

# Fitness to Practise Policy

<b>Document Author(s):</b>	Fitness to Practice Core Committee (Chair, Deputy Chair, Policy Officer & Secretary)
<b>Relevant To:</b>	All Department of Health Sciences Students on Programmes Leading to Professional Registration
<b>Approved By:</b>	Board of Studies, Department of Health Sciences, Faculty of Sciences
<b>Responsibility for Policy:</b>	Fitness to Practice Core Committee
<b>Responsibility for Document Review:</b>	Fitness to Practice Core Committee
<b>Date Introduced:</b>	2009/10 (Introduction of Fitness to Practise Committee – previously Student Progress Committee)
<b>Dates Modified:</b>	2009/10 2010/11 2011/12 2012/13 (Major Revisions to Policy & Procedure including new format) 2013/14 2014/15 June 2015 (Major Revisions to Policy & Procedure including new format) May 2016 (Major revisions to Policy format & Student guide) Oct 2017 (updated Occupational Health document) Jan 2019 (changes to annual declarations) April 2019 (changes to Policy to reflect addition of Nursing Associates, change to hearing panel and Occupational Health) June 2019 (change to Occupational Health provider) July 2019 (flowchart amendment) November 2019 (change to student guides and SSSA) November 2022 (change to declaration wording)
<b>Next Review Date:</b>	To be agreed

## 1. Introduction

A student's fitness to practise is called into question when their conduct, behaviour or health raises serious or persistent concerns regarding their suitability to continue on any programme of study which leads to registration with a professional, statutory and regulatory body (PSRBs).

## 2. The Scope, Purpose and Principles of this Policy

- 2.1 The purpose of this policy is to make explicit the Department of Health Sciences intentions, expectations and actions with respect to assuring applicants' and students' fitness to practise.
  - 2.2 This policy applies to all students on any programme leading to registration with professional, statutory and regulatory bodies (PSRBs).
  - 2.3 This policy applies to all applicants and students during their programme of study and where relevant, up to and including the point of confirming eligibility to register with a professional, statutory and regulatory bodies (PSRBs).
  - 2.4 Those applying this policy must ensure that proceedings take into account the need to:
    - Protect patients, clients and the public
    - Declare and uphold appropriate standards of professional and personal conduct and behaviour
    - Maintain public confidence in students of the relevant profession
    - Maintain confidence in the ability of the Department of Health Sciences to appropriately deal with fitness to practise issues of students on programmes leading to a professional, statutory and regulatory bodies (PSRBs)
  - 2.5 Those applying this policy will encourage a sensitive yet proactive and constructive approach throughout all stages of the fitness to practise proceedings.
  - 2.6 Those applying this policy will ensure that matters are handled efficiently within reasonable time periods (where possible) and ensure that outcomes are achieved and communicated clearly at all stages of the fitness to practise proceedings.
  - 2.7 Every reasonable effort must be made to ensure that a fitness to practise case is expedited. In exceptional circumstances timescales may be extended to ensure that the process is fair.
  - 2.8 Students must be given a full opportunity to explain, respond or defend themselves. Students must be given the opportunity to seek appropriate independent advice, guidance and support from a representative of YUSU (University of York Students Union) or GSA (University of York Graduate Students Association). In exceptional circumstances and by prior agreement, students may be accompanied by another member of paid staff of the university.
  - 2.9 Advice, if required, may be sought from other members of staff within the University of York and from relevant professional, statutory and regulatory bodies (PSRBs) at any stage of the proceedings.
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- 2.10 It is essential that all matters relating to these proceedings remain confidential to the parties concerned. The University of York reserves the right, and in some cases has a legal duty, to inform professional, statutory and regulatory bodies (PSRBs) and/or organisations (the Police, Home Office, Social Services, UCAS etc.).
- 2.11 On completion of the proceedings copies of all correspondence will be placed in the Fitness to Practise folder of the student file.
- 2.12 The standard of proof applied to the factual stage of the proceedings is based ‘upon the balance of probabilities’.
- 3.0 Principles relating to the Professional Behaviour of Students**
- 3.1 Students are encouraged to aim for high standards in their personal and professional lives.
- 3.2 Students must comply with the University of York Ordinances and Regulations relating to the professional behaviour expected of students in order to demonstrate that they are fit to practise. These principles are broadly grouped into:
- Relationships with Patients and Clients
  - Probity – Honesty, Trustworthiness and Acting with Integrity
  - Maintaining Good & Effective Practice
  - Working with Colleagues
  - Health
- 3.3 Students are required to behave in accordance with the rules, regulations, policies, procedures and codes of conduct of the relevant professional, statutory and regulatory bodies (PSRBs)
- 3.4 Students are required to conduct themselves in a professional manner consistent with reasonable expectations of behaviour within the profession associated with their programme of study at the University of York.
- 3.5 Students must report to the appropriate authority (e.g. a professional, statutory and regulatory body(s)), to the University of York, and the Department of Health Sciences Fitness to Practice Committee any actions by others or themselves that may put patients, clients, service users, students, Practice assessors and colleagues at risk.
- 3.6 Applicants and Students are required to disclose any criminal convictions (including spent convictions under the provisions of the Rehabilitation of Offenders Act 1974) and inclusion on the Disclosure & Barring Service ‘barred Lists’, and/or the details of any proceedings they become the subject of that may call into question their fitness to practise prior to admission to the University of York and/or whilst the student remains registered on their programme of study. Should an applicant/student fail to disclose the required information and it subsequently is made known, the applicant/student will be referred to the Fitness to Practise Committee.
- 3.7 Students must be aware of that their behaviour outside the practice placement environment, including in their personal lives, may have an impact on their fitness to practise. Their behaviour at all times must justify the trust that patients, clients and the public place in their profession.
- 3.8 The following is a non-exhaustive list of common areas of concern relating to professional conduct and behaviour when it comes to fitness to Practise:

- Aggressive, Violent or Threatening Behaviour
    - Assault
    - Physical violence
    - Bullying
    - Verbal, Physical or Mental Abuse
  
  - Cheating or Plagiarising
    - Cheating in examinations, portfolios, coursework, clinical assessments or log books
    - Forging a Practice assessor's or personal supervisor's name or signature
    - Passing off others' work as one's own
  
  - Criminal Conviction or Caution
    - Child Pornography
    - Theft
    - Financial Fraud
    - Possession of illegal substances
    - Child Abuse or any other abuse
    - Physical violence
  
  - Drug, Alcohol and Substance Misuse
    - Driving whilst under the influence of alcohol or drugs
    - Alcohol consumption that effects clinical work or the work environment
    - Dealing, possessing or misusing drugs even if there are no legal proceedings
  
  - Persistent Inappropriate Attitude of Behaviour
    - Failure to accept and follow advice from the University of York and/or your placement provider
    - Non-attendance in both theory and/or practice
    - Poor application and failure to submit work
    - Poor communication skills
    - Poor time management
  
  - Dishonesty or Fraud, including Dishonesty outside of the Professional Role
    - Misrepresentation of previously-obtained qualifications
    - Misrepresentation of previous experiences, skills and abilities
    - Fraudulent CV's or other documents
    - Falsifying references
    - Financial fraud
    - Falsifying research
  
  - Unprofessional Behaviour or Attitudes
    - Breach of confidentiality
    - Misleading patients about their care or treatment
    - Failure to obtain proper consent from a patient/client
    - Persistent rudeness to patients/clients, colleagues or others
    - Unlawful discrimination
    - Sexual, racial or other forms of harassment
    - Inappropriate examinations or failure to keep appropriate boundaries in behaviour
    - Misuse of the internet and/or social networking sites
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#### 4. Principles relating to Student Health & Disability

- 4.1 Students should understand that their physical or mental health may be a relevant reason for them to be deemed unfit to practise, notwithstanding the requirements of the Equality Act 2010. As a consequence they may not be able to complete their programme of study for which they are enrolled.
- 4.2 Applicants will be required, as a condition of admissions to a programme, to demonstrate that they meet the health requirements of the professional, statutory and regulatory bodies (PSRBs). The University of York, Department of Health Sciences will require applicants to fully complete a health questionnaire and declare all current and previous history of any health issues. The University of York, Department of Health Sciences reserves the right to refer the applicant to Occupational Health for specialist advice and guidance (see Appendix 1a).
- 4.3 Applicants are required to inform the University of York, Department of Health Sciences prior to admission about any conditions for which reasonable adjustments within the meaning of the Equality Act 2010 may need to be made to programme arrangements.
- 4.4 A student whose physical and/or mental health deteriorates while registered on their programme of study, should seek advice from their Personal Supervisor in the first instance and, where appropriate, their employer about the implications for their continuation on their programme of study or their entry to their professional, statutory and regulatory bodies (PSRBs).
- 4.5 Students are required to inform their Personal Supervisor of any changes in their physical and/or mental health which could affect their fitness to practise. Students should also confirm this as part of their re-enrolment/re-registration process via e:Vision each academic year.
- 4.6 Students must be fit to practise their profession. The safety of patients or clients will always be the prime consideration. It is recognised that most students who have a disability or health condition will register successfully. However, for a minority, a disability-related issue or a health condition may make it impossible to meet the outcomes required by their programme of study. In a circumstance where a student cannot demonstrate the necessary level of competence, if all reasonable avenues open to the student and the University of York have been explored and a way forward cannot be mutually agreed, it would be appropriate to consider the student through fitness to practise proceedings in full discussion with the Departmental Disability Coordinator and/or University Disability Services.
- 4.7 The following is a non-exhaustive list of common areas of concern relating to student health when it comes to fitness to practise:
  - Health Concerns and Insight or management of these Concerns
    - Failure to seek medical treatment or other support where there is a risk of harm to other people
    - Failure to recognise limits and abilities, or lack of insight into health concerns that may place others at risk
    - Refusal to follow and adhere to medical advice and guidance
  - Chronic Alcohol, Substance or Drug Misuse
  - Failure to maintain and follow any treatment or management plan
  - Failure to disclose any health condition(s)

- Failure to Practise Safely including Preventing Transmitting Infection to others
- Severe or relapsing Psychological/Mental Health conditions
- Recurring Physical Illness
- Failure to follow and to adhere to vaccination and immunisation requirements (Appendix 1b).

## 5. **Assessing Fitness to Practise during Admission and Enrolment**

### 5.1 **Application Stage**

All students on programmes leading to a registration with professional, statutory and regulatory bodies (PSRBs) are required to undergo an enhanced Disclosure and Barring Service (DBS) check at the point of enrolment. If a conviction or caution (or other information) is returned on this DBS check which had not previously been declared by the student/applicant on application or self-declaration or was not accurately described, will be referred through to the core Fitness to Practise committee for further investigation.

- 5.1.1 To meet its obligations regarding fitness to practise the University of York, Department of Health Sciences is required to make an assessment based on the limited information available at the point of admission to the programme. The University of York, Department of Health Sciences may refuse admission to individuals they believe are not fit to undertake a programme of study leading to registrations with a professional, statutory and regulatory bodies (PSRBs).
- 5.2 Both the application process through UCAS and the University of York, Department of Health Sciences' programme application forms include a statutory requirement to declare criminal convictions and cautions. This is summarised in Appendix 2.
- 5.2.1 Applicants declaring a criminal conviction or caution will be contacted and asked to supply the Student and Academic Services Manager (UG Programmes) with more detailed information (Appendix 3).
- 5.2.2 The Student and Academic Services Manager will anonymise this information before completing the Positive Disclosure and Barring Service Disclosure Summary Form (Appendix 4). This will then be distributed to senior member of staff within our NHS partner trusts followed by the Chair and Deputy Chair of the Fitness to Practise committee.
- 5.3 Applicants declaring a disability and/or health condition at the application stage will also be likely to undergo further more in-depth assessment to ensure that reasonable adjustments can be made. This is likely to involve our contracted Occupational Health & Wellbeing Service and/or University of York Disability Services.

