appeals Committee are:

- i. To consider and investigate Fitness to Practise Appeals;
- ii. To act on behalf of the Vice-Chancellor to make final decisions on the outcomes of Fitness to Practise Appeals.

7.2 Where your appeal derives from a proven procedural irregularity in the conduct of the University Fitness to Practise proceedings, the University Fitness to Practise Appeals Committee can grant whatever remedy it considers necessary in the circumstances, which may include referring the case back to the University Fitness to Practise Committee.

8. AVAILABLE SUPPORT AND REPRESENTATION

8.1 You have the right to be accompanied to any formal University Fitness to Practise Committee meetings. This would normally be 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, including legal representatives, where this is deemed necessary. If you wish to be accompanied by an external representative you must make a formal request for consideration. If your request is approved, your representative may attend the parts of the meeting that you are invited to attend, even if you choose not to attend in person.

8.2 External representatives are not permitted to attend any Health and Conduct related meetings, including full Committee meetings. Students have the right to be accompanied at these meetings by a representative from within the University as listed in paragraph 8.1.

9. CONFIDENTIALITY AND RECORD KEEPING

9.1 Cases will be handled with an appropriate level of confidentiality, personal information is shared with or released to only those who are part of the University's Health and Conduct or Fitness to Practise procedures and other relevant officers of the University as appropriate.

9.2 The outcome of the University Fitness to Practise Committee will be placed on your student record and will also be sent to you, the relevant Head(s) of School and other relevant officers of the University.

9.3 If the case is not proven, or you are allowed to return to the programme with conditions, any later Health and Conduct or Fitness to Practise referral will reference that you have been subject to a previous Health and Conduct of Fitness to Practise process.

10. GRIEVANCE

10.1 After completing the Fitness to Practise procedures you may be eligible to submit a grievance only if your grievance meets one or more of the following criteria:

- (a) procedural irregularity in the conduct of the appeal;
- (b) there are relevant exceptional circumstances (with verifiable evidence) that you did not include in your original appeal and/or there is new, verifiable evidence (of procedural irregularity or exceptional circumstances) that you could not present in your original appeal. There must be a valid reason for not making the circumstances and/or evidence known at the time.
- (c) That the outcome was unreasonable in the circumstances.