

Fitness to Practise (Train) Policy and Procedure

Scope

This Policy and Procedure is intended for the management of students' and applicants' fitness to practise (train) concerns. The Policy is designed to inform students, staff and practice providers about the School's policy and procedure for addressing fitness to practise (train) issues.

The Policy covers awards, progression and registration and applies to programmes leading to professional qualification and/or eligibility to apply to a professional register which requires students to undertake periods of experience in practice settings. The University, in conjunction with the Professional, Statutory and Regulatory Bodies (PSRBs), has a duty to ensure students are fit to practise (train) during and up to the point of registration/awarding of qualification or academic credits.

For programmes regulated by PSRBs, the Higher Education Institution is required to have a Fitness to Practise (Train) Policy and Procedure in place to manage fitness to practise (train).

Equality and Diversity Statement

City, University of London is committed to promoting equality, diversity and inclusion in all its activities, processes, and culture, under its Public Sector Equality Duties and the Equality Act 2010. This includes promoting equality and diversity for all, irrespective of any protected characteristic, working pattern, family circumstance, socio-economic background, political belief or other irrelevant distinction.

Where relevant to the Policy, decision making panels will ensure a reasonable gender balance and will actively consider representation of protected characteristics.

To be read in conjunction with

The Policy should be used in conjunction with the relevant PSRB code and standards and requirements, the University Senate Regulations 13 Student Disciplinary, 14 Admission of Students and Occasional Students, 19 Assessment Regulations, Academic Integrity and Misconduct Policy and Guidance, Reflection and Development Plan Policy, Disclosure and Barring Service Policy and Process, Precautionary Suspension from Practice Policy, and any other relevant policies and procedures as deemed necessary.

Fitness to Practise (Train) Policy

Context

- a) The Policy outlines its general principles and purpose and should be read in conjunction with the Fitness to Practise (Train) Procedure which sets out the process by which this Policy will be applied, and accompanying guidance and policies which aims to facilitate the use of the Policy and Procedure.

Introduction

- b) The Policy has been developed by the School of Health & Psychological Sciences for use to review and assess Fitness to Practise (Train) when considering the character and health of applicants for admissions, progression and completion in order to start, progress and complete their programme of study, allowing them eligibility to apply for registration with the relevant PSRB.

Definition

- c) Being fit to practise means having the skills, knowledge, understanding, good health and good character to practice in relevant healthcare profession roles safely and effectively.
- d) Fitness to Practise (Train) is monitored and assessed throughout students' time on the programme and, if there are concerns including allegations of misconduct, lack of competence and poor health, these will be investigated and addressed by the School. The main purpose in doing this is to safeguard the health and well-being of students, members of the public, public confidence in the profession and to adhere to the standards set out by PSRBs. The School has a responsibility as a programme provider to ensure that all students meet the requirements for entry and continued maintenance on the programme leading up to registration with the PSRB.
- e) Whilst the University recognises that at pre-registration level students are still learning, the University is responsible for ensuring they meet the standards of proficiency for their chosen healthcare profession.
- f) The primary objective of the Fitness to Practise (Train) Policy and Procedure is not to penalise students. Instead, it focuses on ensuring the safety of students, their peers, and the general public. It also aims to uphold the public's trust in the profession. Throughout the process, it is imperative to provide support to students, even if the conclusion determines that they cannot proceed with their studies.
- g) The underpinning principle of the Fitness to Practise (Train) Policy and Procedure is to ensure accessibility; clarity; proportionality; timeliness; fairness; independence; confidentiality; and improving the student experience.
- h) The purpose of the Fitness to Practise (Train) Policy and Procedure is:

Compliance: To comply with the requirements of the appropriate PSRB through demonstration of clear responsibility and accountability;

Protection of public/patients/clients: To safeguard the health and well-being students, patients/clients and the general public and to uphold the public's trust in the profession;

Professional Practice: To ensure students are appropriately prepared for entry to their chosen healthcare profession; have developed and continue to maintain good character (in terms of demonstrating professional attitudes and behaviour) and are of good health (in terms of being fit to provide care).

Application of this Policy

- i) The School will at all times consider the most appropriate process to be followed when managing concerns about students' fitness to practise (train).
- j) The School has a duty of care towards its students' health and well-being, and will ensure it continues to provide support whilst undertaking their studies and through to the conclusion of the process.
- k) The Policy is not intended to deal with students' academic performance, extenuating circumstances or complaint. However, if allegations of academic misconduct or disciplinary offence are raised during consideration under City's relevant procedure and/or, information or evidence raises questions about students' fitness to practise (train), those issues may be referred for consideration under this Policy.
- l) The Policy refers to different stages available to manage concerns about students' fitness to practise (train), such as a Reflection and Development Plan. This is to support students and ensure action plans are in place to address areas of concern.
- m) Students may be removed/suspended without notice from a placement environment in accordance with the School's Precautionary Suspension of a Student from Placement Policy, or any other relevant University Policy, where the students behaviour gives rise to concerns regarding their fitness to practise (train) that may be detrimental to the service user or the placement, or situations where students are at risk, for example, due to their mental health.
- n) All students on a programme of study leading to eligibility to apply for registration with a PSRB will be required to sign a self-declaration of good health and good character at relevant intervals throughout the programme. This requirement will be monitored and recorded by programme staff and will be reported, where applicable at the relevant Assessment Board.
- o) The School will ensure that accurate records of proceedings are maintained and are shared with the student to allow for a fair and transparent process. Records can be called upon by future panels and external organisations such as PSRBs, Office for Students (OfS), The Office of the Independent Adjudicator for Higher Education (OIA) in relation to accreditation or student appeal.

Equality Act 2010, GDPR and Data Protection Act 2018, and Freedom of Information Act 2000

- p) The Policy will be operated in accordance with the University's duties under the Equality Act 2010, the Data Protection Act 2018, and Freedom of Information Act 2000. Staff operating the Fitness to Practise (Train) Policy should refer to the Procedure and accompanying Guidance for further information about student confidentiality. Personal data and special category data is processed to comply with City's public task, and in accordance with the Data Protection Act 2018.