### 5.4 **Student Self-Declaration at Enrolment and Re-enrolment**

Students must inform the Department of Health Sciences Fitness to Practice Committee immediately if any of the circumstances in Section 5.5. occur. Students must also at the point of enrolment and re-enrolment complete a self-declaration via e:Vision (see Appendix 5a and 5b). Failure to declare relevant information via this method of self-declaration, which is subsequently brought to the attention of the University of York, Department of Health Sciences, is likely to result in fitness to practise proceedings.

5.5 Applicants and Students are asked to make a declaration in relation to:

- Health
- Disability
- Criminal Convictions (including conditional discharge and cautions) even if spent, subject to the provisions of the Rehabilitation of Offenders Act 1974.
- Disciplinary proceedings (current or past) by a professional, statutory and regulatory body (PSRBs).
- Formal proceedings by local authority or police in relation to safeguarding of Children, Young People or Adults whose circumstances make them vulnerable, subject to the provisions of the Safeguarding Vulnerable Groups Act 2006.
- Being subject to any other formal proceedings or determinations which may relate to, or call into question their fitness to practise
- Professional indemnity (where relevant)

5.6 Any positive declaration will automatically be referred through to the core Fitness to Practise committee, where clarification will be sought from the applicant/student and an appropriate member of the Department of Health Sciences.

## **6. The Fitness to Practise process for managing concerns raised about students**

### **6.1 Receiving Information, Initial Consideration of a Case and Informal Stage**

Information raising/detailing concerns regarding a student's fitness to practise may come from a variety of different sources including members of the general public, other students, practice placement staff, family members/friends, University teaching and support staff or from the student themselves (see Appendix 6).

6.2 Information raising/detailing concerns regarding a student's fitness to practise must be supported by written or other evidence detailing the alleged issue/concern. Anonymous reports will not normally be considered, although the Head of Nursing, Midwifery and Professional Education (Deputy Head of Department) and/or Chair/Deputy Chair of Fitness to Practise Committee may at their discretion withhold from the student the identity of the complainant.

6.3 After receiving the initial written information and associated evidence, the Chair and Deputy Chair of Fitness to Practise Committee will meet to discuss the most appropriate way forward. The needs of the student, their stage of programme, the nature of the alleged issue/concern and the implications for public protection are carefully considered. An assessment based on the evidence presented will be made about whether to bring this to the student's attention if not already known. The Chair and Deputy Chair may consult with the Head of Nursing, Midwifery and Professional Education and /or other Support Services within the University as well as the Professional, Statutory and Regulatory Body (PSRB) regarding the plan for progression. This is to establish as far as practicably possible that the evidence provided is not of a vexatious nature.

In certain circumstances no further action may be indicated at this stage.

Usually, the student is, at the earliest opportunity, notified of the Fitness to Practise concern. A staged approach to dealing with concerns is adopted. The stages are:

#### **Informal Stage (Stage One)**

## **Investigation/Assessment Stage (Stage Two)**

### **Formal Stage (Stage Three)**

Students will be contacted (via their University email account) and given information about the process that clearly indicates the stage of the concern.

#### **6.4 Informal stage**

All students should start with the Informal Stage as this enables the student to seek advice and support in accordance with University regulations (see Appendix 7: Fitness to Practise: a guide for students). Students attend an Informal Meeting with the Chair or Deputy Chair of Fitness to Practise Committee to explain their account of events and demonstrate their response to the concerns raised. This offers an opportunity for the student to inform the Fitness to Practise Committee of any relevant issues or mitigating circumstances that have not previously been raised.

The outcome of the Informal Stage may be:

- No further action
- Recommendation to seek support & guidance from their personal supervisor and/or the Chair/Deputy Chair may suggest further action for the supervisor to undertake with the student
- The student progresses to the Investigation/Assessment (Stage 2) of the process. Students will be provided with a guide to the next stage of the process (see Appendix 7).
- Progressing to Stage 2 of the process may include a Suspension from Practice (See Appendices 8a and 8b)
- \*Students who have been Suspended from Practice by the Placement Provider will continue to follow the Suspension from Practice by the Placement Provider process (Appendix 8a)

Following the informal stage one meeting the Fitness to Practise Committee will write to the student clearly indicating the outcome.

## **7. Stage 2 Investigation /Assessment Stage**

### **7.1 Health and Well -being**

If more information is needed regarding the health & well-being of a student, the Chair/Deputy Chair will utilize the Occupational Health Referral Policy (see Appendix 1a).

### **7.2 Conduct and/or Behaviour**

If the Chair/Deputy Chair of Fitness to Practise Committee decides that more information is needed regarding a conduct & behaviour concern, or following failed mediation as part of the suspension from practice an investigation will be undertaken. An investigating officer will be appointed from within the membership of the Fitness to Practise Committee. This will be a member of academic staff who has not been involved to date with the case and does not have a significant relationship with the student (i.e. not their Personal Supervisor) (see Appendices 9a, 9b, 9c and 9d).

The quality of the investigation is crucial in achieving the outcome of quality fitness to practise decisions. The purpose of the fitness to practise investigation is to:

- Identify the exact nature of the concern(s)/issue(s)
- Identify, collate and analyse all relevant information exploring the concern(s)/issue(s)



- Identify whether the information identified points to a potential risk to public safety, breach of professional standards or impact on the reputation of the profession relating to their professional, statutory and regulatory bodies (PSRBs).
- 7.3 The investigation should be carried out in a timely manner remembering where possible to minimise disruption to the student's programme of study. This may not be always possible if statements from external individual(s) or medical or other assessments are required.
- 7.4 The student must be informed of the expected timescale where reasonably possible.
- 7.5 The investigation will result in a report to the Chair/Deputy Chair of Fitness to Practise Committee outlining the following:
- The key concerns (both identified originally and those that have emerged as part of the investigation process)
  - If the concern(s)/issue(s) relate to public safety or to professional standards
  - How the concern(s)/issue(s) relate to the relevant code of the professional, statutory and regulatory body (PSRBs) regarding conduct/expectations relating to professional behaviour.
- 7.6 The Investigating Officer will not make a conclusion as to whether or not a student's fitness to practise is impaired.
- 7.7 Reasonable discretion should be used by the Investigating Officer to filter out unsubstantiated vexatious or frivolous information during the Investigation stage.
- 7.8 The Investigation report along with all of the supporting evidence will be reviewed fully by the Chair/Deputy Chair of Fitness to Practise in consultation with two members of the Fitness to Practise Committee to determine the appropriate action. If the Chair/Deputy Chair of Fitness to Practise in consultation with two members of the Fitness to Practise Committee find that the student's fitness to practise is likely to be impaired then they progress the case to Stage 3 the Formal Stage and will convene a full Fitness to Practise Committee Hearing.
- 7.9 If the Chair/Deputy Chair of Fitness to Practise in consultation with two members of the Fitness to Practise Committee find that the case does not meet the threshold for progression to the Formal Stage (Stage 3) they will make a decision as to the most appropriate course of action. Possible actions are to (i) take no further action (ii) student attends a meeting with the Chair/Deputy Chair where guidance is given regarding conduct & behaviour.
- 7.10 The Chair/Deputy Chair of Fitness to Practise will write to the student to summarise the outcome at Stage 2 of the process.
- 7.11 **Suspension from Practice**
- The Placement and Education Providers and the Chair/Deputy Chair of Fitness to Practise Committee reserve the right to remove a student from a practice placement without notice if their ability to engage in the provision of safe and effective practise is compromised. The authority for suspension will rest with the Chief Nurse/Head of Midwifery or nominated senior nurse/midwife or Chair/Deputy Chair of Fitness to Practise Committee (see Appendices 8a and 8b).
- 7.12 Notification giving the reasons for suspension must be fully explained to the student as soon as the decision to suspend is made.

- 7.13 The public interest is more important than the student's interests when considering concerns/issues relating to safe and effective practice.
- 7.14 Students will not normally be suspended from engaging with University based learning due to fitness to practise issues/concerns unless the seriousness of the situation warrants this.

## **8 Formal Stage (Stage 3) The Role and Composition of the Fitness to Practise Committee Hearing**

- 8.1 The Role and Composition of the hearing is to consider the evidence received by the Investigating Officer. The Hearing will determine whether a student's fitness to practise is impaired and, if so, which sanction(s) (if any) should be applied to this case. The Fitness to Practise Committee Hearing have the delegated authority from the professional, statutory and regulatory body (PSRBs) and the wider University of York to make decisions with regards to the case.
- 8.2 The Fitness to Practise Committee Hearing has responsibility to question the student to ensure that the concern(s)/issue(s) are explored and examined satisfactorily. It is the role of the Fitness to Practise Committee Hearing to ensure that all evidence is looked at in its entirety, especially when the evidence and information is disputed by the student.
- 8.3 A date and time is set for the Fitness to Practise Committee Hearing and the members are set by the Chair/Deputy Chair of the Fitness to Practise Committee.
- 8.4 Normally the composition of the Fitness to Practise Committee Hearing will be relevant members of the:
- Fitness to Practice Core Committee
  - The Investigating Officer
  - Members of Wider Fitness to Practise Committee
  - A Senior representative from a practice partner organisation
- 8.5 Where a student is sponsored by a practice partner organisation and they appear before the Fitness to Practise Committee Hearing, the senior service representative will not normally be a member of that organisation.
- 8.6 The Fitness to Practise Committee Hearing should represent the appropriate programme of study, and in relation to Nursing, the appropriate field of practice.
- 8.7 When establishing a panel for the Fitness to Practise Committee Hearing, a key requirement is for all panel members to be free from any perceived conflict of interest or bias with regard to the student or the case at hand.
- 8.8 At the point of invitation, all Fitness to Practise Committee Hearing panel members will be asked by the Chair/Deputy Chair to declare any prior knowledge of the student or the case.
- 8.9 The Investigating Officer will be invited to the Fitness to Practise Committee Hearing to answer any questions relating to the investigation process. The Investigating Officer will not take any part in the decision making process.

## **9 Preparing for the Fitness to Practise Committee Hearing**

- 9.1 As soon as a date and time is set for the Fitness to Practise Committee Hearing and the members are set, the student should be invited to attend and notified of the following information:

- A summary of the concerns raised
- The date, time and venue of the Fitness to Practise Committee Hearing
- Their right to seek appropriate independent advice, guidance and support from a representative of YUSU (University of York Students Union) or GSA (University of York Graduate Students Association) but not a legal or trade union representative. In exceptional circumstances and by prior agreement, students may be accompanied by another member of the University.
- The composition of the Fitness to Practise Committee Hearing panel members and the mechanism for challenging its composition based upon potential conflict or bias, with an appropriate deadline for the challenge.
- Information on submitting a further statement, information, supporting evidence or references with an appropriate deadline for submitting this documentation.

9.2 Accompanying the letter should be the following:

- A copy of the Investigation Report
- Any supporting information gathered as part of the Investigation
- The Fitness to Practise Policy
- Fitness to Practise: a guide for students
- The code of the relevant professional, statutory and regulatory body (PSRBs)

9.3 Should the student wish to submit further statements, information, supporting evidence or references in advance of the Fitness to Practise Committee Hearing, they should do so by the deadline given. Where possible the student should also confirm the name and the role of the appropriate representative of YUSU (University of York Students Union) or GSA (University of York Graduate Students Association) who will be accompanying them to, and supporting them at, the hearing.

9.4 The Fitness to Practise Committee Hearing will only be rearranged in exceptional circumstances (such as hospitalisation) as the student is expected to prioritise attendance at the hearing above anything else.

