

## **FITNESS TO PRACTISE CODE OF PRACTICE**

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## **SECTION A – GENERAL INFORMATION.**

### **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.

#### **What is Fitness to Practise?**

1.2 Students registered on or applying for a programme of study regulated by a Professional, Statutory or Regulatory Body (PSRB) and 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 accrediting the programme of study.

1.3 The University must monitor its 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 must take action. These procedures are referred to as Fitness to Practise and also apply to applicants for accredited programmes.

1.4 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.

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

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

For applicants the cause for concern would be identified via applicant declaration and/or a DBS check.

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

- i. Student Discipline ([Regulation B1](#)) including Temporary Suspension of Studies (University Level)
- ii. Fitness to Study ([Regulation B4](#))
- iii. Academic Misconduct ([Regulation D4](#))

1.7 Fitness to Practise procedures are specific to the impact of a student or applicant's conduct, health or competence 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 punishment but instead, to consider the direct impact and risk caused by the student or applicant'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 1.6 depending on the nature of the case.

1.8 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 1.6. This may also apply in reverse, in that, an investigation under one or more of the Regulations in paragraph 1.6 may result in the student being referred to the Health and Conduct Committee within their School.

1.9 Where an incident or issue is identified that is in breach of both Health and Conduct requirements and the Regulations listed in paragraph 1.6, the University level procedure will take precedence. If this comes to light via a Health and Conduct Investigation, the Health and Conduct process will be paused to allow the University level process to conclude.

1.10 Students on programmes subject to Regulation B5 may have their graduation delayed if there are ongoing or outstanding Health and Conduct or Fitness to Practise procedures.

## **2. STANDARD OF PROOF**

2.1 The term Standard of Proof refers to how the University will decide if the fitness to practise of a student or applicant is impaired. In Health and Conduct or Fitness to Practise the Standard of Proof is: "On the Balance of Probabilities". This means that 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.

2.2 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.

### **3. APPLICANTS**

- 3.1 During the admissions process, applicants will be required to complete a Health and Conduct questionnaire or self-declaration document. If the Head of School or their nominee has concerns about the responses received, the matter may be referred to the School Health and Conduct Committee (see below). The case will be reviewed and any decision will reflect the professional requirements or code of behaviour of the relevant PSRB for the course.
- 3.2 Applicants whose suitability for the programme they are applying for is in question will follow the process outlined in Section B of this Code of Practice.
- 3.3 The School Health and conduct Committee may require the applicant to undertake a DBS check to assist in their consideration of the case.
- 3.4 Applicants are not required to attend a meeting of the Health and Conduct Committee but may do so where the circumstances of the case are complex or if there are exceptional circumstances leading the applicant to request this.
- 3.5 Health and Conduct Committee decisions on applications are usually final. In exceptional circumstances, an applicant may be eligible to submit an appeal under the Admissions Appeal Process.

### **4. STUDENT SUPPORT AND REPRESENTATION**

- 4.1 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.
- 4.2 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 SU) Team, or an elected officer of the Keele University Students' Union or Keele Postgraduate Association.
- 4.3 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.
- 4.4 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.
- 4.5 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.

- 4.6 It is important to note that the University's student conduct related processes, including Health and Conduct Committees, 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.
- 4.7 External representatives are not permitted at meetings relating to School Health and Conduct Committee processes including full Committee meetings.
- 4.8 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. Students will be given details of the Committee members in the invitation letter.

## **5. CONFIDENTIALITY AND RECORD KEEPING**

- 5.1 The outcome of any Health and Conduct Committee or Fitness to Practise Committee procedure will be placed on the student's file and will be available to any subsequent Health and Conduct of Fitness to Practise Committee that the student is called to attend.
- 5.2 Information gathered as part of Health and Conduct or Fitness to Practise procedures may be required to be disclosed to the Professional, Statutory or Regulatory body that accredits the relevant programme of study. PSRB requirements vary and are set out specifically by each School or Programme.

## **6. OFFICE OF THE INDEPENDENT ADJUDICATOR FOR HIGHER EDUCATION (OIA)**

- 6.1 Under the Higher Education Act 2004 the University subscribes to the independent scheme for the review of student complaints. Students normally need to have completed the internal procedures of the University in relation to Health and Conduct or Fitness to Practise before they are eligible to make a complaint to the OIA. Students will know that they have completed the procedures as the University will automatically issue them with a Completion of Procedures letter at the appropriate time.
- 6.2 The University will also notify students if they are eligible to request a Completion of Procedures letter. This applies where they have completed a stage of the internal procedure but do not wish to move to the next one.
- 6.3 In very exceptional circumstances, the OIA may consider a complaint from a student who has not completed the internal procedures of the University. More information can be found on the OIA website here: <https://www.oiahe.org.uk/students/can-you-complain-to-us/>.

## SECTION B

### HEALTH AND CONDUCT COMMITTEE PROCEDURES

#### 1. SCHOOL HEALTH AND CONDUCT COMMITTEES

1.1 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 or applicants.

1.2 Each School/Programme will have their own terms of reference for their Health and Conduct Committee, based on the approach described in this Code of Practice; a template is provided at Annex B. With the agreement of the Chair of the Fitness to Practise Committee, Schools may set out their own specific procedures, adhering to the following principles.

#### 1.3 Principles

- i. Any concerns being brought to the Health and Conduct Committee must be factually accurate and substantiated by evidence.
- ii. Action taken to identify, investigate and address concerns should be proportionate.
- iii. There must be a clear and documented audit trail to support the application of the process.
- iv. In cases where the concern relates to a pattern of behaviours exhibited over time, each incident should be evidenced, and the specific concerns documented to present the full circumstances to the Committee.
- v. Schools must take a proportionate approach to dealing with Health and Conduct matters and whilst the process is ongoing, consider reviewing the evidence at appropriate stages to inform the next steps and maintain balance within the investigation.
- vi. Case documentation should be robust and clear to ensure transparency in the process at all stages. 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 are discussed later in this section.
- vii. A student should be aware that they have been referred to the Health and Conduct Committee and why and have had the opportunity to discuss this with a member of the programme team before they receive the formal invitation to the meeting.

1.4 School Health and Conduct Committee procedures, including the terms of reference will be highlighted to students on programmes subject to [Regulation B5](#) in the programme documentation. Students should be made aware of the requirements and the relevant procedures should be 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.

## 2. INITIAL IDENTIFICATION OF HEALTH OR CONDUCT ISSUE

2.1 Any matter that is subject to criminal proceedings or that relates to a breach of University Regulation B1 (Student Discipline) or Regulation D4 (Student Academic Misconduct) should be investigated in accordance with these regulations prior to any action being taken by the Health and Conduct Committee. If temporary suspension is required (under Regulation B1), a representative from the School will be asked to participate in the University level process.