The Office of the Independent Adjudicator for Higher Education (OIA)

- q) The University subscribes to the OIA scheme. In developing this Policy, we have consulted the "Good Practice Framework: Fitness to Practise." Consequently, this policy and its affiliated regulation are subject to the OIA's review. The University is committed to complying with any formal decisions and/or recommendations issued by the OIA arising from a student complaint reviewed by them. It's important to note, however, that student complainants are not obligated to abide by the OIA's decisions.

Disclaimer

The information in this Policy is correct at the time of review in October 2023. The School reserves the right to make amendments to the Policy provided that such amendments are (i) as a result of changes to Professional, Statutory and Regulatory Body regulations (ii) as a result of unforeseen events or circumstances beyond the University's control or (iii) are deemed reasonably necessary by the University.

In the event that amendments are made, the University shall take reasonable steps to notify relevant parties as soon as is reasonably possible.

Fitness to Practise (Train) Procedure

The Procedure should be read in conjunction with the Fitness to Practise (Train) Policy, relevant University Regulations and accompanying PSRB standards and guidance.

Fitness to Practise (Train) – Professional, Statutory and Regulatory Bodies (PSRB) Code of Professional Conduct

1. PSRBs such as: the Nursing and Midwifery Council (NMC), Health and Care Professions Council (HCPC), General Optical Council (GOC) have requirements that those registered with them are fit to practise (train) and meet nationally recognised proficiency standards which demonstrate that they have the skills, knowledge, good character and good health to do their job safely and effectively. The main objective of this requirement is to safeguard the health and well-being of the public.
2. In case of programmes which are regulated by PSRBs, it is a requirement to have a robust process in place to manage students' academic and non-academic concerns in relation to the relevant professional standards and in a timely manner, as well as a process to manage more serious concerns.
3. The School is required to monitor that all applicants meet the general entry requirements as part of the selection process, such as DBS and Occupational Health checks. The School is also required to monitor the progress of all students and to take appropriate action if any issue relating to good health or good character arises.

Emergency Powers

4. The Dean (or nominee) has the power to suspend or exclude students and refer them directly to Fitness to Practise (Train) if their case is deemed sufficiently serious or where the patient, client, public or students' own safety is compromised. In this case, students will be immediately suspended from placement pending the outcome of a review meeting. In exceptional cases, students may be suspended from both the academic and practice element of the programme.
5. Precautionary suspension from practice pending an investigation will be undertaken if students contravene PSRB and/or University regulations and guidelines for conduct. For example, if an incident or complaint has occurred involving others and an investigation needs to be carried out.

Confidentiality

6. The Procedure will be operated with due consideration to students' confidentiality. Staff operating the Procedure shall refer to the accompanying guidance for reference to confidentiality.
7. The School will seek students' informed consent before disclosing students' sensitive information to a third party and will consider students' best interests prior to disclosure. Where possible, information will be disclosed in accordance with the terms agreed with students.
8. The School will respect students' right to choose not to provide consent for sensitive information to be disclosed but will ensure students are made aware of the implications of non-disclosure.

9. City, University of London's obligations of confidentiality shall not apply in relation to information which:
- a) is or becomes public knowledge other than as a result of a breach of confidentiality by City, University of London;
 - b) is required to be disclosed under its PSRB requirements (e.g., the Nursing and Midwifery Council, Health and Care Professions Council, General Optical Council);
 - c) is required to be disclosed by law;
 - d) is required to give proper instructions to any professional adviser who has an obligation to keep any such information confidential;
 - e) will impact on City, University of London's duty of care to public and student safety, and to maintain public confidence in the relevant healthcare profession.

Referral to Fitness to Practise

10. The procedure for consideration of Fitness to Practise (Train) is governed by the University Senate 19 Assessment Regulations, and the relevant PSRBs standards and codes for fitness to practise (train).
11. It is the responsibility of the student to be aware of, adhere to, and engage with the Fitness to Practise (Train) Policy, and other associated policies and procedures as required.
12. Where a programme of study is regulated by a PSRB that requires students to have the skills, knowledge, good health and good character to practice in the relevant healthcare profession safely and effectively, the University has a duty to ensure that students are fit to practise (train). The University must have in place a robust process to manage and take appropriate action if any issues related to good health and good character arises.
13. The aim of the procedure is to:
- a) Safeguard the health and well-being of students, and protect patients, clients, staff, and/or service users;
 - b) Comply with requirements and standards set out by the relevant PSRB;
 - c) Recognise students at the pre-registration stage are in a learning phase. The University holds the responsibility to ensure students meet the required standards of their chosen healthcare profession and understand why the professional standards are important and what this means for them. These standards should be introduced to students early in their academic journey, reinforced throughout their programme, and reiterated prior to practical placements;
 - d) Prioritize the health and well-being of students by ensuring they receive suitable support and guidance. Where necessary, reasonable adjustments will be implemented to help students meet the standards of the PSRB they are training to join;
 - e) Protect the University against legal challenges arising from incidents related to students being suspected of or determined to be unfit to

practise (train).

14. The Procedure outlines different stages to manage fitness to practise (train) concerns. There are four possible referral routes to the Fitness to Practise (Train) Procedure:

Reflection and Development Plan Policy	<ul style="list-style-type: none">• Concerns about character, professional conduct and/or competency• Concerns about students' health and well-being
Disclosure and Barring Service (DBS) Process	<ul style="list-style-type: none">• Significant concerns about cautions, convictions and/or non-convictions
Academic Misconduct Process	<ul style="list-style-type: none">• Allegation of academic misconduct is considered serious enough to impact on students' fitness to practise (train)
Direct Referral from the Dean (or nominee)	<ul style="list-style-type: none">• Concern is deemed sufficiently serious or where the patient, client, public or students' own safety is compromised

Reflection and Development Plan Policy

15. The Reflection and Development Plan Policy within the School aims to assist academic and practice staff in managing and addressing concerns regarding a student's character, professional conduct, competency, health, and/or well-being within the university environment and placement settings. The primary goal is to adopt a supportive, restorative, and reflective approach at the earliest stage that facilitates student development and paves the way for academic and professional success.