9.5 If the student does not attend and is not represented, the hearing may proceed if the Chair/Deputy Chair of the Fitness to Practise Committee Hearing is satisfied that all reasonable efforts have been made to contact the student.

9.6 The members of the Fitness to Practise Committee Hearing will be sent confidential information packs prior to the hearing which include the date, time and venue of the Fitness to Practise Committee Hearing with a copy of the Investigative Report plus any supporting information gathered as part of the Investigation.

9.7 New evidence may not be presented or tabled without the advance express permission of the Chair/Deputy Chair of the Fitness to Practise Committee Hearing.

## **10 The Fitness to Practise Committee Hearing**

10.1 The Fitness to Practise Committee Hearing panel will initially convene in private and hold a preliminary discussion based on the case history. It will identify the key facts of the case and the lines of questioning to be pursued. The Chair/Deputy Chair of the Fitness to Practise Committee Hearing will assign panel members to ask specific questions.

10.2 The student, their representative from YUSU (University of York Students Union) or GSA (University of York Graduate Students Association) and Investigating Officer are invited to join the meeting by the Chair of the hearing.

- 10.3 The Chair/Deputy Chair of the Fitness to Practise Committee Hearing will formally introduce the panel members and explain how the hearing fits in with the wider context of the Fitness to Practise Policy.
- 10.4 All members present at a Fitness to Practise Hearing should ensure that proceedings are followed in concordance with University, Departmental and Fitness to Practise policy and procedures.
- 10.5 The Chair/Deputy Chair of the Fitness to Practise Committee role is to ensure that the principles of natural justice are followed.
- 10.6 Notes of the hearing will be taken by the Secretary to Fitness to Practise Committee. These notes will be in narrative format and agreed by the Chair/Deputy Chair of the Fitness to Practise Committee. Notes will not be circulated to panel members but kept for record purposes.
- 10.7 The student will be given the opportunity to make a verbal statement should they wish to do so. The Fitness to Practise Committee Hearing panel will then take it in turns to ask the student a series of questions relating to the investigative report and to the nature of the concern(s)/issue(s) raised.
- 10.8 The student will not normally be permitted to submit further documentary evidence however the Chair/Deputy Chair of the Fitness to Practise Committee may use their discretion to allow further documentary evidence where there is good reason to do so.
- 10.9 The student and their representative from YUSU (University of York Students Union) or GSA (University of York Graduate Students Association) can confer at any time. If they wish to confer in private they may leave the room for a brief period of time to be agreed with the Chair/Deputy Chair of the Fitness to Practise Committee.
- 10.10 When the Fitness to Practise Committee Hearing panel have completed their questions the student and their representative from YUSU (University of York Students Union) or GSA (University of York Graduate Students Association) will be invited to make a closing statement.
- 10.11 The Chair/Deputy Chair of the Fitness to Practise Committee will then advise the student of the next stage of the process with regards to reaching a consensus of opinion on the outcome of the hearing.
- 10.12 The student, their representative from YUSU (University of York Students Union) or GSA (University of York Graduate Students Association) and Investigating Officer will be asked to leave the hearing.

## **11 Outcomes and Sanctions**

- 11.1 Part of a fair and just hearing is that it gives adequately reasoned and balanced decisions. This is to ensure that all parties involved in the Fitness to Practise Committee Hearing panel fully understand the decision and so that the decision of the panel hearing can be seen to uphold the professional standards and maintain trust and public confidence in the profession of the relevant professional, statutory and regulatory body (PSRBs).
- 11.2 The Fitness to Practise Committee must always keep in mind the balance between public and patient/client safety, the interests of the student and the overall need to maintain trust and public confidence in the profession of the relevant professional, statutory and regulatory body (PSRBs).
- 11.3 All decisions reached by the Fitness to Practise Committee Hearing panel will be taken using guidance set by the relevant professional, statutory and regulatory body (PSRBs) and be consistent with the rules, regulations, and ordinances set by the University of York, Department of Health Sciences.

- 11.4 Should the student raise significant mitigating circumstances during the Fitness to Practise Committee Hearing panel then these will generally be taken into consideration when deciding on the most appropriate outcome and sanction.
- 11.5 The Fitness to Practise Committee Hearing panel will generally give 'due regard' to any evidence presented by way of formal mitigation. The purpose of any formal outcome(s) and/or sanction(s) is to protect public and patient/client safety rather than to act as a punishment for the student.
- 11.6 The standard of proof shall be based on the balance of probabilities, therefore whether the facts are more likely than not to be true.
- 11.7 The Fitness to Practise Committee Hearing panel will need to make an overall decision and conclude one of the following:
- 11.8 That the student **is fit** to practise and is
- permitted to continue on the programme without change
  - permitted to continue on the programme in conjunction with provisos determined by the Panel
  - permitted to continue with the programme under close supervision
  - permitted to continue on the programme but with a formal reprimand or warning placed on their file
- 11.9 That the student **is not** fit to practise and
- is required to attend an Occupational Health assessment
  - is required to suspend their studies until such time as any undertakings, recommendations or conditions imposed by the Panel have been fully met (normally an occupational health assessment)
  - is required to undertake any other action considered appropriate by the Panel to enable the student's successful completion of the remainder of the programme
  - a recommendation is made to the Chair of the Board of Studies that the student's programme of study leading to a professional qualification be terminated but that the student be permitted to seek admission to an alternative academic qualification
  - a recommendation is made to the Chair of the Board of Studies that the student's studies are terminated and the student is required to withdraw from the University. Subject to the recommendation of a Progression and Award Board, the student may be eligible to receive any exit award to which they are entitled.
- 11.10 If a unanimous decision cannot be reached, the opinion of the majority will prevail. If the panel reaches a hung decision, the Chair/Deputy Chair will decide upon the formal outcome(s) and/or sanction(s).
- 11.11 Where a student is allowed to continue with the programme in conjunction with provisos determined by the Panel, or when the studies have been temporarily suspended, they may be required to meet with the Panel on further occasions in order that progress can be monitored.

## **12 Right of Appeal**

- 12.1 Students have the right to appeal against a recommendation by the Department of Health Sciences Board of Studies/Graduate Schools Board to suspend or terminate their studies. A recommendation to terminate studies is heard by the University of York Special Cases Committee. The student has the right to request that the SCC hearing turn into an appeal against the recommendation from the Department of Health Sciences Board of Studies/Graduate Schools Board.

- 12.2 The appeals process for fitness to practise should follow the same process as academic appeals as set out at Regulation 6.7 at [http://www.york.ac.uk/admin/aso/ordreg/r6\\_new.htm#appeals](http://www.york.ac.uk/admin/aso/ordreg/r6_new.htm#appeals)
- 12.3 When hearing an appeal case on the basis of fitness to practise, SCC should include an external adviser who shall be a full member of the panel, taking part in making decisions. The external adviser must be someone who can reasonably be viewed by the relevant professional, statutory and regulatory body (PSRBs) as having the necessary experience, competence and authority to provide advice to a university body dealing with a hearing about fitness to practise potentially leading to termination or suspension. By way of example, an external advisor may be a member of the relevant professional or regulatory body or a member of an equivalent body (e.g. Associations of Heads of Departments of relevant area). The University should keep a list of names, revised and updated as necessary from time to time, representing a pool of such external advisers who would be reasonably viewed by the professional body as appropriately qualified to take on such a role.
- 12.4 The conduct of such hearings should follow the same procedures as those adopted for academic cases.
- 12.5 Both the student and the department shall have the right to present and respond to the case. The appeal committee should re-examine the earlier information, evidence, representations and findings and shall have the right to suspend the hearing to acquire more information, if it deems necessary, before making a decision.

### **13 External and Independent Review**

- 13.1 If, after exhausting the Appeals stage, the student feels that the outcome is unreasonable in relation to the evidence, then a review may be requested from the Office of the Independent Adjudicator for Higher Education (OIA), within 3 months of the issue of a Completion of Procedures letter by the University of York. Contact details for the Independent Adjudicator are:

Office of the Independent Adjudicator

Third Floor Kings Reach

38-50 Kings Road

Reading

Berkshire

RG1 3AA

Information may also be obtained directly from the OIA at: <http://www.oiahe.org.uk>

## **Acknowledgement**

With grateful thanks and appreciation this policy is based upon assistance from the following organisations:

- Academic Registrars Council (Subjects Allied to Medicine).
- University of Hertfordshire, Faculty of Health and Human Studies.
- Buckinghamshire New University.
- Nursing & Midwifery Council (Guidance on Professional Standards of Practice and Behaviour).
- General Medical Council (Guidance on Professional Values and Fitness to Practise).
- Health & Care Professions Council.
- General Pharmaceutical Council.

## Appendices index

<b>Appendix number</b>	<b>Name of document</b>	<b>Page</b>
<b>1a</b>	Occupational Health Referral Policy	17
<b>1b</b>	Process in the event of non-compliance with vaccination requirements (jointly managed by OHWorks and the Department of Health Sciences)	21
<b>2</b>	Department of Health Sciences Disclosure and Barring Service (DBS) Evaluation Process	22
<b>3</b>	Positive Disclosure and Barring Service (DBS) candidate statement	23
<b>4</b>	Positive Disclosure and Barring Service (DBS) summary form	25
<b>5</b>	Annual Declaration of Good Health & Character, Professional Indemnity & Travel SITS Evison Registration/Enrolment	28
<b>6</b>	Supervisor Referral of Student to Fitness to Practise committee	30
<b>7</b>	Fitness to Practise: a guide for students Fitness to Practise: A Guide to investigations and hearings	31
<b>8a</b>	Suspension from Practice Procedure (by the placement provider)	45
<b>8b</b>	Suspension from Practice Procedure (by the Fitness to Practise committee)	48
<b>9a</b>	Fitness to Practise Committee Investigation Process	50
<b>9b</b>	The role of the Investigating Officer – Fitness to Practise Committee	51
<b>9c</b>	Fitness to Practise Committee Investigator Checklist	53
<b>9d</b>	Fitness to Practise Committee Investigation meeting record	54





The Department of Health Sciences

## OCCUPATIONAL HEALTH REFERRAL POLICY

There are several instances when a referral to Occupational Health can be considered.

- Students with health/disability issues which have been identified at the commencement of the programme and have been passed as fit for the programme by Occupational Health at initial screening with/without conditions attached.
- Students who become unwell during their programme.
- Student returning from a Leave of Absence on health grounds.

### Students with health/disability issues identified at the commencement of the programme.

- **Health** - It is the student's responsibility to notify their personal supervisor of the medical condition. If the personal supervisor becomes concerned or the student notifies his/her supervisor of a change in their health status, the personal supervisor refers the student to Fitness to Practise Committee for referral to Occupational Health for health assessment and monitoring
- **Disability** –The department makes a decision as to whether the student can be supported throughout the programme. If so, recommended support mechanisms will be received from Disability Services and these will be implemented and monitored by the student's personal supervisor. If the personal supervisor feels that the student's health has changed, he/she should contact Fitness to Practise Committee for referral to Occupational Health for health assessment.

### Students who become unwell during the programme

- **New condition diagnosed** – The personal supervisor refers the student to the Fitness to Practise Committee for referral to Occupational Health for health assessment and monitoring
- **Pre-existing health condition which was declared** – The personal supervisor refers the student to the Fitness to Practise Committee for referral to Occupational Health for health assessment and monitoring
- **Pre-existing health condition which was not declared** – The personal supervisor refers the student to the Fitness to Practise Committee. The Fitness to Practise committee can either: recommend continuation on the programme with an Occupational Health referral and monitoring, recommend discontinuation from the programme or recommend a period of Leave of Absence.

### Students Returning from Leave of Absence

Occupational Health may be planned as a condition of return prior to the Leave of Absence if necessary. The Chair of Fitness to Practise may highlight the need for an Occupational Health assessment when reviewing other health evidence supplied by the student during the Leave of Absence return process.