2.2 When the outcome of the action under Regulation B1 or D4 is known, it will be reported to the School for consideration by Health and Conduct Committee as required. If the School is unsure whether the matter is covered by Regulation B1 or D4, advice should be sought from Student Appeals, Complaints and Conduct before any action is taken.

2.3 Any matter that is deemed to be a health and conduct concern may be brought to the Committee for consideration.

**Schools must seek advice from the Student Conduct Manager or the Head of Academic Quality and Student Conduct if the matter relates to conduct that may need to be considered under Regulations B1 or D4 first.**

Possible examples are provided below, this is not an exhaustive list:

- Health
- Behaviour/conduct
- Unsatisfactory attendance/time management
- Proven disciplinary offences under Regulation B1
- Proven cases of academic misconduct under Regulation D4
- Poor engagement with teaching and assessment
- Requests for extended periods of absence
- Disclosure or other evidence of a criminal offence resulting in conviction, reprimand, caution, warning, fixed-penalty notice
- Falsification of records (patient, professional, practice)
- Dishonesty
- Substance misuse
- Attending learning and teaching events or placements in an intoxicated state
- Inappropriate or intimidating behaviour including bullying and harassment
- Incidents of violence on or off campus
- Offences against or exploitation of patients or clients
- Safeguarding issues
- Recurrent discourtesy
- Persistent poor engagement with the School outside of teaching and learning activities (i.e. administrative tasks, communications)
- Poor time management

2.4 The day to day management of student issues will not, necessarily, form part of this process. However, they may form part of a pattern of behaviours which trigger this process if evidence indicates a significant concern.

- 2.5 The School will ensure that a meeting with the student takes place to discuss an issue/behaviour/incident. This may be with an individual staff member (determined by the programme) or a small panel. The possible outcomes at this stage are:
- a. Student can continue on the programme
  - b. Student can continue on the programme with agreed monitoring and follow up from within the School
  - c. In agreement with the Chair of Health and Conduct Committee, an investigation is invoked for referral to Health and Conduct Committee.
- 2.6 For outcomes a or b above, a written record will be made and held on the Student's record in case of future incidents. For outcome c, the staff member or a representative of the School panel will complete a Health and Conduct referral form and discuss with the Chair of the Health and Conduct Committee to decide what information is required to complete the referral. An investigation will then be instigated by Chair's Action.
- 2.7 The referral form will be shared with the student prior to the investigation and again when it has been completed as part of the Health and Conduct Committee paperwork. The referral form includes the name of the investigating officer.

### **3. TEMPORARY SUSPENSION OF STUDIES (SCHOOL LEVEL)**

- 3.1 In cases where the concern identified does not warrant suspension under Regulation B1, the School may temporarily suspend a student's studies under their Health and Conduct processes 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, including online teaching activities.
- 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.

## **4. INVESTIGATION**

- 4.1 If the referral relates to a proven offence under Regulation B1 or D4, the School must not re-investigate the original offence itself. They must consider the professional implications of the outcome reached in the University process under their health and conduct procedures.
- 4.2 An investigation is the process to gather relevant evidence about the case to be presented to the Health and Conduct Committee. Depending on the issue, it may be a paper based process to collate relevant documentary evidence or it could involve a more formal process including discussion or interviews with relevant parties.
- 4.3 The investigation should be carried out as swiftly as possible, however in complex cases or those that require numerous interviews, it may take longer. The student should be kept up to date on the progress and status of the investigation at agreed points.
- 4.4 If the student wishes to raise issues regarding the referral, they should do this as part of the investigation process via the investigating officer.
- 4.5 When the investigation is complete, the findings should be reported to the Chair of the Health and Conduct Committee and the report appended to the referral form.
- 4.6 The Chair will review the form and report to decide whether there is sufficient information for the case to proceed to the Committee to be heard. If more information is required, the Chair can request this. It is unlikely that the case would be dismissed at this stage, however, if so, the student should be advised of this and provided with a copy of the investigation report and details of why the case was dismissed.
- 4.7 If an additional new concern emerges during the investigation, it would not normally be investigated separately. The investigating officer should expand the scope of the investigation to include the new concern and advise the student they have done this, sharing the referral form with them. A separate investigation may be instigated if required, however, this should be avoided unless there is substantial justification to keep the matters separate.
- 4.8 If the case is to proceed to the Committee, the process in Section 7 (below) should be followed.

## **5. HEALTH AND CONDUCT COMMITTEE MEMBERSHIP**

- 5.1 Schools will have designated staff who sit on the Health and Conduct Committee, as described in the terms of reference for each School/Programme.
- 5.2 The Committee membership should reflect the professional discipline of the case under consideration and should, as far as possible, take account of the need for cultural diversity to reduce the risk of unconscious bias in decision making.

5.3 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. Whilst every effort will be made to ensure the panel have no prior knowledge of the student, this may not be possible in all cases. Committee members must declare a conflict of interest if they feel they are not suitably independent. The student will also have the opportunity to raise any potential conflicts of interest from the panel composition before the meeting. Panel members may be changed at the discretion of the Chair.

## **6. INFORMATION TO BE CONSIDERED BY THE COMMITTEE**

6.1 The submission for the Health and Conduct Committee will be based on the referral form (Annex B). The form will list all the information relevant to the case for consideration. As a minimum this will include:

- i. Details of the concern
- ii. The investigation report
- iii. Student Record – including academic profile (attendance, marks, file notes) and any past Health and Conduct issues
- iv. Student submission to Health and Conduct Committee

## **7. PRIOR TO THE HEALTH AND CONDUCT COMMITTEE MEETING**

7.1 The student will be informed in writing of the date and time of the Health and Conduct Committee meeting 14 days before the meeting date. With the agreement of all parties, this timescale can be varied.

7.2 The letter should state who the panel members will be, to provide the student with the opportunity to raise any concerns about panel composition in advance of the meeting. 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.

7.3 The letter should also include the referral documentation including the investigation report and confirmation of the student's right to be accompanied (see Section A, point 4).

7.4 The student is required to submit their response to the case documentation, including the investigation report and any further supporting evidence 7 days before the meeting. With the agreement of all parties, this timescale can be varied.

7.5 At this point the student should also confirm their attendance at the meeting. Students are strongly advised to attend if possible. If not attending, the student must submit written representations and evidence. If the student decides not to attend and does not submit any representations, the Committee may still proceed with the meeting. If this is the case, the rationale for the decision to proceed must be clearly documented. Reasonable requests for postponement will be considered by the Chair, whose decision is final.