Areas of concerns as outlined in the Reflection and Development Plan Policy may relate to:

15.1 Concerns about Character, Professional Conduct and/or Competency

It is important to uphold professional standards at all times (in and out of the workplace) to ensure public trust and confidence in the profession, in line with the requirements of the PSRBs.

Concerns of breach of character, professional conduct and/or competency which may bring your profession into disrepute include but are not limited to:

- Unsafe practice
- Lack of honesty and integrity
- Lack of professionalism

- Suggestions of harm to another person
- Breach of confidentiality
- Sexual, racial or other forms of harassment
- Bullying
- Poor timekeeping
- Inappropriate behaviour (rudeness, aggression, dress and not following instruction when appropriate)

15.2 Concerns about Students' Health and Well-being

Students must demonstrate that they are of good health, which means that they are capable of safe and effective practice either with or without reasonable adjustments. This does not mean the absence of a health condition or disability. However, if ill health affects the achievement of learning outcomes and/or behaviour during the programme it needs to be considered accordingly. Health concerns must be dealt with and reviewed in accordance with occupational health guidance, and relevant University guidance. It may be advisable to hold a case conference with relevant health and support services within the University, to assess the case, support students, and agree the best options in addressing concerns about health.

Reasonable adjustments to allow students to undertake the programme should be considered at the point of admission, and during any point of the programme, as appropriate, and in accordance with relevant University guidance. It should be noted that mandatory requirements of the programme must be met to successfully complete the programme, which may impede on instigating reasonable adjustments.

Throughout the duration of their study, students are required to disclose any relevant health or character concerns at the earliest opportunity to their Programme Director. Students who do not disclose any relevant health or character concerns would be subject to the initiation of the Fitness to Practise (Train) Process at the appropriate point. Non-disclosure may automatically be deemed a serious fitness to practise (train) issue.

15.3 Interruption of Study

Students may take a negotiated break from their programme of study in line with the Interruption of Study Policy. If students breach PSRB requirements on good health or there are multiple interruptions of study, a referral to Fitness to Practise (Train) process based on health and well-being concerns may be triggered following advice from the Dean (or nominee).

15.4 Support for Study

The Support for Study Policy is in place to recognise the need for proactive management and support in students' academic studies following concerns raised in relation to students' well-being, and/or behaviour which may be related to ill-health, disability or other reasons.

The Support for Study Policy is not applicable to students who are on an accredited pre-registration programme, which would lead to eligibility to apply for registration with

the relevant PSRB where this Fitness to Practise (Train) Policy is applicable.

15.5 Safeguarding Concerns

Safeguarding Concerns, if deemed serious, will be referred to the Fitness to Practise (Train) Panel in accordance with the Safeguarding Policy, as follows:

- a) In cases where children may be at risk of, or have suffered harm, information will be shared in a manner that prioritises the safety of the children.
- b) Where there is risk of harm to a child or adult at risk if information is not shared.
- c) Character or professional conduct concerns – safeguarding issues relating to a child or adult at risk in students' care, either within or outside their professional role.

Disclosure and Barring Service (DBS) Process

16. The Disclosure and Barring Service Process sets out how declarations of a criminal record or convictions will be addressed. A DBS Panel can refer students to Fitness to Practise (Train) if there are significant concerns about students' cautions and/or convictions, or their failure to disclose a caution/conviction, the number and frequency of offences, nature and seriousness of the offence and its relevance to the intended profession. A possession of a criminal record should not automatically be a barrier to training but may be a barrier to registration with a PSRB.

DBS concerns should be raised when students commence on the programme or whilst on the programme.

Academic Misconduct Process

17. The Academic Misconduct Panel has at its discretion the right to refer students to the Fitness to Practise (Train) Panel if there are considerable concerns about academic misconduct that are deemed serious enough to impact on students' fitness to practise (train). For example, substantial plagiarism that may demonstrate students' lack of honesty and integrity leading to concerns about their character. In such cases, the Panel may recommend appropriate sanctions as outlined in the Academic Integrity & Misconduct Policy and Guidance and University Senate 19 Assessment Regulations for academic misconduct and proceed to refer students to the Fitness to Practise (Train) Panel to consider if concerns impact on students' fitness to practise (train).

Direct referral from the Dean (or nominee)

18. The Dean (or nominee) has the power to suspend or exclude students and refer them directly to Fitness to Practise (Train) if their case is deemed sufficiently serious or where the patient, client, public or the students' own safety is compromised. In this case, students will be immediately suspended from placement pending the outcome of a review meeting. In exceptional cases, students may be suspended from both the academic and practice element of the programme.

Precautionary suspension from practice pending an investigation will be undertaken if students contravene PSRB and/or University regulations and guidelines for conduct. For example, if an incident or complaint has occurred involving others and an

investigation needs to be carried out.