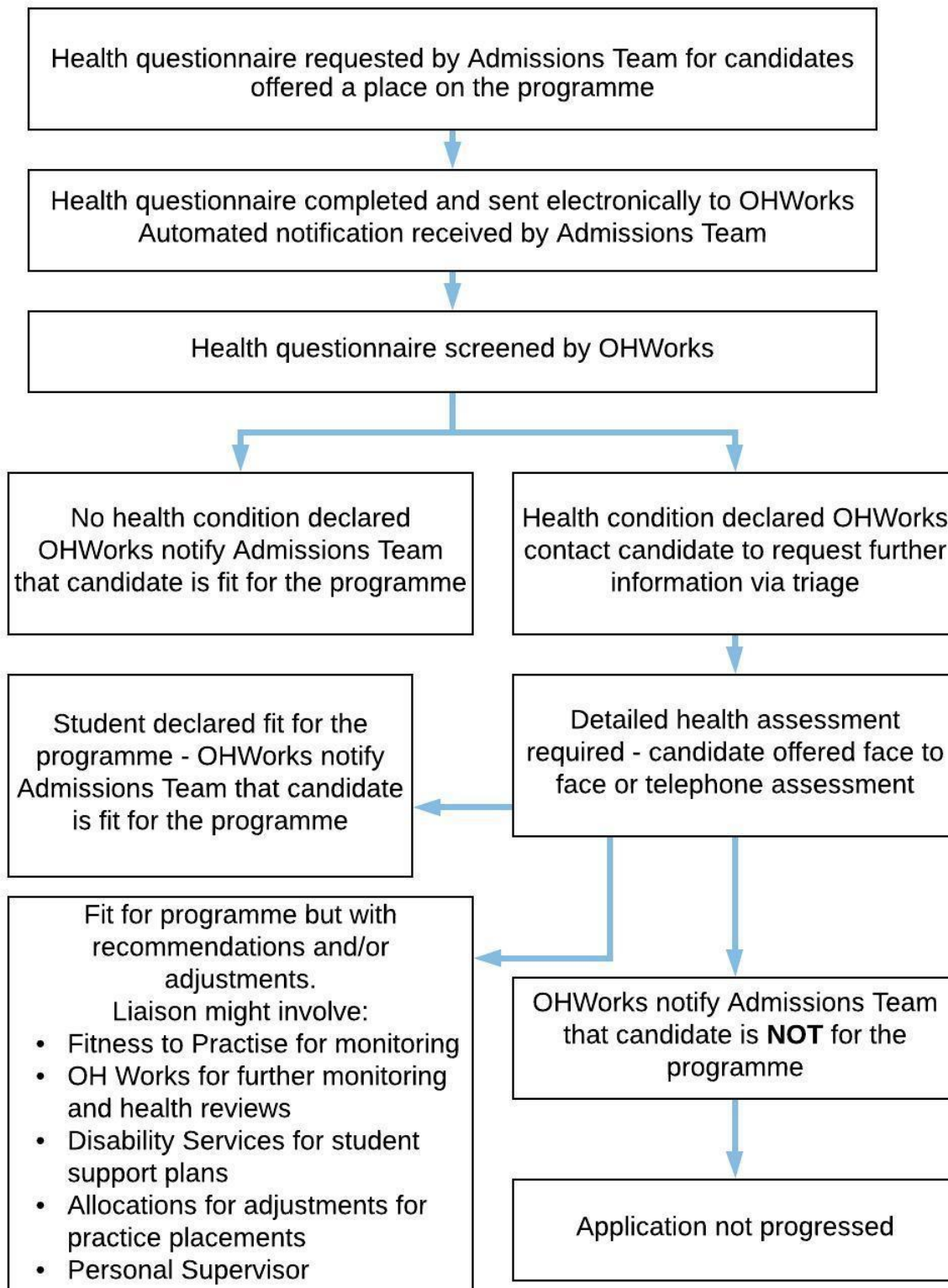
## REFERRALS AND MONITORING

Any personal supervisor who wants to refer a student for Occupational Health assessment must do so via the Fitness to Practise Committee. Personal Supervisors **must not** refer any student directly to Occupational Health.

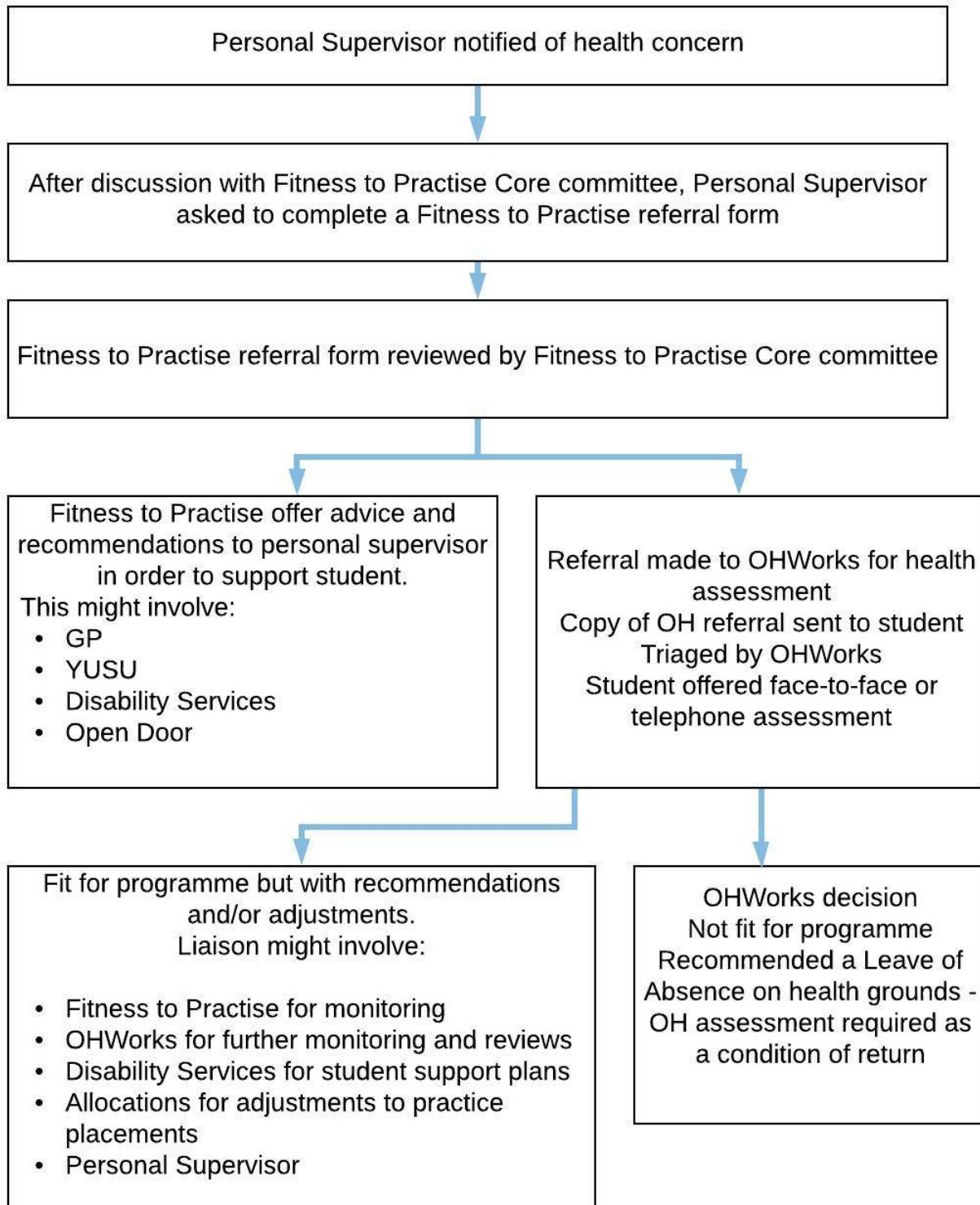
**Annual Enrolment** – students are required to declare any changes to their health status since admission to the programme whilst enrolling online. Any changes trigger a notification to the Fitness to Practise Committee and this will be followed up with the student and personal supervisor. Personal supervisors complete a preliminary referral form to Fitness to Practise. This information will be incorporated into the Occupational Health referral form. Referrals to Occupational Health will be made and monitored by the Fitness to Practise Committee, whilst ensuring that confidentiality is maintained.

**Return from Leave of Absence** - Students returning from Leave of Absence on medical grounds are advised that medical evidence is required to confirm fitness to return to the programme. This may mean that advice needs to be sought from OHWorks which could include a face-to-face appointment or a telephone consultation. In certain circumstances the Department will accept clearance from a health/medical practitioner. This decision will be made by the Chair/Deputy of the Fitness to Practise Committee. Referrals to OHWorks will be made by the Chair/Deputy of the Fitness to Practise Committee in conjunction with the Student Assessments Office. Upon receipt of the Occupational Health report, the core membership of Fitness to Practise will normally meet to consider any restrictions or adjustments to the programme which may be required. If the report specifies that follow up appointments or reviews are required then this will be monitored by the Fitness to Practise Committee.