7.6 Monthly meetings of the Committee are scheduled through the year. A case will be heard on the next available date after the investigation is complete, taking account of the

required timescales. For particularly complex cases, an additional date may be convened if necessary.

7.7 The nominated administrator will provide the Committee members with a case file for each case to be considered, including as a minimum, the documents referred to in Section B, point 6 above.

## **8. HEALTH AND CONDUCT COMMITTEE MEETING PROCEDURE**

8.1 Meetings may be held virtually or in person. The meeting will be conducted as follows:

- i. Each case will be considered by the Committee in turn. Students due to be seen by the Committee will be asked to wait in a designated waiting area.
- ii. When their case is heard, the student and supporter (if applicable) will be invited to join the meeting.
- iii. The Chair will confirm that the Committee have considered the case documentation.
- iv. The student, if present, will then be invited to present their case to the Committee with reference to any evidence of mitigation.
- v. If the student chooses not to attend, a written submission and or evidence of mitigation will be considered. The Committee will generally not consider supporting statements from family or friends but will consider independent documentary evidence from general practitioners and other similar bodies.
- vi. The Committee members may question the student under the direction of the Chair. The student's supporter may be invited to assist the Committee at the discretion of the Chair.
- vii. 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.
- viii. Having given the student full opportunity to make representations, the Committee will consider the available information in private and reach a decision.

## **9. OUTCOME OF HEALTH AND CONDUCT COMMITTEE**

9.1 The outcome of the meeting would normally be given verbally on the day of the meeting, with a full written outcome provided within 10 calendar days. In exceptional circumstances, if it is not possible to give the outcome on the day, the outcome letter must be provided in 7 calendar days.

9.2 The outcome letter must contain an accurate record of the discussions held at the Committee and the resulting outcome. The outcome letter will stand as the record of the meeting (i.e. there will be no separate minutes recorded) and so should be sufficiently detailed with a clear rationale for the Committee's decision, including what other possible outcomes were considered and the reason for not applying those.

9.3 If conditions are placed on the student, these should be explained fully with clear information on how their completion will be assessed and a timescale for completion given. The letter should also give the student details on their right of appeal, how to do this and the deadline for submission.

9.4 The Committee may decide:

- a. That the student can continue on the programme;
- b. That the student can continue on the programme with monitoring and/or conditions/undertakings in place;

- c. That the evidence presented indicates that the student's fitness to practise is impaired and the case needs to be referred to the University Fitness to Practise Committee.

9.5 The potential outcomes for applicants are listed in point 11 below.

## **10. APPEAL**

10.1 Exceptionally, appeals against the decision of the Health and Conduct Committee can be made to the Fitness to Practise Committee strictly on the following grounds:

- i. evidence of procedural irregularity in the conduct of the case;
- ii. 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 relevant Health and Conduct Committee and there is a valid reason for not making it known at the time.

10.2 The grounds for appeal require evidence which will be assessed robustly. Disagreement with the Committee's findings does not constitute grounds for appeal if it can not be supported by evidence from criteria (i) or (iib).

### **10.3 Appeals Where Referral to Fitness to Practise was Not Made.**

When considering an appeal where the case was not referred to the Fitness to Practise Committee, the student should appeal to the Chair of the Fitness to Practise Committee in writing, within 14 days of receiving the outcome letter they wish to challenge. The letter should state clearly the grounds for appeal. Supporting evidence must be submitted alongside the appeal. The Chair will consider the appeal with a member of the Health and Conduct Committee. The Health and Conduct Committee member must have had no prior involvement with the case. The appeal will be considered under the terms of reference of the Health and Conduct Committee.

If the appeal is upheld, the Chair of the Fitness to Practise Committee may direct the Chair of the Health and Conduct Committee to amend the penalty based on the findings of the appeal or, if required, ask that the case be reheard by the Health and Conduct Committee, in which case a new panel must be constituted with no members who heard the case previously.

It is not expected that an appeal would be heard in person, as one of the outcomes above should be suitable to address any identified issues. Following completion of the appeal, the student will be notified of the outcome in writing.

### **10.4 Appeals Where the Case Was Referred to the Fitness to Practise Committee**

If the case was referred to Fitness to Practise Committee by the Health and Conduct Committee, the student should present their grounds for appeal as part of their representations to the Fitness to Practise Committee. The Fitness to Practise Committee should ensure that they clearly address the appeal grounds in the outcome letter, with a decision on these in addition to addressing the case against the student brought by the Health and Conduct Committee.

## 11 APPLICANTS

11.1 Applicants for programmes subject to Regulation B5 may be referred to the Health and Conduct Committee if information comes to light that may affect their Fitness to Practise, prior to their registration as a student. This may be reported by the applicant in a self-declaration form or may come to light following a DBS check.

11.2 The School Health and Conduct Committee will consider cases in relation to applicants. An applicant will not usually be invited to make their case in person, although they will be asked to submit written representations. The timescales involved will be the same as those for registered students. The Committee will consider the case made by the student in order to assess whether their Fitness to Practise may be impaired. The panel may decide:

- i. To allow the application to proceed in line with the framework for the course. Depending on the nature of the matter, if the applicant is successful, conditions may need to be applied, particularly in relation to placements provided by external partners.
- ii. To reject the applicant.

11.3 Applicants will be informed of the decision on their case in writing (see outcome letter section above).

11.4 Applicants are not permitted to appeal the decision on their application under the Health and Conduct Committee procedure, however, in exceptional circumstances, the Director of Admissions has discretion to consider an appeal under the Admissions Appeal Procedure. Exceptional circumstances may include, for example, changes to the status of convictions shown on the DBS check that may have affected the original decision.

## **SECTION C UNIVERSITY FITNESS TO PRACTISE COMMITTEE PROCEDURES.**

### **1. ROLE OF THE FITNESS TO PRACTISE COMMITTEE**

1.1 Students will be referred to the University Fitness to Practise Committee from School/Programme 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.

1.2 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.

### **2. MEMBERSHIP OF THE UNIVERSITY FITNESS TO PRACTISE COMMITTEE**

2.1 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.

2.2 For the Committee to be able to make a decision (quorate), members (i), (iii) and (iv) must be present with 2 members from the other categories, giving 5 members in total.

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

2.4 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.

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

### **3. REFERRAL TO UNIVERSITY FITNESS TO PRACTISE COMMITTEE**

3.1 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 outcome of the School Health and Conduct Committee;
- iii. A referral form from the School Health and Conduct Committee explaining their specific reasons for referring the student to the Committee.