Referral to Fitness to Practise (Train) Panel

19. The Programme Director (or nominee) will trigger the referral to Fitness to Practise (Train) Panel. The referral may be triggered through any of the stages outlined under Section 14.
20. The Programme Director (or nominee) will consult with the Quality and Compliance Team for guidance and support prior to referral to the Fitness to Practise (Train) Panel.
21. The Fitness to Practise (Train) Referral Form must be completed by the Programme Director or the Dean (or nominee) ensuring that:
 - a) the rationale for a referral has been discussed with the relevant Head of Department prior to submission;
 - b) the Quality and Compliance Team have been consulted for guidance and support prior to referral;
 - c) all the relevant sections are completed in detail, and the form is signed and dated;
 - d) Concern(s) leading to referral, including actions instigated at programme level through the relevant process are summarised comprehensively, and presented in chronological order to assist clear understanding of the concern(s) and referral;
 - e) the grounds of referral have been clearly outlined, alongside all aspects and implications that correlate to the concern(s), and are linked to the relevant PSRB Code or Guidance;
 - f) all evidence referred to in the form is submitted alongside the referral form in a coherent and sequential manner, and evidence must be annotated or redacted as required;
 - g) a statement and evidence submitted by the student at the Reflection and Development Plan stage must be provided with the referral form (if applicable), which must also be annotated or redacted as required;
 - h) if evidence could not be made available to the Panel due to the sensitive and complex nature of the case and/or where is a safeguarding concern, then the Programme Director must provide a written statement presenting a clear rationale for not sharing the evidence, and a redacted or annotated statement and/or evidence from the relevant services, organisation or individual should be made available to the Panel;
 - i) any implications that the Fitness to Practise (Train) Panel should be aware of have been highlighted to the Panel, e.g., period of registration, interruption of studies, placement requirements, progression rule, seconded student, etc.;
 - j) the referral form must be accompanied with confirmed minutes from the preceding process (where applicable), e.g., Reflection and Development Plan, DBS, Academic Misconduct, Investigatory meeting;

- k) where there is an allegation of forgery, it is ensured that evidence such as: Portfolio of Practice/Practice Assessment Document (PAD) or Clinical Log Book is not returned to the student and is made available to the Panel;
 - l) where applicable, DBS checks, Occupational Health checks and the student's file should also be made accessible to the Panel.
22. Prior to proceeding with arranging a Panel, for complex, serious and/or sensitive cases, the referral should be reviewed by relevant senior academic staff.
23. The Fitness to Practise (Train) Panel will normally be convened within 28 working days once the referral has been reviewed.

Fitness to Practise (Train) Panel

24. The School shall establish a Fitness to Practise (Train) Panel, members of which are appointed annually by the School's Board of Studies.
25. The Fitness to Practise (Train) Panel will generally comprise of three members.

<p>Chair A senior academic member of staff from a PSRB registered healthcare profession who is independent of the student's programme of study.</p>
<p>Panel Members A further academic member of staff from the same profession and/or a registrant with the PSRB the student is training to register with.</p>
<p>A practice representative, who is registered with the same PSRB that the student is aiming to join. While it's preferable for the representative to be from the same area of practice as the student, they must not be from the same placement location that the student has/is trained at.</p>
<p>If required, a further panel member will be permitted depending on the nature of the concern, with specialist expertise from the relevant area of Occupational Health Service, Learning Success or Mental Health Service.</p>
<p>For referrals on the grounds of safeguarding concerns, the Panel may include the School's Safeguarding Officer, or may liaise with them for advice and guidance on the referral.</p>

A professional member of staff (or nominee) will act as Secretary to the Panel and an observer may be present at the Panel for the purpose of training, but neither will be part of the Panel.

The Programme Director (or nominee) may be required to attend the Panel to present the case and evidence. The Programme Director does not form part of the Panel and will not be in attendance during the Panel's deliberations and decision-making.

The Panel may seek advice or guidance from an expert, e.g., legal adviser on specific questions or regulations.

26. To avoid any possible conflict of interest, the Panel will not comprise of a member who has prior knowledge of the case to be considered or has been involved in the

process beforehand.

27. Panel members should have received specific training provided by the School/University and should be familiar with this policy and relevant professional standards.
28. For the Fitness to Practise (Train) Panel to convene, the presence of all members is mandatory. The panel meetings can be conducted in-person, through online video platforms such as Microsoft Teams or Zoom, or a combination of both. The chosen format will be determined and informed to all participants in advance. In certain instances, the student will be required to attend in-person, and this stipulation will be relayed to them ahead of time. A meeting may be held between the Chair and Secretary to assist with preparation for the Panel.

Student Representation

29. The student is required to attend the Panel. A representative alone cannot attend on behalf of the student.
30. In cases where a student fails to attend without submitting in writing valid reasons for a postponement, the Panel may decide to proceed to consider the referral in the student's absence. Before making its decision to proceed, the Panel must carefully consider all the evidence that reasonable effort has been made to communicate with the student and there are no extenuating circumstances that may demonstrate lack of engagement in the process from the student. The rationale for deciding to proceed in a student's absence must be clearly documented and communicated to the student.
31. The student has the right to be accompanied to the Panel by one other person to support them at the hearing, such as a representative from City, University of London Students' Union Advice Service by contacting unionadvice@city.ac.uk or 0207 040 5600, a Personal Tutor, a friend or family member. The student must provide information about the person to the Secretary of the Panel at least 7 working days in advance. The information will include the person's relationship to the student, and the reason for the person's attendance. The Panel will not proceed with the representative in the absence of the student.
32. If the student chooses to be accompanied by a professional advocate, they must inform the Secretary to the Panel at least 7 working days before the Panel. The student is to be made aware that the representative can only attend in a supportive role and will not be allowed to address the Panel unless prior consent has been sought from the Chair of the Panel.
33. The student will receive the same papers and evidence as the Fitness to Practise (Train) Panel.
34. The student is encouraged to provide a written statement to the Panel. This statement should address any concern(s) highlighted in the evidence presented by the School. The statement should include the student's name, date, and signature. All supporting evidence should be submitted no later than 7 working days prior to the Panel meeting to facilitate thorough review. Submission of evidence on the day of the meeting could lead to a possible adjournment. The student must be advised to seek advice and support from the City, University of London Students' Union Advice Service at the earliest opportunity by the School.
35. The Students' Union is independent from the University and provides free, confidential, non-judgemental and impartial advice to students. The service is there to

help the student prepare for the Panel, and if asked for, to accompany the student and provide support and guidance.