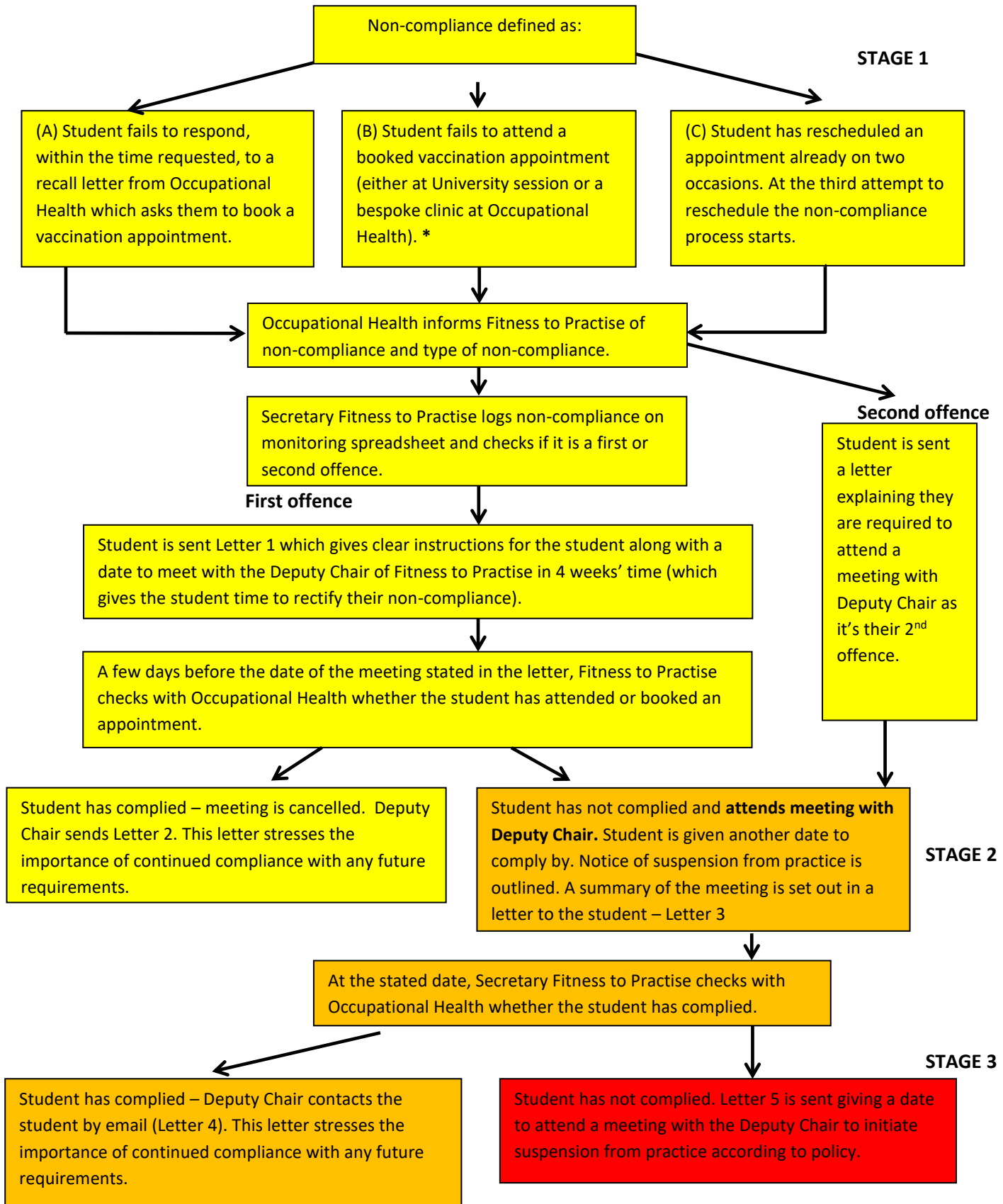
## OCCUPATIONAL HEALTH PROCESS: PRE-ADMISSION



## OCCUPATIONAL HEALTH PROCESS: ENROLLED STUDENTS

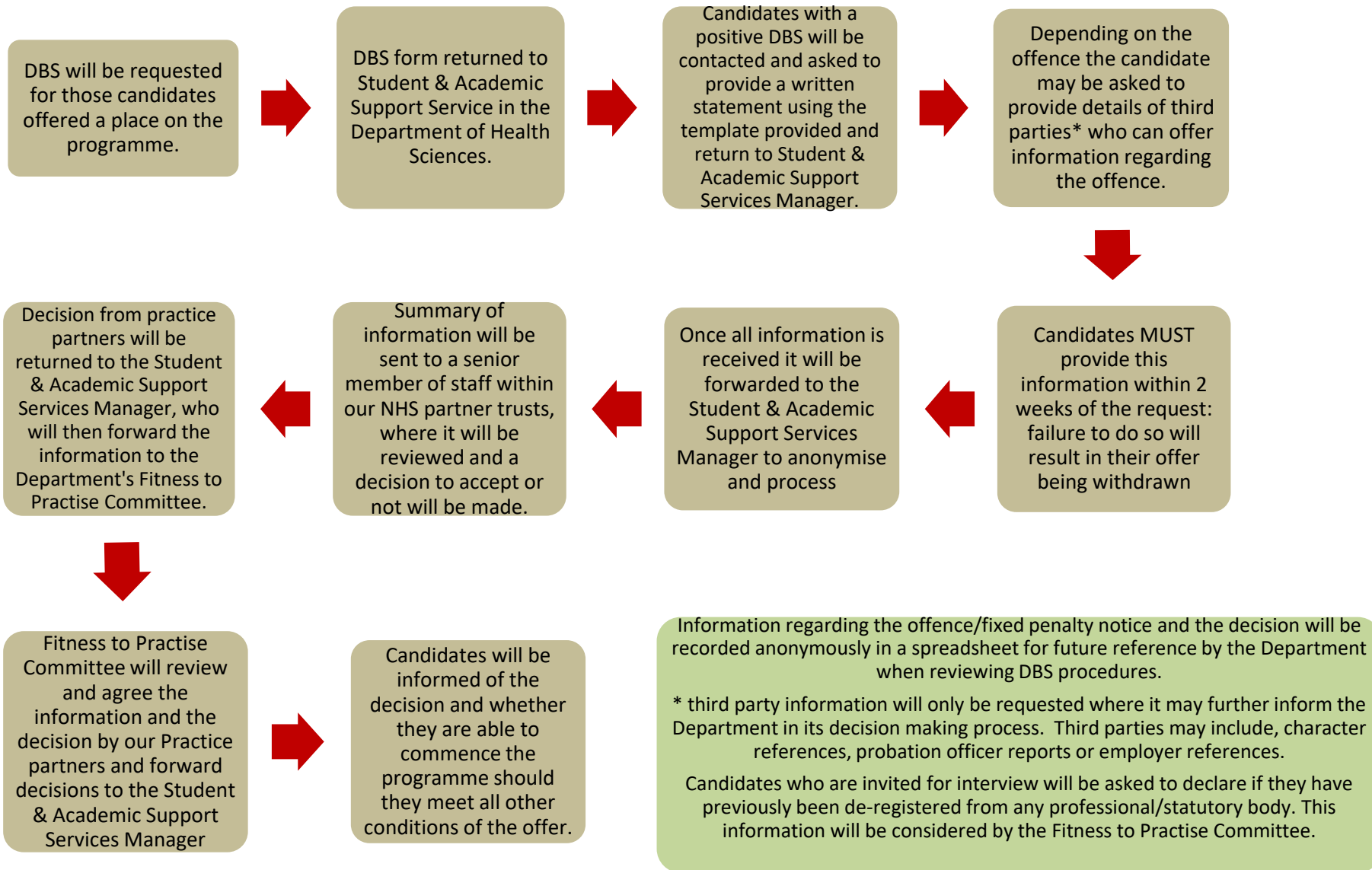


**Appendix 1b:** Process in the event of non-compliance with vaccination requirements (jointly managed by OHWorks and the Department of Health Sciences)



\*Failure to attend a booked appointment will result in the cost of that missed appointment being passed onto the student

**Appendix 2:** Department of Health Sciences Disclosure and Barring Service (DBS) Evaluation Process





**Please explain how your situation has changed since the offence/fixed penalty notice (include personal development):**

**Please provide detailed information of any further evidence you are submitting which demonstrates positive changes in you or your circumstances or actions you have taken to move forward since the offence/fixed penalty notice. You can also include good character references from third parties (this may include character references, employer references, probation officer report, social worker report and youth offending team report etc):**

**If there is anything else you feel we should know please detail using the space below:**



**Appendix 4:** Positive Disclosure and Barring Service (DBS) summary form



**POSITIVE DISCLOSURE AND BARRING SERVICE (DBS) DISCLOSURE  
SUMMARY FORM**

<b>Anonymous Student Identity Number:</b>	<b>Date of Birth:</b>
<b>Programme applied for:</b>	<b>Cohort: September</b>
<b>Field of Practice:</b>	<b>Programme Start Date:</b>

**Decisions Made on DBS Disclosure:**

<b>Decision by</b>	<b>Date of Decision</b>	<b>Accept or Reject</b>
<b>Practice Partners</b>		
<b>Fitness to Practise Committee</b>		
<b>Overall decision</b>		

**Details of Offence:**

	<b>Offence 1</b>	<b>Offence 2</b>	<b>Offence 3</b>
<b>Date of Offence/Incident/Fixed Penalty Notice:</b>			
<b>Title of Offence/Incident/Fixed Penalty Notice:</b>			
<b>Age at time of Offence/Incident/Fixed Penalty Notice:</b>			
<b>Length of time since Offence/Incident/Fixed Penalty Notice</b>			
<b>Outcome/conviction:</b>			
<b>Was the Offence/Incident/Fixed Penalty Notice declared on the UCAS form:</b>			
<b>Was it committed before or after application:</b>			

<b>Was it committed before or after Interview:</b>			
--	--	--	--

<b>Does there appear to be a pattern to the offending? If so describe it...</b>
<b>Candidates explanation of the Offence/Incident/Fixed Penalty Notice and any circumstances surrounding it</b>
<b>How has their situation changed since the Offence/Incident/Fixed Penalty Notice?</b>
<b>Does the referee make reference to the Offence/Incident/Fixed Penalty Notice? If so are they supportive of the candidate's application?</b>
<b>Summary of any third part evidence supplied</b>

**Practice Partners**

<b>Decision made :</b>	Accept      or      Reject
<b>Any comments from discussion:</b>	

**Fitness to Practise Committee**

<b>Decision made :</b>	Accept      or      Reject
<b>Any comments from discussion:</b>	

**If the candidate is rejected:**

<b>Can the applicant re-apply?</b>	Yes or No
<b>If Yes, please indicate timescale and any other issues the candidate may need to address:</b>	

## Appendix 5: Annual Declaration of Good Health & Character, Professional Indemnity & Travel SITS Evison Registration/Enrolment

Please read this carefully and then complete the appropriate statement as follows.

It is a Nursing and Midwifery Council (NMC) requirement that students declare their character and health/disability status on an annual basis at the commencement of each new academic year. The NMC guidance on what constitutes good health and character is detailed by visiting: <https://www.nmc.org.uk/education/becoming-a-nurse-midwife-nursing-associate/guidance-for-students/>

For pre-registration programmes it is a condition of re-enrolment that the student agrees to maintain **professional indemnity insurance**. When working on placement for a healthcare organisation, arranged through the university, students will generally be covered by the organisation's indemnity arrangements. However, in some of the smaller placement providers and any elective experience further cover may be required. This cover can be obtained either through membership of a professional union such as the Royal College of Nursing (RCN)/Royal College of Midwifery (RCM)/Unison or from a personal broker. Please note exclusions may apply.

Students must normally live within reasonable travelling distance of their designated place of instruction for the duration of designated periods of study. For the purpose of the regulations, this will be interpreted as being within 30 miles of their designated place of instruction for full-time students and 60 miles for part-time students. Where practice placements constitute part of a programme of study, these locations may be regarded as the designated place of instruction. Further details can be found at: <http://www.york.ac.uk/about/organisation/governance/governance-documents/ordinances-and-regulations/regulation-6/>. The Board of Studies/Graduate School Board for Health Sciences is required to ensure that you understand the implications of this, including the risks of travelling whilst tired and also the fact that you would be unable to cite distance to university or practice as a source of exceptional circumstances (mitigation). In reality this means that you may be required to travel to placement **anywhere** within the Department's practice placement circuit and this may add considerably to your travelling on a daily basis.

If you indicate a change in either the status of your health, disability and/or your criminal record, your personal supervisor and Fitness to Practise Committee will be notified so that specific issue or issues can be discussed directly with you. This is to ensure if you require any additional support and also to see whether there are implications affecting your ability to study or undertake clinical practice. A change in your criminal record status may require you to be excluded or suspended from practice until the issue is formally investigated and an enhanced Disclosure & Barring Service check obtained.

Character and Conduct declaration: You should declare any penalty you have incurred. This should include any fixed penalty notices or penalty notices awarded by the police for disorder (for example any traffic offences including parking, speeding, driving without adequate insurance, drunk and disorderly, public disorder, vandalism, amongst many others). You should also declare any court convictions. The annual declaration does not supersede your responsibility to notify the Department of Health Sciences Fitness to Practise Committee in the event of any untoward incident or health diagnosis/issue. You should also inform your Personal Supervisor immediately in these circumstances. Please note that failure to disclose any illness, medical condition or penalty notice/criminal conviction may compromise your future eligibility for registration on the Nursing & Midwifery Council's Professional Register.

### Health and Disability Status

Please select one of the following options:

I confirm that my state of physical and/or mental health and/or disability remains the same as at my admission to the programme

I confirm that my state of physical and/or mental health and/or disability has changed since my admission to the programme

### Character and Professional Conduct Status

Please select one of the following options:

I confirm that my record in relation to my original Disclosure and Barring Service status remains the same as at my admission to the programme

I confirm that my record in relation to my original Disclosure and Barring Service status has changed since my admission to the programme and I confirm that I have subsequently received a criminal conviction, caution or penalty from the police since my admission to the programme

### Professional Indemnity Insurance Status

Please select one of the following options:

I confirm that I have adequate and appropriate professional indemnity insurance in place in order to practice and provide care as per NMC mandatory regulations

I confirm that I DO NOT have adequate and appropriate professional indemnity insurance in place in order to practice and provide care as per NMC mandatory regulations

### Reasonable Travel Distance to University

Please read the following and select once understood:

I confirm and fully understand that should I choose to live outside of the reasonable travel distance as recommended in the University Ordinance & Regulations (Regulation 6) for travel to theory or practice placement that I am unable to cite this as a reason for any **assessment** or **practice** related mitigation. In reality this means that you may be required to travel to placement anywhere within the Department's placement circuit (North Yorkshire) and this may add considerably to your travelling on a daily basis.