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

3.4 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.

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

3.6 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.

3.7 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.

3.8 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. 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.

3.9 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.

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

3.11 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.

#### **4. ATTENDANCE AT UNIVERSITY FITNESS TO PRACTISE COMMITTEE MEETING**

4.1 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 A, point 4.5). 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.

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

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

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

4.5 The School/Programme'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.

4.7 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. Normally, this should be at the same time as the student submits their case but should be no later than 24 hours before the meeting.

#### **5. CONDUCT OF UNIVERSITY FITNESS TO PRACTISE COMMITTEE MEETINGS**

5.1 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.

5.2 The student and their representative and the representative presenting the School/Programme's case will be invited into the room (or virtual meeting) and the Chair will formally introduce themselves and their role in the meeting. All parties will be invited to do the same.

5.3 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.

5.4 The Chair will confirm the student has received all the relevant information ahead of the meeting.

5.5 The Chair will confirm the procedure of the meeting as set out in the Section C, point 6 below.

5.6 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.

5.7 The Chair will confirm that an adjournment may be requested by any party, at any point.

5.8 The School/Programme 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.

5.9 The student and their representative will then present their case, including calling any relevant witnesses. The School/Programme representative and the Committee members will have the opportunity to ask questions. When questioning is concluded the witness will leave the meeting.

5.10 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 student, their representative and the School/Programme representative will be asked to leave the meeting.

5.11 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.

5.12 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. If this is the case, the student will be kept informed of the next steps and relevant timescales. The additional investigation should be concluded as quickly as possible.

5.13 The outcome of the meeting would normally be given verbally on the day of the meeting, with a full written outcome provided within 10 calendar days. In exceptional circumstances, if it is not possible to give the outcome on the day, the outcome letter must be provided in 7 calendar days.

5.14 The outcome letter must contain an accurate record of the discussions held at the Committee and the resulting outcome. The outcome letter will stand as the record of the meeting (i.e. there will be no separate minutes recorded) and so should be sufficiently detailed. A clear rationale for the Committee's decision must be provided and must include details of what other possible outcomes were considered and the rationale for not applying them.

5.15 If conditions are placed on the student, these should be explained fully with clear information on how their completion will be assessed and a timescale for completion given. The letter should also give the student details on their right of appeal, how to do this and the deadline for submission.

## **6. ROLES AND RESPONSIBILITIES OF ATTENDEES AT THE UNIVERSITY FITNESS TO PRACTISE COMMITTEE MEETING**

### **6.1 The Chair**

- i. is responsible for overseeing the proceedings of the meeting and coordinating the Committee meeting.
- ii. is responsible for communicating the decision made on the professional advice of the members of the Committee.
- iii. may vary the procedure of the meeting if deemed necessary and after consulting with all parties.

## 6.2 Committee Members

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.

## 6.3 The Secretary

- i. makes arrangements for the meeting and ensures all parties receive the required documents on time.
- ii. takes minutes of the meeting, ensuring they provide a full record of the discussions held and a rationale for any decisions taken.
- iii. advises the Chair on matters of procedure and process and the application of the Regulation.

## 6.4 School/Programme Representative

- i. presents the case on behalf of the School/Programme fully and responds to any questions asked of them.
- ii. should be familiar with the case and able to confidently discuss matters with the Committee. Witnesses may be called to support this.

## 6.5 Student

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

## 6.6 Student Representative

Supporting the student in making their case, see Section A, point 4 for more details.

## 6.7 Witnesses

Present their statement and respond to any questions posed.

## **7. OUTCOMES AVAILABLE TO THE UNIVERSITY FITNESS TO PRACTISE COMMITTEE**

7.1 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 and 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.

**7.2 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 or a PSRB requirement/request to report.

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

This means that the student will be allowed to continue 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 learn from 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 confirmation that the conditions have been fulfilled.

#### **7.4 Allow the student to continue with the programme under close supervision**

This means that the student will be allowed to continue their studies 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 confirmation that the conditions have been fulfilled being given.

#### **7.5 Suspend the studies of the student for a specified time**

This means that the student's studies will not be terminated and they may 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.

#### **7.6 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 re-assessment 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 following the re-assessment.

#### **7.7 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 further investigation and a different outcome. The student may be required to meet with the Committee again prior to their return to the programme.

### **7.8 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, the student is not fit to be admitted to or to practise the relevant profession.

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 outside the meeting, 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.

### **7.9 Require that the student's studies be terminated**

This means that the Committee have found the case against the student proven and the evidence presented confirms the student is not fit to be admitted to or to practise the relevant profession. 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.

### **7.10 Permit a combination of the above**

Where one or more outcomes are 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 any conditions or requirements set not be satisfied or if further relevant concerns arise, the case may be referred back to the Committee which could lead to further investigation and a different outcome. The student may be required to meet with the Committee again before it can be confirmed the conditions or requirements have been met.

## **8. FITNESS TO PRACTISE APPEALS**

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

8.2 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.

## **9. PROCEDURE FOR FITNESS TO PRACTISE APPEALS**

9.1 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.

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

9.3 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 letter.

9.4 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.

9.5 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.

9.6 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.

### **9.7 University Fitness to Practise Appeals Committee**

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

- i. Chair (PVC Research)
- ii. Lay Member
- iii. Representative of the Appropriate Professional Discipline- External to the University
- iv. Plus 2 members from the following list:
  - (a) Deans of the other faculties or a member of senior staff nominated by the Deans.
  - (b) Senior members of staff from the same Faculty as the student.

Members should have no previous knowledge or involvement with the case against the student.

The quorum for the meeting is 5 members from the above list and must include the Chair, a lay member and an external member.

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

### **9.8 Possible Outcomes of the University Fitness to Practise Appeal Committee**

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.

## **10. CONDUCT OF UNIVERSITY FITNESS TO PRACTISE APPEALS COMMITTEE MEETINGS**

10.1 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 C, point 5).

10.2 The University Fitness to Practise Appeals Committee should consider the papers provided to the University Fitness to Practise Committee and the record of the meeting (usually provided in the outcome letter).

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

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

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

10.6 Communication of the Outcome of a Fitness to Practise Appeal

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

## **11 GRIEVANCE**

11.1 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.