36. The student must be provided with the Fitness to Practise (Train) Policy and links to relevant PSRB professional standards, code and/or guidance.
37. All correspondence will be sent to the student's term time university email and/or personal email address. It is the student's responsibility to ensure that the School has their correct contact details.

Fitness to Practise (Train) Panel Terms of Reference

38. The Panel will adhere to the terms of reference as noted below:
 - a) To consider cases referred to Fitness to Practise (Train) by the Programme Director (or nominee) or in exceptional circumstances directly by the Dean (or nominee);
 - b) To determine, on the basis of evidence and findings presented to it, whether students who have been referred are fit to practise (train) for progression, registration and practice;
 - c) To ensure that students are able to demonstrate that they have the skills, knowledge, understanding, good character and good health, whilst recognising that, at pre-registration level students are still learning;
 - d) To consider cases in a fair and transparent manner;
 - e) To ensure students have access to relevant support services prior to, during and after the process;
 - f) To make decisions in accordance with the Fitness to Practise (Train) Policy and University Senate 19 Assessment Regulations, and taking into account appropriate PSRB professional standards, codes of conduct, practice and guidance;
 - g) To safeguard the health and well-being of students, patients/clients and the general public and to uphold the public's trust in the profession;
 - h) To advise the Assessment Board on issues relating to fitness to practise;
 - i) To make recommendation(s) to the Assessment Board on procedural issues.

Procedure for the Conduct of a Panel

39. The Panel will rely on only the evidence presented to the Panel by the Programme Director and the student. Where applicable, the Programme Director and/or the Chair may request evidence from third parties.
40. The Panel must consider the case on the grounds of referral listed in the referral form, and in accordance with this Policy and relevant PSRB professional standards, code of conduct, practice and guidance; Panel members must liaise with the Secretary prior to the hearing to seek clarification on any points in relation to the case.
41. To maintain transparency and fairness, Panel members are prohibited from communicating with the Programme Director or any other member of University or

- practice staff associated with the case. The Panel members must not share information or documentation related to the case with any other member of University or practice staff, or external parties.
42. The Panel will convene prior to the student joining the meeting to ensure the Panel is clear on the process, grounds of referral, and to agree on areas of questioning.
 43. The case shall be considered in accordance with this policy, with relevant PSRB professional standards, code of conduct, practice and guidance, and referring to University Senate 19 Assessment Regulations.
 44. The Secretary to the Panel will document the proceedings during the meeting. Additionally, the meeting will be recorded to aid in accurate note-taking. It is strictly forbidden for any unauthorised electronic recording of the hearing to occur. A report of the proceedings will be provided to the student and the Panel.
 45. The Panel shall convene as follows, the Chair will:
 - a) commence the Panel by inviting all present to introduce themselves;
 - b) verify the student's identity at the beginning of the hearing by asking the student to present their ID to the Panel. If online, they will be asked to hold their student ID in front of the camera;
 - c) outline the process of how the Panel would be conducted;
 - d) confirm to the student that all panel members are independent and appointed by Board of Studies to consider the referral in accordance with the Fitness to Practise (Train) Policy;
 - e) ask the student to confirm they have received the papers prior to the Panel;
 - f) ask the student if they have a clear understanding of why they have been referred to the Fitness to Practise (Train) Panel;
 - g) outline the grounds on which the student has been referred to the Panel;
 - h) invite the student to make a statement;
 - i) invite questions from the Panel members to the student;
 - j) provide the student with an opportunity to make a final statement;
 - k) proceed to seek confirmation from all Panel members that all necessary information or questioning has taken place;
 - l) request the student and their representative to retire while the Panel considers its decision;
 - m) invite the student for further questioning if any clarification or information is deemed necessary;
 - n) propose a short break if required;
 - o) invite the student and their representative to join the Panel to receive its decision and findings.
 46. The Chair will notify the student that the decision of the Panel will be confirmed in writing within 28 working days.

Decisions - General Principles

47. The Panel will make its decision based on: the grounds of referral, the evidence submitted; the findings of the Panel; the student's response at the Panel; taking the student's status as a learner into account; and taking into consideration risk(s) to public protection and confidence in the profession.
48. The Panel is required to reach one of the following decisions:
 - a) Fit to practise – the student to continue on the programme or proceed to apply for registration with the relevant PSRB;
 - b) Fit to practise subject to conditions, and/or a written warning. The conditions to be ratified by the Assessment Board, which has the right to impose additional conditions, as appropriate;
 - c) Not fit to practise with a recommendation made to the Assessment Board to withdraw the student from the programme, and may decide to confer an appropriate exit award as outlined in the programme specification.
49. At any time during the proceeding, the Chair may decide to adjourn the Panel for the purpose of deciding on the outcome and/or to seek further evidence or clarification. In such cases, a decision may be deferred until further information is obtained.
50. If the Panel has concerns about the student's health and/or well-being, the Chair may decide to adjourn the Panel. The student can be suspended or placed on an Interruption of Study from the programme of study for a specified period in order to undergo medical assessment or treatment to demonstrate fitness to practise (train) to the satisfaction of the Occupational Health Service or person appointed by the Panel.
51. Where the student is found fit to practise but subject to conditions, the Panel may at its discretion:
 - a) Permit the student to continue on the programme of study under specified supervision within a set timeframe to demonstrate fitness to practise (train) to the satisfaction of whomever the Panel appoint;
 - b) Require the student to repeat a specified part or parts of the programme of study to demonstrate fitness to practise (train) to the satisfaction of the person appointed by the Panel;
 - c) Allow the student to continue on the programme with a final written warning to be issued and placed on the student's file. The Panel will decide the timeframe for the warning to remain on the student's record;
 - d) If there are any further breaches of conduct during their time as a student, it may result in the Panel making a recommendation to the Assessment Board to withdraw the student from the programme;
 - e) The Panel may authorise any other action considered appropriate to enable the student to continue on their programme of study.
52. Where the student is already a registrant with the relevant PSRB, they must be informed that the Panel may recommend to the Assessment Board that the student is reported to the relevant PSRB.
53. Where the student has completed the programme successfully but has been found not fit to practise prior to registration, the Panel may decide to:

Recommend to the Assessment Board to refer the matter for consideration under the

University Disciplinary Regulations (University Senate 13 Student Disciplinary and University Senate 19 Assessment Regulations) to allow conferment of the appropriate academic exit award but revoke the eligibility to apply for registration with the relevant PSRB.