**Appendix 6: Supervisor Referral of Student to Fitness to Practise committee**



The Department of Health Sciences

**SUPERVISOR REFERRAL OF STUDENT TO FITNESS TO PRACTISE COMMITTEE**

**Personal & Programme Details**

Title (please tick)    Mr     Mrs     Miss     Ms     Other

Surname     Forename

Programme (and intake)

Field of Nursing (if applicable)    Adult     Mental Health     Learning Disabilities     Child

Date of Referral     Last Date of Attendance

**Grounds for Referral**

Health     Disability     Conduct/ Behaviour     Failure to Comply with Programme Requirements

**Please give a FULL description of the circumstances leading to the referral to the Fitness to Practise Committee. This should include incident/nature of concern and any significant events or behaviour which have contributed to this referral:**

(box will expand as you type)

Have you made the student aware of this referral to Fitness to Practise Committee?

Yes  No

Supervisor name

Signature

Date

Please attach any supporting information and or evidence and forward by email to [dohs-ftp@york.ac.uk](mailto:dohs-ftp@york.ac.uk).



**The Department of Health Sciences**  
**Fitness to Practise: A Guide for Students**

This guide explains what to expect in relation to your contact with the Fitness to Practise Committee and gives information about the support available to you.

## What is fitness to practise?

Being fit to practise means having the skills, knowledge, character and health to practise your profession safely and effectively

As a student on a programme leading to professional registration you are expected to demonstrate that you will be able to meet the standards expected by your profession. [The Code](#) sets out these standards and can be used to help develop your understanding of what it means to be a registered professional.

Developing the skills, knowledge and professional values for safe and effective practise are part of your overall programme of education at the University of York. You receive feedback and are regularly assessed on these aspects, both in theory and during your practice experiences. However, Fitness to Practise is not just about your skills and knowledge, it also includes issues relating to your conduct & character. This involves anything that you do in your professional or personal life that may impact upon the public. Patients and members of the public must be able to trust and have confidence in you and your profession.

Your own health and well-being are another important part of your Fitness to Practise, therefore we have a role in supporting you to maintain sufficient health and well-being to practise safely and effectively. To achieve this, we work in partnership with you and our Occupational Health provider, OHWorks.

## Why might I be referred to fitness to practise?

Most referrals to the Fitness to Practise Committee come from personal supervisors. Your personal supervisor will discuss the reason for their referral with you. In some circumstances referrals may be made by other members of staff who are involved in supporting your studies, however you will always be made aware of any referral.

The most common concerns that the Fitness to Practise Committee respond to include:

- Health or disability concerns
- Cheating or plagiarising
- Inappropriate use of social media sites
- Failure to comply with Programme Requirements (non-attendance, vaccination requirements etc.)
- Breach of confidentiality
- Dishonesty or fraud (NHS Student Bursary, falsifying qualifications or documents etc.)
- Drug, alcohol or substance misuse
- Persistent inappropriate behaviour or attitude
- Aggressive, violent, threatening or bullying behaviour
- Suspension or exclusion from practice placement
- Criminal conviction or caution



## What happens once the Fitness to Practise Committee receives a referral?

We always start with an informal approach and the majority of concerns are successfully managed at an informal stage

The primary function of the Fitness to Practise Committee is protection of the public. This means we have a responsibility to carefully consider any concerns that are raised about your ability to practice safely and effectively. We recognise that you are still learning about the expectations of your profession and for this reason we use a staged approach to deal with any matters of concern.

Our process has three stages (see flowchart the end of this booklet):

1. Informal Stage (Stage One)
2. Investigation/Assessment Stage (Stage Two)
3. Formal Stage (Stage Three)

If you have been suspended from your Practice Experience, although we will be notified of the details of this, our first recommendation will be a meeting with your Personal Supervisor and/or Academic Assessor, usually with your practice supervisor to explore whether there are processes within the Practice Assessment process (e.g. Action Plan) that can be used.

### Stage One: Informal Stage

Remember that we successfully deal with most concerns at this informal stage of our processes

All of our processes start with this stage. We review the information that we receive and decide how best to deal with the concerns raised. We deal with each case individually and take into account the stage of your professional development and the nature of the concern. Usually, we will invite you to an informal meeting with either the Chair or Deputy Chair of the Fitness to Practise Committee to discuss the matter. In our correspondence with you, we will briefly outline the nature of the concern so that you are aware of this. This gives you an opportunity to seek help and support before the meeting.

At this informal meeting we will listen to you and consider how best to deal with the concerns raised in the referral and how to proceed. We encourage students to reflect upon the circumstances that led to a referral and promote a learning culture. Very often the outcome of an informal meeting is for us to recommend steps that you can take to promote your learning and professional development. We may also direct you to other sources of support both within and

outside of the University. This may include your personal supervisor, the Student & Academic Support Service, Disability Services and the Open Door Team.

Sometimes our processes recommend that there is additional monitoring of your progress. We will continue to liaise with your personal supervisor in order to do this and will agree a plan with you.

## Stage Two: Investigation/Assessment Stage

At this stage of the process our goal is to gather more information about the concern

In some cases, we decide that we need further information in order to make a decision, and you will progress to Stage Two of Fitness to Practise process. This stage involves an investigation or an assessment (see flowchart at the end of this booklet). It allows us to gather more information from you and others about the concern.

If the concern about your Fitness to Practise is about your health or well-being, this will involve a referral to Occupational Health for assessment. If the concern is about your conduct or character we will recommend an investigation. In some cases there may be concerns about your conduct and character, as well as your health and wellbeing. If this is the case we may recommend an Occupational Health Assessment as part of an investigation.

We will always discuss progression to stage 2 with you at an informal meeting. The next steps will be explained and you will be provided with further information about this process. Once an investigation or an assessment is complete we will make a decision as to whether your case should progress to a formal stage.

## Stage Three: Formal Stage

Very few referrals made to the Fitness to Practise Committee progress to the formal stage

Your case may reach a formal stage if it is decided that the concerns raised require further examination in formal hearing. We will explain our reasons for this decision and ensure that you understand what this stage involves. In a Fitness to Practise hearing, the evidence gathered during the investigation will be presented to a panel. The panel will then have the opportunity to ask questions of you and ensure that concerns are explored satisfactorily.

The purpose of a formal hearing is to make a decision about your fitness to practise and whether the concerns that have been raised mean that you are safe to continue your practice experiences without restriction.

There are a range of possible outcomes following a hearing.

Further guidance for students that progress to stage 2 or stage 3 of the Fitness to Practise process can be found in our Student Guide: Investigations and Hearings.

## What help and support is available?

### Remember that help and support is always available

It is important that you are supported with any involvement that you may have with the Fitness to Practise Committee. We recommend that you arrange for someone to help you prepare for, and accompany you to any meeting with the Committee.

Under University regulations you are entitled to be accompanied by a representative to support and guide you through the process. This may be a member of University Staff or a member of the University of York Students' Union (YUSU).

The Advice and Support Centre of YUSU is based in the Student Centre in James College. It gives professional, independent and confidential advice, guidance and information on student academic and welfare issues, assists and supports students at all stages of the Fitness to Practise processes and signposts to University Student Support Services.

- York University Students Union (YUSU) [www.yusu.org](http://www.yusu.org)  
Contact: (01904) 323724 or email [asc@yusu.org](mailto:asc@yusu.org)  
The service is open Monday to Friday, 10am to 4pm.
- Graduate students should access support from the GSA (Graduate Students' Association)  
Contact: (01904) 322718 or book an appointment with an adviser online  
<https://www.yorkgsa.org/welfare/book-an-advice-appointment/>

For broader issues relating to student support, the Student Support Hub can also provide advice and guidance on practical issues including finance, housing and Leave of Absence and refer you to further student support services. The student support hub can be contacted on: (01904) 324140, [student-support@york.ac.uk](mailto:student-support@york.ac.uk) or visit in person between 09.00am – 5.00pm (term time) and 10.00am and 4.00pm (outside term time) in Market Square.

If you make contact with any of the services included above they are likely to want to meet you beforehand, and discuss the issues with you. It is vital that they have as much notice as possible.

## How can I prepare for an informal meeting with Fitness to Practise?

If you have any queries or concerns please let us know by sending an email to the Fitness to Practise email account

In addition to seeking guidance and support, we recommend that you review [the Code](#) to help you understand what it means to be a registered professional and how keeping to the Code enables you to achieve that.

It is important that you are open and honest with the Committee. This allows us to make informed decisions about how to manage concerns, remembering our responsibilities to protect the public, as well as to support you in your professional development. Acting honestly means more than simply answering questions truthfully. It would be dishonest of you to allow the Committee to gain a false impression of a situation even if you do not actually lie to do so. Acting honestly throughout the Fitness to Practise process demonstrates appropriate professional values and is likely to positively influence the decisions made by the Committee

If you have any queries or concerns regarding the informal meeting your point of contact should be by email to the Fitness to Practise email account: [dohs-ftp@york.ac.uk](mailto:dohs-ftp@york.ac.uk)

## Confidentiality

You have a right to expect that information about you will be held in confidence

All information shared with the Fitness to Practise Committee is confidential. This means that any correspondence or discussions with members of the Fitness to Practise Committee remains private and is not shared or accessible to any other members of the Department.

If we feel it is important to share information with relevant others, we will always have this discussion with you.

## Further Information

This booklet is only intended as a brief guide. Please visit the [Fitness to Practise webpages](#) where you can find full information about Fitness to Practise processes, as well as our [Fitness to Practise Policy](#).



**The Department of Health Sciences**

**Fitness to Practise: A Guide to  
investigations and hearings**

This guide provides information to students who are involved in Stage 2 or Stage 3 of Fitness to Practise Processes.

## Investigations and hearings

Following an informal stage one meeting with you, the Fitness to Practise Committee may recommend that you progress to the second stage of our fitness to practise process (see flowchart at the end of this booklet).

### Stage Two: Investigation/Assessment Stage

At this stage of the process our goal is to gather more information about the concern. If more information is needed regarding a concern about your conduct and character, we will recommend an investigation.

#### What does a Fitness to Practise investigation involve?

An Investigating Officer will be identified and appointed to examine and explore the concern about your conduct and character in greater detail. The Investigating Officer will be an academic member of the wider Fitness to Practise Committee who has not been involved in the raising of the concern and does not have a significant relationship with you.

Unless already specified in your correspondence from the Fitness to Practise Committee you must continue to attend University and/or your practice placement. The investigation will be carried out as quickly as possible and aims to minimise disruption to your programme of study, however this may not be always possible.

The purpose of an Investigation is to:

- Identify the exact nature of the concern(s)/issue(s)
- Identify, collate and analyse all relevant information exploring the concern(s)/issue(s)
- Identify whether the information gathered points to a potential risk to public safety, breach of professional standards or impacts upon the reputation of the profession

As part of the investigation, you and other relevant people will be interviewed. You may also be asked to provide documentation or evidence to help support your case. It is vitally important that you act honestly at all times when being interviewed by the Investigating Officer. Acting honestly means more than simply answering questions truthfully. It would be dishonest of you to allow the Investigating Officer to gain a false impression of a situation even if you do not actually lie to do so.