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

11.3 The grounds to submit a grievance are:

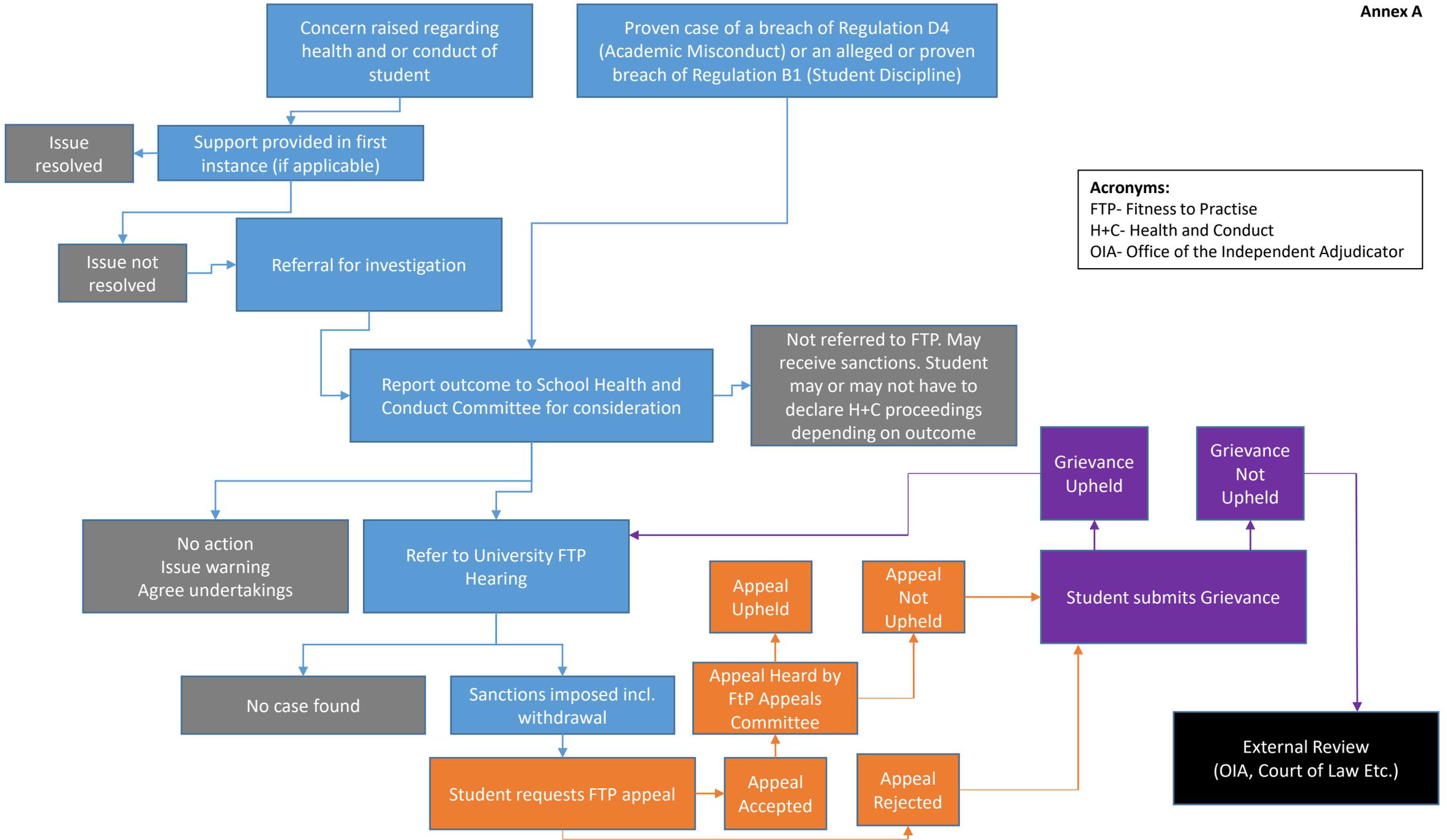
- i. procedural irregularity in the conduct of the case;
- ii. that there is new evidence that can be substantiated, including exceptional circumstances, which was not known at the time, and may have affected the outcome had it been known to the Committee and that there is a valid reason for not making it known at the time.

11.4 More information on the grievance process can be found here:

<https://www.keele.ac.uk/sas/legalgovernancecompliance/governance/grievances/grievancesfip/>

## 12. DOCUMENT CONTROL INFORMATION.

<b>Document Name</b>	Fitness to Practise Code of Practice
<b>Owner</b>	Dean of Medicine and Health Sciences
<b>Version Number</b>	2.0
<b>Equality Analysis Form Submission Date</b>	
<b>Approval Date</b>	11 October 2021
<b>Approved By</b>	University Executive Committee
<b>Date of Commencement</b>	11 October 2021
<b>Date of Last Review</b>	September 2021
<b>Date for Next Review</b>	2024
<b>Related University Policy Documents</b>	Regulation B5 Regulation B1 Regulation D4 Support to Study Policy and Process
<i>For Office Use – Keywords for search function</i>	



## Health and Conduct Committee Terms of Reference

### School

#### 1. Scope:

The Health and Conduct Committee is the first stage of the University's Fitness to Practise procedures under Regulation B5. The role of the Committee is to assess and address any concerns about the health or conduct of students registered on programmes subject to Regulation B5, in relation to their fitness to practise. The Committee also considers cases in relation to applicants for these programmes.

#### 2. Purpose:

- i. To assess and address concerns regarding the health and/or conduct of a student or applicant.
- ii. To investigate the impact of these concerns on the student/applicant's fitness to practise in accordance with the University's regulations and the requirements of the [insert relevant PSRB/s]
- iii. To determine whether the threshold has been met for referral to the University Fitness to Practise Committee.

#### 3. Management of Health and Conduct Issues

The Health and Conduct Committee has oversight of any issues that arise concerning the health or conduct of students on professional programmes within the School, or a Foundation Year programme intended to lead to one of these programmes. This includes reports from University led investigations into student breaches of University Regulations B1 and D4.

The approach to management of issues on the programme/s such as attendance and leave of absence (not an exhaustive list) is explained in the [State where these can be found by the student e.g. Programme Handbook]. There may be no need for these issues to be reported to the Health and Conduct Committee if the initial steps taken to address them are effective. Information about these interventions will be recorded on the student file, with a copy of the record shared with the student. Should a future incident be reported to the Health and Conduct Committee, this record may be shared with the Committee.

#### 4. Membership:

The Health and Conduct Committee is Chaired by the Head of School or their representative/s.

The Health and Conduct Committee membership is drawn from University staff, external members who have relevant professional expertise (e.g. clinical partners) and, in some cases, lay members from the community.

The University staff members must be academic or clinical staff from within the School, the wider Faculty and from other Faculties within the University.

The Committee composition will include expertise relevant to the student's programme of study.

NB- For Committees scheduled to see more than one student on a given date, the School may need to rotate panel members as required to satisfy this requirement.