54. Where a student is unable to demonstrate fitness to practise (train) to the satisfaction of the person or service appointed by the Panel at the conclusion of the specified period of supervision, condition or completion of medical assessment/treatment, the case shall be referred back to the School Fitness to Practise (Train) Panel for further consideration by the same Panel.
55. Whilst making its decision the Panel may also consider any possible implications:
 - a) Practice Experience – In some cases, the placement provider may not agree to allow the student to continue on the existing placement, or the student may not want to return to the same placement, or suitable placements may not be available. In such cases, the Panel may advise a different placement or offer the student the option to transfer to a non-clinical course or apply to undertake the programme at another University;
 - b) Safeguarding of patients/clients – if the student is found not fit to practise and the Panel are aware that the student may be working within the healthcare profession, the Panel may decide to report the student to the Disclosure and Barring Service (DBS) and/or Care Quality Commission, and local Safeguarding Board.
56. The Panel, where applicable, to inform the student that any change in their status may have implications on their student fees.

After the Panel

57. The Secretary to the Panel will prepare the letter and a written report outlining the decision of the Panel, including the rationale for its decision. This will be communicated to the student, the relevant Programme Director (or nominee), and any other relevant parties normally within 28 working days of the Panel.
58. Where the student is deemed fit to practise without any conditions, the decision of the Panel will be **noted** at the Assessment Board by the Programme Director.
59. Where the student is deemed fit to practise subject to conditions, the decision of the Panel will be presented by the Programme Director to the Assessment Board for **noting and ratification**. The Assessment Board at its discretion may impose further conditions as deemed appropriate.
60. Where the student is deemed not fit to practise, the decision of the Panel will be presented by the Programme Director to the Assessment Board for **ratification**.
61. A copy of the findings, decision and conditions of the Fitness to Practise (Train) Panel will be placed on the student's file in accordance with the GDPR and Data Protection Act 2018.
62. Where applicable, if a student's registration has been terminated on the grounds that they are not fit to practise, the findings and decision may be communicated to the relevant PSRB, as deemed necessary.
63. The Programme Director (or nominee) will process any recommendations made by the Panel, as deemed necessary.

64. The Panel report will be shared with the student along with an opportunity to comment on whether it is an accurate record of the meeting.
65. Where the student is deemed not fit to practise, the decision may be disclosed in any reference requested for the student.
66. If a student is found fit to practise and permitted to continue on the programme, it does not guarantee that the PSRB will permit the student to be registered with them following successful completion of their programme.
67. A record of the outcome of the School Fitness to Practise (Train) Panel will be retained for reporting to the Board of Studies and Senate.

Fitness to Practise (Train) Process for Seconded Students

68. Seconded students are students that are studying with the University, but continue to receive a salary or training grant from their seconding NHS Trust/independent healthcare provider. As the employer has an interest in the student, the University has an obligation to communicate any area(s) of concern to the Trust. This would include any concern(s) in relation to fitness to practise (train).
69. This section outlines the process for students who are seconded by their employer (NHS Trust/Independent Sector) to follow a programme of study at City, University of London.
70. For seconded students, questions of fitness to practise (train) may arise either because of concern(s) raised by the employer or by the University. In either case the organisation finding the concern(s) will investigate it independently of the other organisation, and reach its conclusions based on its own regulations. It is important that the Fitness to Practise (Train) Panels are held independently due to the person being both an employee and a student, and must be considered in that capacity by the relevant organisation.
71. This process of dual but independent processes means that the two organisations may reach opposing decisions, as one is viewing the case from the point of view of the employer, and the other as the educator.
72. Where it is deemed appropriate, there would be a combined Initial Investigatory Meeting between University staff, Trust staff and the student, at which stage both organisations will share relevant information.
73. If it is sufficiently serious that patient and/or staff and/or individual safety is compromised, or the issue is not resolved, then the student may be suspended from placement as a precautionary measure. In the event of a precautionary suspension, the student must be informed in writing, including the reasons for the suspension, within 7 working days.
74. Following the Combined Initial Investigatory Meeting, the case will be considered **separately** in the two institutions, according to its own process.
 - a) The seconding organisation as the secondee's employee will instigate their own process;
 - b) The University will consider the case through its Fitness to Practise (Train) Policy and Procedure.
75. The University and seconding employer are required to share evidence within a

reasonable timeframe to allow the appropriate process to take place.

76. Once both parties have made their decision, the outcome will be shared with the partner organisation giving due regard to the GDPR and Data Protection Act 2018.
77. In accordance with the Fitness to Practise (Train) Process that applies to non-seconded students, the University decision will fall into the same categories as listed in section 47-55. When combined with the seconding institution decision there are four probable outcomes. The likely actions in each case are described below:
 - a. Fit to practise – both University and seconding institution agree that the student can continue on the programme with no implications;
 - b. Not fit to practise – both University and seconding institution agree that the student should be withdrawn from the programme. The University will make a recommendation to the Assessment Board for consideration. The Assessment Board may decide to confer an appropriate exit award as specified in the programme specification. The employer will take their own action as appropriate;
 - c. In cases where the Fitness to Practise (Train) Panel finds the student is fit to practise but the employer finds the employee is not to practise, the Assessment Board may permit the student to continue on the programme based upon the ability of the student to self-fund, and availability of placements. Alternative programmes of study may be recommended;
 - d. If the employer finds the employee is fit to practise but the University finds the student not fit to practise. The University may recommend to the Assessment Board that the student is withdrawn from the programme, or follow a non-clinical programme of study. The employer may choose to take their own action as appropriate.
78. The student has the right to appeal the decision of the Assessment Board in accordance with the University Senate 20 Appeals Regulations. The seconding organisation will pursue its own procedure depending on the outcome of their own investigation.