Acting honestly throughout the investigation process demonstrates appropriate professional values and is likely to positively influence the decisions made by the Committee.

## What happens once an investigation is complete?

The Investigating Officer will compile a report detailing their findings and this will be shared with you. This report and any supporting evidence will be reviewed by the Chair or Deputy Chair of Fitness to Practise along with two other members of the wider Fitness to Practise Committee. A decision will be made about the most appropriate course of action and this will be communicated to you.

## What are the possible outcomes of an investigation?

We will write to you about the outcome of an investigation and sometimes ask you to attend a meeting with the Chair or Deputy Chair to discuss this. This gives an opportunity to explore suggestions for future learning with you, as well as identify any support and/or guidance that you may require. Sometimes we may recommend that there is additional monitoring of your progress and we will liaise with your personal supervisor in order to do this and will agree a plan with you.

If the Committee feel that concerns about your conduct or character have not been fully addressed during the investigation process, they may progress your case to a formal hearing (stage 3 – see flowchart at the end of this booklet). The reasons for this decision will be explained to you and we will fully explain what this involves.

## What help and support is available?

Remember that help and support is always available. It is important that you are supported with any involvement that you may have with the Fitness to Practise Committee. We recommend that you arrange for someone to help you prepare for and accompany you to any meetings, including the interview with the Investigating Officer.

Under University regulations you are entitled to be accompanied by a representative to support and guide you through the process. This may be a member of University Staff or a member of the University of York Students' Union (YUSU).

The Advice and Support Centre of YUSU is based in the Student Centre in James College. It gives professional, independent and confidential advice, guidance and information on student academic and welfare issues, assists and supports students at all stages of the Fitness to Practise processes and signposts to University Student Support Services.

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Contact: (01904) 323724 or email [asc@yusu.org](mailto:asc@yusu.org)  
The service is open Monday to Friday, 10am to 4pm.

Graduate students should access support from the GSA (Graduate Students' Association) Contact: (01904) 322718 or book an appointment with an adviser online <https://www.yorkgsa.org/welfare/book-an-advice-appointment/>

For broader issues relating to student support, the Student Support Hub can also provide advice and guidance on practical issues including finance, housing and Leave of Absence and refer you to further student support services. The student support hub can be contacted on: (01904) 324140, [student-support@york.ac.uk](mailto:student-support@york.ac.uk) or visit in person between 09.00am – 5.00pm (term time) and 10.00am and 4.00pm (outside term time) in Market Square.

If you make contact with any of the services included above they are likely to want to meet you beforehand, and discuss the issues with you. It is vital that they have as much notice as possible.

## Stage 3: Formal Hearing

It is very rare that cases progress to a formal hearing but, should this happen, it is important that you are supported through this process. We recommend that you seek help and advice as outlined previously (page 4).

## What will happen in the run up to the Fitness to Practise Hearing?

Unless already specified in your correspondence from the Fitness to Practise Committee you must continue to attend University and/or your practice placement. One week before the Fitness to Practise Committee Hearing you will receive all of the written evidence which will be considered on the day. You will also receive a copy of the Department of Health Sciences Fitness to Practise Policy.

It is extremely important that you take time to read these documents carefully.

The Fitness to Practise Committee may ask you for additional documents, information or evidence relating to your case. You will be given a deadline by which these must be received. Any information received after the given deadline will not be taken into account by the Committee unless in exceptional circumstances and with agreement of the Chair/Deputy and with your full consent.

If significant new information is submitted too late to be circulated to everyone involved, the Fitness to Practise Committee Hearing may need to be adjourned so that the new information can be considered.

If you have a disability and need special arrangements, please let the Fitness to Practise Committee know well in advance of the meeting.

## Who will be at the hearing?

The hearing will be led by the Chair/Deputy Chair of Fitness to Practise. Members of the wider Fitness to Practise Committee will also make up the panel considering your case. Usually, a panel is made up of three members of academic staff from the Department and there will also be a senior nurse or midwife from one of our Practice Partner organisations. You are entitled to be accompanied by a representative and we encourage you to make contact with YUSU to help support and advise you.



## Do I have to attend the hearing?

Attendance at a Fitness to Practise Committee Hearing is obligatory. If you are ill and not able to attend, you will need to supply a medical certificate to the Fitness to Practise Committee. If you do not attend without a reasonable explanation, the committee can consider your case in your absence.

## What will happen at the Fitness to Practise Committee Hearing?

The panel will usually convene about 30 minutes prior to commencement to decide on the format and the exact nature of the questions to ask you. These questions will be based upon the information included in the Investigating Officers report. The panel will be guided and led by the Chair/Deputy Chair of the Fitness to Practise Committee.

In the meantime, you and your representative will report to the Department of Health Sciences Student and Academic Support Service and will be shown to a waiting area. A member of the Fitness to Practise Committee will collect you and your representative and take you both into the hearing room, where you will be shown to your seats.

The Chair/Deputy of the Fitness to Practise Committee will then introduce the panel members present. You will be asked if you have received all of the necessary paperwork before the hearing can formally begin.

Initially the Investigating Officer will present a summary of their findings outlining any interviews which have taken place and any evidence which has been collected so far. You will then be asked questions by the panel members in turn. Each panel member will focus on a slightly different area of your case.

You will then be able to make some concluding remarks, giving you an opportunity to tell the panel anything you think is important to the hearing.

Whoever accompanies you will also be asked if they wish to say anything on your behalf or clarify any points of order. Once the questions are complete you will be asked to leave the room to enable the panel to consider your case.

When the panel has finally reached a decision a member of the Committee will collect you and ask you to return to the room to hear the outcome.

The Chair/Deputy Chair of the Committee will ensure that your welfare is always paramount.

If for any reason you are finding it difficult, please remember that you can ask the Chair/Deputy Chair for a short break. If you should become upset or emotional in anyway, please do not be afraid to ask for some time to compose yourself.

All members of the panel will ensure that the hearing maintains a neutral stance by respecting the difficulty of your position when appearing at the hearing. Questions may seem direct but, remember, panel members are not trying to 'catch you out'; rather they are trying to get a better understanding of the facts that led to the situation. Honesty, trustworthiness, sincerity and candour are all virtues that the panel will be looking for when they are considering your case.

## What will be the possible Outcomes and Sanctions following the Committee Hearing?

When considering possible sanctions and outcomes, the panel will take into account the stage of your programme to ensure that sanctions are appropriate to your development. The Fitness to Practise Committee Hearing will also take into account the guidance set by the Nursing and Midwifery Council and the rules, regulations, and ordinances set by the University of York.

If you have raised significant mitigating circumstances during the hearing, then these will be taken into consideration when deciding on the most appropriate course of action.

Possible outcomes or sanctions may include the following:

**That you are Fit to Practise** and are permitted to continue on your programme without change or with provisos determined by the panel (e.g. additional supervision) or with a formal warning placed on your file.

**That you are not Fit to Practise** and your studies are suspended (pending the outcome of an occupational health assessment, or until such time any undertakings, recommendations or conditions imposed by the panel have been fully met) or, a recommendation is made to the Chair of Board of Studies that your programme of study be terminated with or without an opportunity to seek an alternative academic qualification or course of study.

## Can I appeal against the outcome of a decision of the Board of Studies?

You have the right to appeal against a recommendation by the Department of Health Sciences Board of Studies to suspend or terminate your programme. Further information about the appeals process can be found within our Fitness to Practise policy.

## Further Information

This booklet is only intended as a brief guide. Please visit the [Fitness to Practise webpages](#) where you can find full information about Fitness to Practise processes, as well as our [Fitness to Practise Policy](#).

## Confidentiality

You have a right to expect that information about you will be held in confidence

All information shared with the Fitness to Practise Committee is confidential. This means that any correspondence or discussions with members of the Fitness to Practise Committee remains private and is not shared or accessible to any other members of the Department.

If we feel it is important to share information with relevant others, we will always have this discussion with you.

## The Core Fitness to Practise Committee

People you may meet or have contact with should you be referred to the Fitness to Practise Committee:



Sarah O' Reilly  
Chair of Fitness to Practise



Laura Scott Weatherby  
Chair of Fitness to Practise

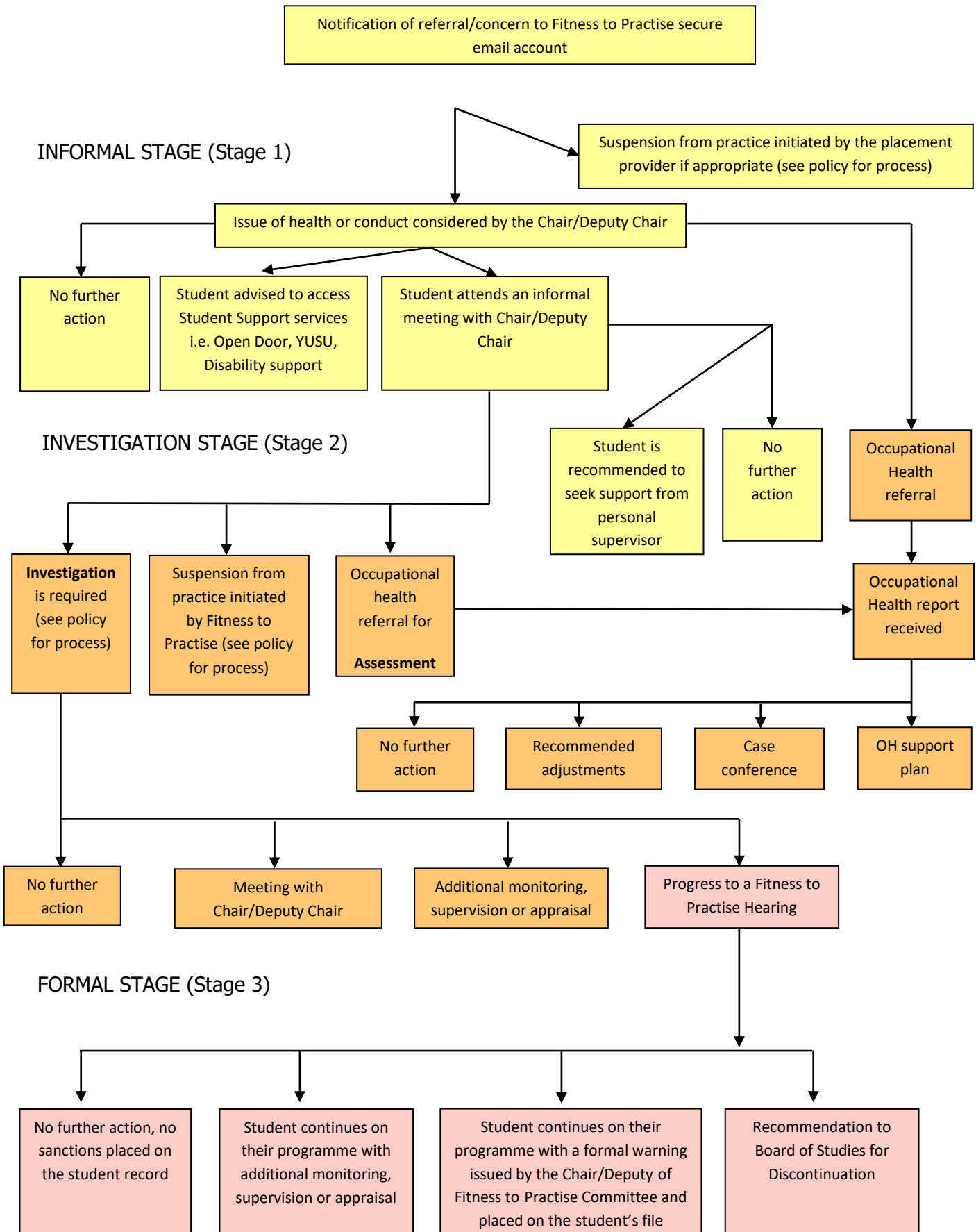
The Committee are supported by:



Sarah Thompson  
Secretary to the Fitness to Practise  
Committee

# FITNESS TO PRACTISE COMMITTEE PROCESS

This flow chart outlines typical processes, however, as issues of Fitness to Practise are investigated and dealt with on a case by case basis, variations in this process may be applied to accommodate specific issues and requirements.