#### 5. Quoracy:

Chair plus four of the members above, **one** of which must be external to the University **OR** from outside the Faculty.

#### 6. Frequency:

Scheduled monthly through the year and used as required. Additional dates will be convened if required.

#### 7. Chair's Action:

Chair's action may be taken where necessary, including to confirm a referral to the Committee requires investigation.

#### 8. Applicant Panels

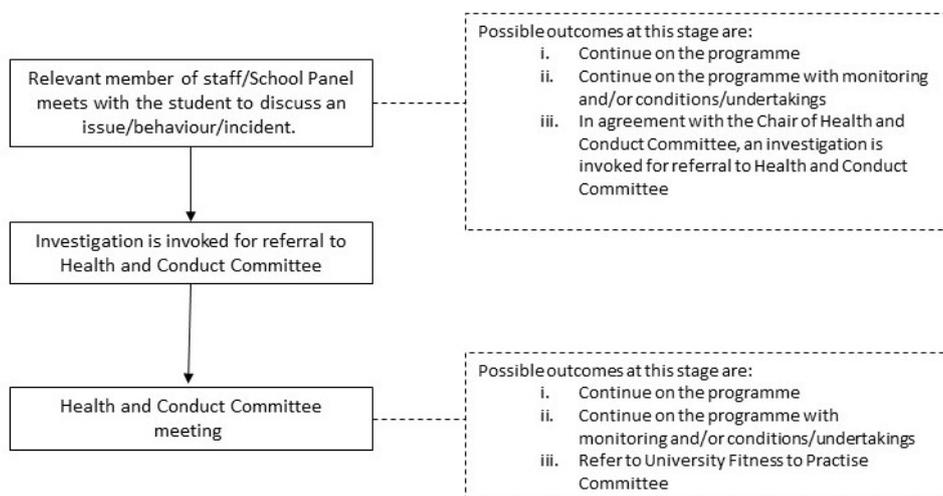
The Health and Conduct Committee will convene a panel to consider health and conduct related issues and results of DBS disclosures for applicants. The panel will normally have 3 members, one of whom must be from a placement provider.

Panels will not normally meet with applicants and will consider cases based on the documentation provided. Applicants may submit written representations for the Panel's consideration.

#### 9. Fitness to Practise Code of Practice

The University's **Fitness to Practise Code of Practice** (make this a link to CoP) specifies the procedures for the administration and conduct of the meeting including the appeal procedure and information for applicants.

#### Health and Conduct Pathway Summary



#### 10. Management Information Needs

The Health and Conduct Committee will have sight of all relevant documentation for the case, this will be listed on the referral form.

#### 11. Declaration

**State programme requirements**

**STRICTLY CONFIDENTIAL**  
**STUDENT REFERRAL TO HEALTH AND CONDUCT COMMITTEE**  
**PLEASE ENSURE WHOLE FORM IS COMPLETED**

Personal Details (please print)			
Surname		Forename(s)	
Course		Student No	
Current Year		Email address	
Current Placement		Personal Tutor / Year Lead	

Reasons for referral
What issues/concerns have been identified? (in date order)
Who has identified these issues?
Are these issues/concerns from a single significant incident or indicative of a pattern of concerning behaviours?
When were these issues/concerns first raised with the student?
Has the student been before the Health and Conduct Committee previously? If yes, please provide brief details

**B2**

Have alternative forms of reflection and/or remediation been discussed and/or offered?

If applicable, please provide brief details

Are there health concerns?

If so, has Occupational Health/medical (GP) input been sought?

Please attach relevant reports/medical letters

Does the student have a registered disability?

Are reasonable adjustments in place? If so, please provide brief details

Are the reasonable adjustments relevant to the case?

Are there any safeguarding concerns?

If so, have they been escalated?

Has the student been offered and/or accessed any School or University support?

Please provide brief details

Which of your PSRB regulations apply to this referral?

Other issues relevant to the referral

**B2**

Please list in order the documents included with this referral

**The School must have discussed this referral with the student.**

Name of person arranging and discussing referral:.....

**The reasons for the referral have been discussed with the student.**

Referrer's Signature..... Date.....

**STRICTLY CONFIDENTIAL**  
**HEALTH AND CONDUCT COMMITTEE INVESTIGATION REPORT**

<b>Personal Details (please print)</b>			
Surname		Forename(s)	
Course		Current Year	
Current Placement		Referrer	

### **THE CASE INVESTIGATOR**

Insert brief details of investigator's background.

*The investigator should be independent and have no prior knowledge of the current case against the student. They should not have worked closely with them, for example, as their personal tutor or in a supervisory role.*

### **REFERRAL**

Insert brief details of what the referral has asked you to investigate

### **STUDENT RESPONSE TO REFERRAL**

If the student sent a direct response following receipt of the referral form please provide brief details here

### **INVESTIGATION COMPOSITION**

The investigation included the following elements:

1. A review of the referral form and attached documentation
2. Interviews with.....
3. A visit to.....
4. A review of email communications during the period.....
5. A review of the student record

### **ABBREVIATIONS TABLE**

*Abbreviations should be avoided if possible but, if they are used, a glossary must be provided in this section*

E.g.

YL = Year Lead

HC = Health and Conduct Committee

WP = Ward Placement

### **CONTENTS PAGE**

Please use page numbers/section headings here for indexing purposes

### **EXECUTIVE SUMMARY**

Insert brief summary of investigation findings  
No conclusions to be drawn here

### **BODY OF INVESTIGATION**

Tackle each concern raised in the referral separately  
Use the following suggested headings to help guide the process

- Evidence provided by the School
- Evidence provided by the Student
- Points which are not disputed
- Mitigation offered by the Student
- Points to consider in relation to this mitigation
- Points of dispute

\*This Checklist is intended for use by either the Health and Conduct Committee or the Fitness to Practise Committee at any stage of the process\*

## **COMMITTEE DETERMINATION**

### **CHECKLIST TO SUPPORT DECISION MAKING**

1	Have you considered all the information before the Committee, including written information and oral submissions?	
2	Have you used the relevant PSRB guidance documents to support your decision making? <i>Please note the document titles</i>	
3	Have you considered how the issues may impact on patient or service user safety and the functioning of placement teams?	
4	Have you balanced your decision to take into account the impact of any sanction on the student? Does your decision balance the need to protect patients or service users/maintain public confidence in the profession whilst giving due weight to the relevant information available?	
5	Have you considered the principle of proportionality in reaching your determination? Starting initially with no sanction and moving up the scale only to meet the risks identified where necessary?	
6	Are you able to give clear reasons for taking the action that you are recommending?	
7	Have you considered if any remediable or reasonable supporting measures could be put into place alongside or in lieu of a sanction?	
8	Are all conditions that you have recommended workable, appropriate, reasonable and measurable?	
9	If conditions/sanctions are to be applied, have appropriate review dates and mechanisms been identified?	