School-level Appeal – Stage 1

79. Students have the right to appeal the decision of the Assessment Board. Guidance on the appeals process will be outlined in the Assessment Board outcome letter.
80. On receipt of the Assessment Board outcome letter, students have the right to submit a school-level appeal against the decision of the Assessment Board within 28 calendar days.
81. An appeal with accompanying evidence can be submitted following receipt of the Assessment Board decision either through eVision or directly to the Quality and Compliance Team (SHPSQuality@city.ac.uk). The grounds for appeal must be clearly stated.
82. The appeal will be dealt with in accordance with the process outlined below;
83. The appeal will be allowed on either or both of the following grounds that:
 - a) there was significant procedural material error in the proceedings of the Fitness to Practise (Train) Panel, and/or

- b) there is sufficient new evidence to merit consideration of the appeal. The evidence could not be made available to the Fitness to Practise (Train) Panel for a demonstrated, valid and over-riding reason outside the student's control.
- 84. For Fitness to Practise (Train) referrals, an appeal is not permitted on the grounds of extenuating circumstances.
- 85. The appeal is not a reopening of the original Panel. Dissatisfaction with the decision of the Fitness to Practise (Train) Panel is not alone a valid ground for submitting an appeal.
- 86. Students should be advised to refer to the University guidance on the Student Hub for details on how to submit an appeal.

Initial Scrutiny

- 87. The student will receive an acknowledgement of their appeal submission and date of receipt.
- 88. The appeal will be scrutinised by at least two members of staff within the School. An outcome notification will be sent to the student within 28 calendar days of receipt.
- 89. The possible outcomes of initial scrutiny are:
 - a) Upheld (in full or part) with a recommendation that there is sufficient new information and/or evidence to merit consideration of the appeal on the grounds of procedural or material error in the conduct of the Fitness to Practise (Train) Panel and/or sufficient new information and/or evidence to merit consideration has been submitted. The case will be referred for consideration by a newly constituted Fitness to Practise (Train) Panel on the original grounds of referral and any new evidence submitted;
 - b) The appeal is rejected as the form was incomplete, incorrect, not accompanied by supporting evidence, or grounds for procedural or material error has not been demonstrated.

School Fitness to Practise (Train) Panel

- 90. Where the matter is referred to a School Fitness to Practise (Train) Panel, a newly constituted Panel will normally be convened within 28 calendar days of the outcome of initial scrutiny being notified to the student. The Panel may comprise of three members as outlined under Section 25.

Members of the newly constituted Fitness to Practise Panel must not have prior knowledge of the student's case.
- 91. The newly constituted Fitness to Practise (Train) Panel will not be privy to the outcome papers or rationale for the decision made by the original Fitness to Practise (Train) Panel, whose decision is under appeal.
- 92. The newly constituted Fitness to Practise (Train) Panel will consider the student's appeal and the original grounds of Fitness to Practise (Train) referral made by the Programme Director (or nominee), and any other relevant further outcomes and papers such as updates on action plans or a breach of previously set conditions.
- 93. The student will be invited to attend the newly constituted School Fitness to Practise

(Train) Panel hearing and can choose to be accompanied by one other person as stated in Section 31. If the student chooses to be accompanied, they must provide information about that person to the Secretary of the Panel at least 7 working days in advance. The information will include the person's relationship to the student and the reason for the person's attendance. If a student fails to attend without submitting, in writing, valid reasons for a postponement, the Panel may meet in the student's absence.

94. The Programme Director may attend the hearing to present the case but does not form part of the Panel and will not be present during the Panel's deliberations. The Programme Director's role is to provide information and/or clarification to the Panel.
95. As a result of the appeal being upheld (in full or part) by the Initial Scrutiny Panel, the newly constituted Fitness to Practise Panel will make one of the decisions regarding the student's fitness to practise as outlined in Sections 48-56.
96. The outcome of the newly constituted School Fitness to Practise (Train) Panel will be provided to the student in writing, normally within 28 calendar days of the Panel. The rationale for the Panel's decision must be included in the communication.
97. A record of the outcome of the School Fitness to Practise (Train) Panel will be retained for reporting to the Board of Studies and Senate.

University-level review

98. Following the outcome of the School-level appeal process, the student may request a University-level review of the School's newly constituted Fitness to Practise Panel decision on one or both of the following grounds:
 - a) that there was a procedural or material error in the proceedings associated with the School decision, which affected that decision; and/or
 - b) that new information has become available, which is material to the original appeal, and which could not have been made known to the School for a demonstrated, valid or over-riding reason.

This is not a reopening of the original appeal. Dissatisfaction with the decision of the School is not alone a valid ground for requesting a review.

99. A review request, with appropriate evidence, should be submitted to the University Appeals, Complaints and Enhancement [mailto:Team \(ace@city.ac.uk\)](mailto:ace@city.ac.uk) or their nominee within 21 calendar days of confirmation of the School decision.

Review process

100. The student will receive an acknowledgement of their review request and date of receipt.
101. Two members of University staff will scrutinise the review submission.
102. The possible outcomes of the University-level review are:
 - a) Upheld (in full or part) and referred back to the appropriate body in the School for consideration by a newly constituted Fitness to Practise (Train) Panel;
 - b) Returned with an opportunity for the student to resubmit the request for

review within 14 calendar days;

- c) Review is rejected as the form was incomplete, incorrect, not accompanied by supporting evidence, or grounds for procedural or material error have not been demonstrated.