## **GUIDANCE DOCUMENT FOR SCHOOL HEALTH AND CONDUCT COMMITTEES REGARDING OUTCOMES**

The Health and Conduct Committee Terms of Reference state that the possible outcomes from the Committee are as follows:

- i. Continue on the programme
- ii. Continue on the programme with monitoring and/or conditions/undertakings
- iii. Refer to University Fitness to Practise Committee

Students should only be referred to the University Fitness to Practise Committee where the School Health and Conduct Committee has identified a serious problem which cannot be resolved at School level.

In practice, this means that outcome ii) above can cover any reasonable and attainable sanctions or undertakings which would provide an opportunity for the case to be resolved at School level.

Outcome iii) should only be reached where that is just not possible due to the serious nature of an issue or where the Health and Conduct Committee has set out reasonable and attainable sanctions or undertakings for resolution previously and the student has not met them. If the student has exceptional circumstances as to why the sanctions or undertakings were not met, the Health and Conduct Committee can consider whether they can make any adjustment to take account of these, if not, the student may be referred and details of the consideration of the circumstances should be provided with the referral.

### **Examples for outcome ii) (more than one can apply as part of a full outcome):**

- Written advice and guidance;
- Written warning;
- Occupational Health clearance/review, informed by a specialist Independent report if necessary;
- Submission of a reflection;
- Requirement for student to send written apologies as applicable;
- Requirement for student to fully engage with relevant healthcare professionals and to provide evidence of this engagement to be reviewed by Committee/Chair's Action at a specified date;
- Full engagement to be evidenced by the student and reviewed by Committee/Chair's Action at a specified date;
- A specified time and level of supervision, to be reviewed by Committee/Chair's Action on receipt of a report from the relevant supervisor;
- Completion of a timetable of remediation by a specified date, to be reviewed by Committee/Chair's Action.

Health and Conduct Committee  
School of (Name)

(relevant email)@keele.ac.uk

B6



Date (must be at least 14 day before the Committee date)

Student Name  
Address

Dear Student Name

**Re: Health and Conduct Committee**

You have been referred to the Health and Conduct Committee by (insert), due to (insert).  
You were sent a copy of the referral on (Date) and have taken part in the investigation into your case.  
Please find attached an updated copy of the referral together with the investigation report.

The Committee will consider your case at **Time on Date**.

The Committee panel on the day will consist of:

**Chair**

**Panel Member 1**

**Panel Member 2**

**Panel Member 3**

**Panel Member 4**

If you feel that there is a conflict of interest with any of the panel members listed above can you please let us know straight away so that alternative panel members can be sought without delay to your case being heard.

Can you please confirm your attendance in writing by email to [\(relevant email\)@keele.ac.uk](mailto:(relevant email)@keele.ac.uk) by **Time on Date**.

You have the right to be accompanied at the meeting. 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.

If you do wish to be accompanied, can you please confirm this by email to [\(relevant email\)@keele.ac.uk](mailto:(relevant email)@keele.ac.uk) along with the details and email address of who will be attending with you.

The Committee has access to the referral and investigation report and your student record to date.

You now have the opportunity to submit any further information and evidence you would like to be considered by the Committee in relation to your case. This documentation needs to be emailed to: [\(relevant email\)@keele.ac.uk](mailto:(relevant email)@keele.ac.uk) by **Time on Date (date to be 7 days before the Committee date)**.

The terms of reference for the Health and Conduct Committee can be found here:  
[relevant web address](#)

Please read these in conjunction with the University's Fitness to Practise Code of Practice found here:

[relevant web link](#)

Keele University  
Staffordshire  
ST5 5BG UK

T: +44(0)1782 732000  
[keele.ac.uk](http://keele.ac.uk)

## **Support**

You can access advice, guidance and one to one support from the Faculty's Student Experience and Support Team. For more information and the link to book an appointment please go to <https://www.keele.ac.uk/students/studentervices/studentexperienceandsupport/>

You can also contact ASK (Advice & Support at Keele SU) within the Student Union for independent and confidential advice and representation. (Email [su.ask@keele.ac.uk](mailto:su.ask@keele.ac.uk) Website: [keelesu.com/advice](http://keelesu.com/advice)).

Should you have any queries, please do not hesitate to contact me.

Yours sincerely

**Chair, Health and Conduct Committee**

Health and Conduct Committee  
School of (Name)

(relevant email)@keele.ac.uk



Date: Day/Month/Year

Name Surname  
Address Line 1  
Address Line 2  
Address Line 3  
Postcode

Dear Sir/Madam

Further to the (Date) meeting of the School of (Name) Health and Conduct Committee, I write formally to confirm the outcome.

You had attended the Health and Conduct Committee .....due to concerns regarding....copy of referral form attached.

You were aware that the Committee had access to the investigation report compiled by ..... and your student record.

Additionally, you had submitted the following for consideration by the Committee.....

You were accompanied at the meeting by.....

The panel members on the day were:

- A
- B
- C
- D
- E

*(Admin note: this letter will also be the record/minute of the meeting so please include in the following sections all the relevant discussions. Using bullet points provides a clearer record for the student, the School and any subsequent Committee/PSRB accessing this letter at a future date)*

The Committee asked you about .....and you stated the following:

- A
- B
- C

The Committee asked you about .....and you stated the following:

- A
- B
- C

*(Continue as necessary)*

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## **Outcome and Requirements**

After full consideration of the investigation report, your written submissions, your student record and your responses to the Committee in person, the Committee informed you that.....

The Committee reached this outcome for the following reasons:

- A
- B
- C

## **Points to Note**

If declarable to PSRB then declaration paragraph here

Also include here where the Committee record will be stored and that it may be applicable in any future Health and Conduct and/or Fitness to Practise issues

## **Support Contact Details**

Support is still available from the University Support Services, contact details are as follows:

University Student Services - [student.services@keele.ac.uk](mailto:student.services@keele.ac.uk)

Advice and Support at Keele - [su.ask@keele.ac.uk](mailto:su.ask@keele.ac.uk)

The (insert appropriate academic contact/s) are also available to talk to you and can be contacted via email on:

## **Appeals Against this Decision**

Exceptionally, appeals against the decision of the Health and Conduct Committee can be made to the Fitness to Practise Committee strictly on the following grounds:

- (a) evidence of procedural irregularity in the conduct of the case;
- (b) 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 relevant Health and Conduct Committee and there is a valid reason for not making it known at the time.

The grounds for appeal require evidence which will be assessed robustly. Disagreement with the Committee's findings does not constitute grounds for appeal if it can not be supported by evidence from criteria (a) or (b).

Please see the University's Fitness to Practise Code of Practice, Section B, for further information.

If you have any queries please do not hesitate to contact me.

Kind Regards

**Name**  
**Chair, Health and Conduct Committee**

**cc: Head of School**

**Outcome only:**

**Template Email to relevant Staff regarding Health and Conduct Committee Outcome**

Dear [Name],

RE- [Name] [Student Number] [Programme]

The above named student attended Health and Conduct Committee today.

The outcome of the case was [confirm outcome].

[If any conditions, sanctions or undertakings were prescribed, detail that here- pasting from the outcome letter is acceptable as long as the wording doesn't cover the proceedings of the meeting.]

You are receiving this email because [state whether for info/action].

[Details any deadlines for reporting/ follow up etc.]

Yours etc,

**STRICTLY CONFIDENTIAL**  
**STUDENT REFERRAL TO FITNESS TO PRACTISE COMMITTEE**  
**PLEASE ENSURE WHOLE FORM IS COMPLETED**

Personal Details (please print)			
Surname		Forename(s)	
Course		Student No	
Current Year		Email address	
Current Placement		Personal Tutor / Year Lead	

Reasons for referral
<p>What issues/concerns have been identified? (In date order) <i>Please include the information from the H&amp;C referral form here with additional information from the H&amp;C investigation and attendance</i></p>
<p>Who has identified these issues? <i>Please include the information from the H&amp;C referral form here with additional information from the H&amp;C investigation and attendance</i></p>
<p>Are these issues/concerns from a single significant incident or indicative of a pattern of concerning behaviours?</p>
<p>When were these issues/concerns first raised with the student?</p>
<p>Have alternative forms of reflection and/or remediation been discussed and/or offered? If applicable, please provide brief details</p>

Are there health concerns? If so, has Occupational Health/medical (GP) input been sought?
Does the student have a registered disability? Are reasonable adjustments in place? If so, please provide brief details Are the reasonable adjustments relevant to the case?
Are there any safeguarding concerns? If so, have they been escalated?
Has the student been offered and/or accessed any School or University support? Please provide details
Which of your PSRB regulations apply to this referral?
Other issues relevant to the referral

**B9**

Please list below the documents attached to this referral in order  
*As minimum you must include the Health and Conduct Committee referral, the Health and Conduct Committee Investigation report and the Health and Conduct Committee outcome letter*

## Template Email to Student for Occupational Health Referral

Dear [Name]

Following your conversation with [Name of Staff Member] on [Date], I am writing to confirm the details of your referral for an occupational health assessment, as set out in the attached form.

Please confirm your agreement to the referral, by return of this email no later than [Deadline].

Your consent is requested for this referral and you are strongly encouraged to engage with the Occupational Health review if possible. You may also make comments on the content of the form if you wish, by return of this email no later than the above deadline.

As explained to you in the meeting with [Name of Staff Member], the purpose of this referral is to [Explain purpose, use same terminology as form if possible].

This is a supportive process to provide the University with an insight into your circumstances as a whole and to understand areas where you may require additional support so that we can explore if this can be provided.

If you do not consent to the referral and chose not to engage with the Occupational Health review, the University will still consider your circumstances, however, will not have the additional insight that the specialist opinion of occupational health will provide.

If you have any queries, or would like to discuss this further, please contact [Details].

[Insert standard paragraph re: advice/ ASK etc].

Kind regards

**STRICTLY CONFIDENTIAL**  
**STUDENT REFERRAL TO OCCUPATIONAL HEALTH**  
**PLEASE ENSURE WHOLE FORM IS COMPLETED**

Personal Details (please print)			
Surname		Forename(s)	
Date of Birth		Mobile No	
Email		Student No	
Course		Current Year	
Current Placement		Referrer	
The contact details above will be used by Occupational Health to contact the student.			

Background to referral
<u>Issues/concerns that have been identified:</u>
<u>Issues identified by:</u>
<u>Academic Progress:</u>
<u>Impact on the student's clinical and/or placement work:</u>
<u>Other issues relevant to the referral:</u>
<u>Has the student been referred to Health &amp; Conduct/Fitness to Practise Committee?</u> (If applicable please provide dates)

Questions to be addressed by Occupational Health (Please indicate the questions you would like the Occupational Health service to address)		
1	<p>Is the student currently fit to meet with staff regarding their Committee case?</p> <p>Is the student currently fit to compile and submit their submission for consideration by the Committee?</p> <p>Is the student currently fit to attend Committee in situ and/or remotely and to make presentations to the Committee?</p> <p>If the answer is no to any of the above, how long is this likely to continue?</p>	
2	<p>Is the student <b>currently</b>* fit to be attending lectures and seminars in-situ and/or remotely? (<i>*a specified date can be added here instead if applicable</i>)</p> <p>If not, how long is this likely to continue?</p>	
3	<p>Is the student <b>currently</b>* fit to attend in-situ placements? (<i>*a specified date can be added here instead if applicable</i>)</p> <p>If not, how long is this likely to continue?</p>	
4	<p>Is the student seeking and receiving appropriate medical care for this/these issues or is there anything additional required?</p> <ul style="list-style-type: none"> <li>• Has the student provided you with any additional information to demonstrate that they have been engaging fully with their GP/healthcare team regarding their health issues?</li> <li>• Do you require any further information to give a fully considered opinion?</li> </ul>	
5	<p>Is there an underlying health issue that may impact on patient safety as a student or as a practising (course) in the future?</p>	
6	<p>Are there any specific measures/adjustments that the School should consider to support the student?</p> <p>If so, how long would you expect these measures/adjustments to apply?</p>	
7	<p>If a review is necessary, please state the date this has been arranged for.</p>	
8	<p>Is the student aware of when and how to seek help should further problems arise?</p>	
9	<p>Please state here if there are any other questions that you would like Occupational Health to respond to:</p>	

**The School must have discussed this referral with the student. The student must sign and agree to the referral. If they do not agree, the student must be informed by the school that further decisions may be taken without the benefit of a confidential assessment and report from Occupational Health.**

The reasons for the referral have been discussed with the individual:

Referrer's signature..... Date.....

Student confirmation: The referral has been discussed with me and I agree to the referral.

Signature..... Date.....

**A copy of this referral must be sent to the student when it is sent to Occupational Health.**