- 103. The student will be informed of the outcome of the review, normally within 28 calendar days of receipt. The notification will include the rationale for the decision.
- 104. A record of the outcome of the review will be shared with the School and retained for reporting to the Board of Studies and Senate.
- 105. In developing the School and University level appeal process, the University Senate 20 Appeal Regulations have been consulted.

The Office of the Independent Adjudicator

- 106. When the University's internal procedures have been concluded students will be issued with a Completion of Procedures (CoP) letter. Following this, students who are dissatisfied with the final decision on their case may be able to apply to the Office of the Independent Adjudicator (OIA) for Higher Education. Information and eligibility rules are available at: www.oiahe.org.uk/

Review and Reports

- 107. An annual report on fitness to practise (train) is considered by Board of Studies and Senate;
- 108. The School is required to report fitness to practise (train) referrals to Assessment Boards, PSRBs, Higher Education England, and its NHS commissioners, as deemed necessary;
- 109. The Policy and Procedure will be reviewed annually and considered by the Board of Studies and Senate;
- 110. The Assessment Board will consider reports on the declaration of good health and good character for students qualifying on programmes with PSRB requirements.

Links to Useful Guidance

Professional Statutory and Regulatory Bodies Regulations, Standards and Code of Practice

This list is not exhaustive and checks should also be made to ensure the appropriate Code of Practice is applied where the relevant PSRB is not listed within this document.

Nursing and Midwifery Council

<https://www.nmc.org.uk/>

The Code - Professional standards of practice and behaviour for nurses, midwives and nursing associates

<https://www.nmc.org.uk/standards/code/>

Guidance on health and character of a student

<https://www.nmc.org.uk/education/becoming-a-nurse-midwife-nursing-associate/guidance-for-students/>

Guidance on using social media responsibly

<https://www.nmc.org.uk/standards/guidance/social-media-guidance/>

Understanding Fitness to Practise

<https://www.nmc.org.uk/ftp-library/understanding-fitness-to-practise/>

Health and Care Professions Council

<https://www.hcpc-uk.org/>

Standards of Conduct, Performance and Ethics

<https://www.hcpc-uk.org/standards/standards-of-conduct-performance-and-ethics/>

Guidance on Conduct and Ethics for Students

<https://www.hcpc-uk.org/students/guidance-on-conduct-and-ethics/>

Guidance on the use of social media

<https://www.hcpc-uk.org/standards/meeting-our-standards/communication-and-using-social-media/guidance-on-use-of-social-media/>

How the Standards apply to students

<https://www.hcpc-uk.org/students/how-the-hcpc-standards-apply-to-students/>

Standards of proficiency for speech and language therapists

<https://www.hcpc-uk.org/standards/standards-of-proficiency/speech-and-language-therapists/>

Standards of proficiency for radiographers

<https://www.hcpc-uk.org/standards/standards-of-proficiency/radiographers/>

Student Hub

<https://www.hcpc-uk.org/students/>

Fitness to Practise

<https://www.hcpc-uk.org/concerns/what-we-investigate/fitness-to-practise/>

General Optical Council

<https://www.optical.org/>

Code of Conduct

<https://optical.org/en/publications/code-of-conduct/>

Standards for optical students

<https://optical.org/en/standards-and-guidance/standards-for-optical-students/>

[Annexe A: Guidance Note for Addressing Student Fitness to Train Concerns Prior to the GOC](#)

University/School Regulations and Policies

University Senate 13 Student Disciplinary

<https://www.city.ac.uk/about/governance/policies/city-university-of-london-senate-regulations>

University Senate 19 Assessment Regulations

<https://www.city.ac.uk/about/governance/policies/city-university-of-london-senate-regulations>

University Senate 20 Academic Appeals Regulations

<https://www.city.ac.uk/about/governance/policies/city-university-of-london-senate-regulations>

Reflection and Development Plan Policy

Link to be added

Disclosure and Barring Service Process

https://www.city.ac.uk/data/assets/pdf_file/0007/583594/SHS-DBS-Process-fina.pdf

Support for Study

https://www.city.ac.uk/data/assets/pdf_file/0004/386806/Fitness-to-Study-Policy.pdf

Interruption of Studies and Withdrawal Policy

https://www.city.ac.uk/data/assets/pdf_file/0011/283088/Interruption-of-Studies-and-Withdrawal-Policy.pdf

Precautionary Suspension of a Student from Placement

https://www.city.ac.uk/data/assets/pdf_file/0005/583601/Precautionary-Suspension-from-Practice.pdf

Safeguarding Policy

https://www.city.ac.uk/data/assets/pdf_file/0003/728445/Safeguarding-at-City-Policy.pdf

Placement policies and procedures - SHPS

<https://www.city.ac.uk/about/governance/policies/placement-policies-and-procedures-shps>

Data Protection Policy

<https://www.city.ac.uk/about/governance/policies/data-protection-policy>

Privacy Notice for Students

<https://www.city.ac.uk/about/governance/policies/privacy>

Policy Title: Fitness to Practise (Train) Policy and Procedure	
Policy Enabling Owner and Department The School of Health & Psychological Sciences	Responsible for Implementation and Department School
Approving Body Board of Studies	Date of Approval: 24/10/23
Last Reviewed & Version 16/10/23 Version 1	Review Due Date September 2024
Publication of Policy	
For public access online (internet)? <input checked="" type="checkbox"/>	For staff access only (intranet)? <input type="checkbox"/>
Website Link: https://www.city.ac.uk/about/governance/policies/student-policies-and-regulations	Intranet Link: n/a
Storage of Policy (<i>Previous versions of the policy must be stored in the drive by the author</i>)	
Drive Address reg-dev	
Queries about this policy should be referred to SHPS Quality and Compliance Manager	
<i>SHPS Quality and Compliance Team Student and Academic Administration</i>	