## Appendix 8a: Suspension from Practice Procedure (by the placement provider)



### SUSPENSION FROM PRACTICE PROCEDURE (BY THE PLACEMENT PROVIDER)

The Placement and Education Providers reserve the right to remove a student from a Placement Area without notice in any case in which they consider it appropriate to do so having regard to the student's conduct/behaviour or professional suitability. The authority for suspension will rest with the Chief Nurse/Head of Midwifery or nominated senior nurse/midwife.

In all cases the Chair/Deputy Fitness to Practise Committee must be consulted and both parties must follow the Suspension procedure. Every effort should be taken to minimise the disruption to the student's programme of study at removal stage.

The Placement Provider and Education Providers must follow the process as attached.

#### What is the difference between Suspension and Exclusion?

##### **Suspension:**

Suspension is the temporary removal from placement whilst an investigation is completed. If the issues are resolvable the student may return to placement by agreement with the Placement Provider.

##### **Exclusion:**

Following suspension and investigation, if an issue cannot be resolved and further action is required, the student may not return to placement and is therefore excluded from practice.

#### Employer Organisation Sponsored/Seconded Student Status

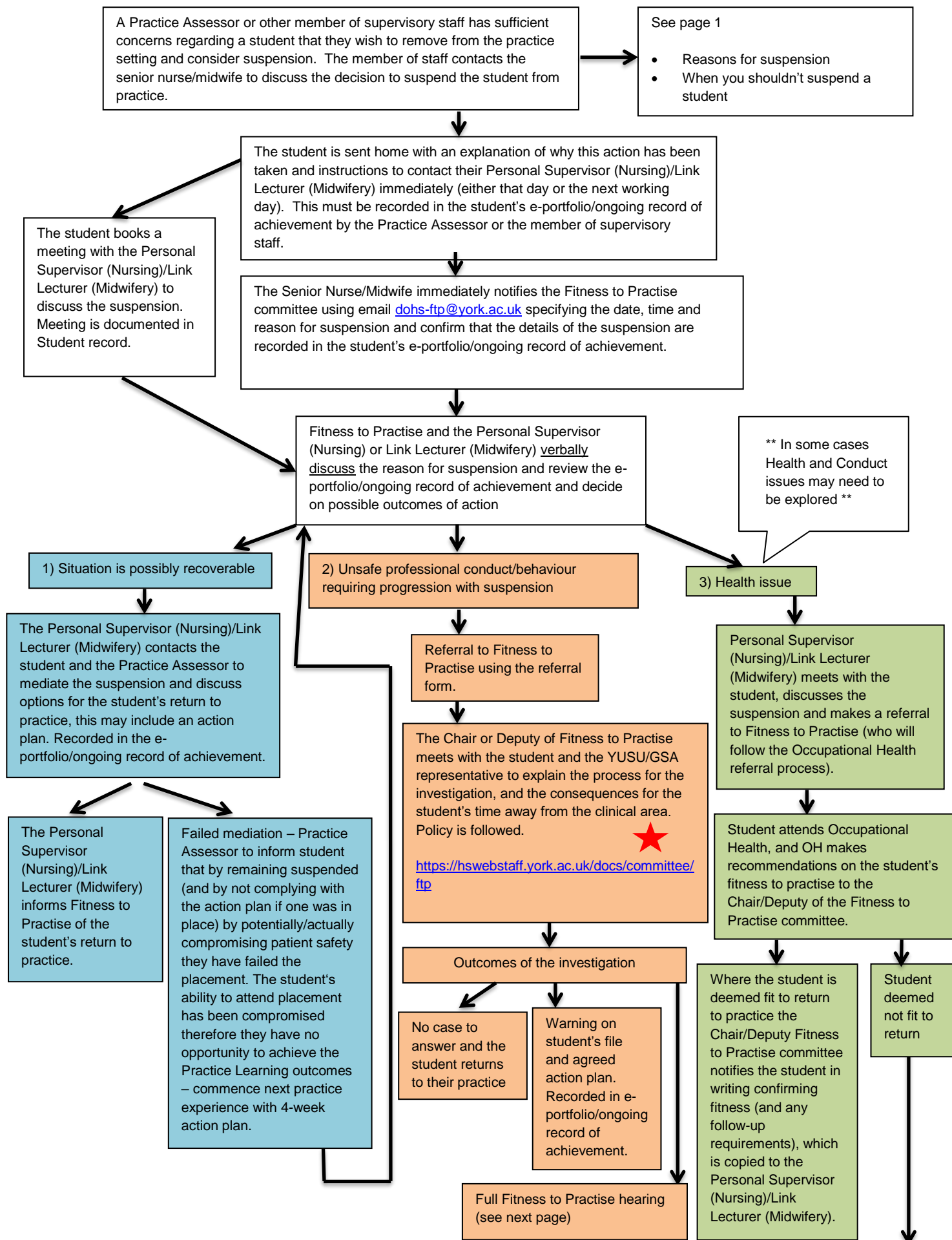
If a student is sponsored/seconded by an employer organisation, disciplinary action will follow the Education Provider's policy and may also follow that of the Placement Provider. This will be agreed on an individual case by case basis and the student informed in writing.

**Reasons for Suspension** could be, but not inclusive of, the following: unsafe professional conduct/behaviour, concerns about the student's health or the health and safety of patients/clients.

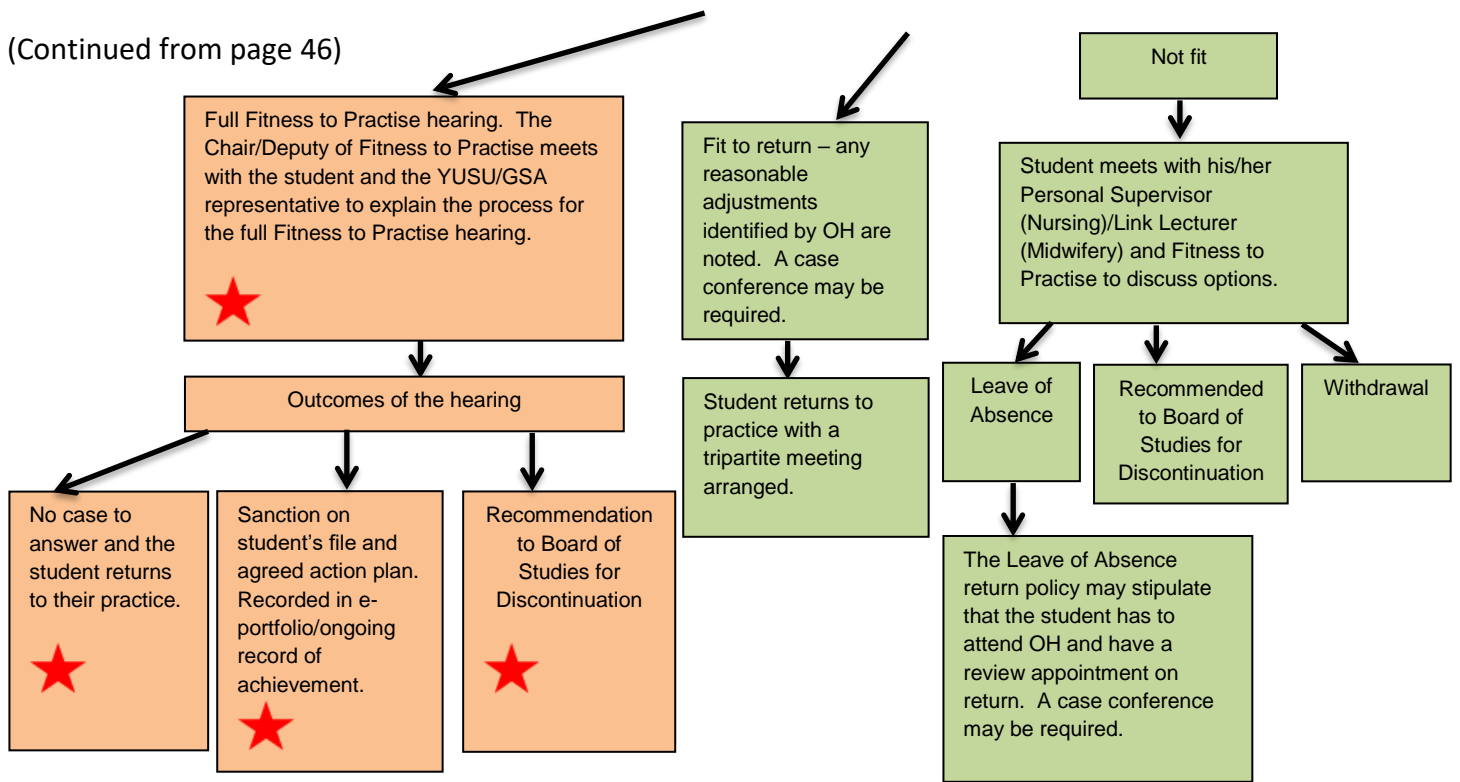
The following **DO NOT** constitute reasons for suspension: failure to meet NMC outcomes as listed in the ongoing record of achievement, failure to progress with an action plan identified in the ongoing record of achievement.

The student should be encouraged to seek support from their Personal Supervisor (Nursing)/Link Lecturer (Midwifery) should they be suspended from practice. If the student feels that they cannot approach their personal supervisor (Nursing)/Link Lecturer (Midwifery) then they can seek assistance from the Academic & Welfare Manager/Development Coordinator at York University Students Union (YUSU) on (01904) 323724 or [asc@yusu.org](mailto:asc@yusu.org). If the student is a graduate, they can gain support from the Graduate Students' Association - contact: 01904 322 718, or book an appointment with an adviser [here](#)

## Suspension and Exclusion from Practice Process (by the placement provider)



(Continued from page 46)



At these points in the process the student will be advised of the implications for the NMC practice hours and the additional University Policy and Support mechanisms (i.e. YUSU/GSA).

## Appendix 8b: Suspension from practice procedure (by the Fitness to Practise committee)



### SUSPENSION FROM PRACTICE PROCEDURE (BY THE FITNESS TO PRACTISE COMMITTEE)

The Chair/Deputy of the Fitness to Practise Committee reserve the right to remove a student from a Placement Area without notice in any case in which they consider it appropriate to do so, having regard to the student's conduct/behaviour or professional suitability. Every effort should be taken to minimise the disruption to the student's programme of study at removal stage.

#### What is the difference between Suspension and Exclusion?

##### Suspension:

Suspension is the temporary removal from placement whilst an investigation is completed. If the issues are resolvable the student may return to placement by agreement with the Placement Provider.

##### Exclusion:

Following suspension and investigation, if an issue cannot be resolved and further action is required, the student may not return to placement and is therefore excluded from practice.

#### Employer Organisation Sponsored/Seconded Student Status

If a student is sponsored/seconded by an employer organisation, disciplinary action will follow the Education Provider's policy and may also follow that of the Placement Provider. This will be agreed on an individual case by case basis and the student informed in writing.

**Reasons for Suspension** could involve the following: unsafe professional conduct/behaviour, disability, failure to meet vaccination/immunisation requirements, failure to attend mandatory sessions, concerns about the student's health or the health and safety of patients/clients, failure to declare Disclosure & Barring Service (DBS) issues.

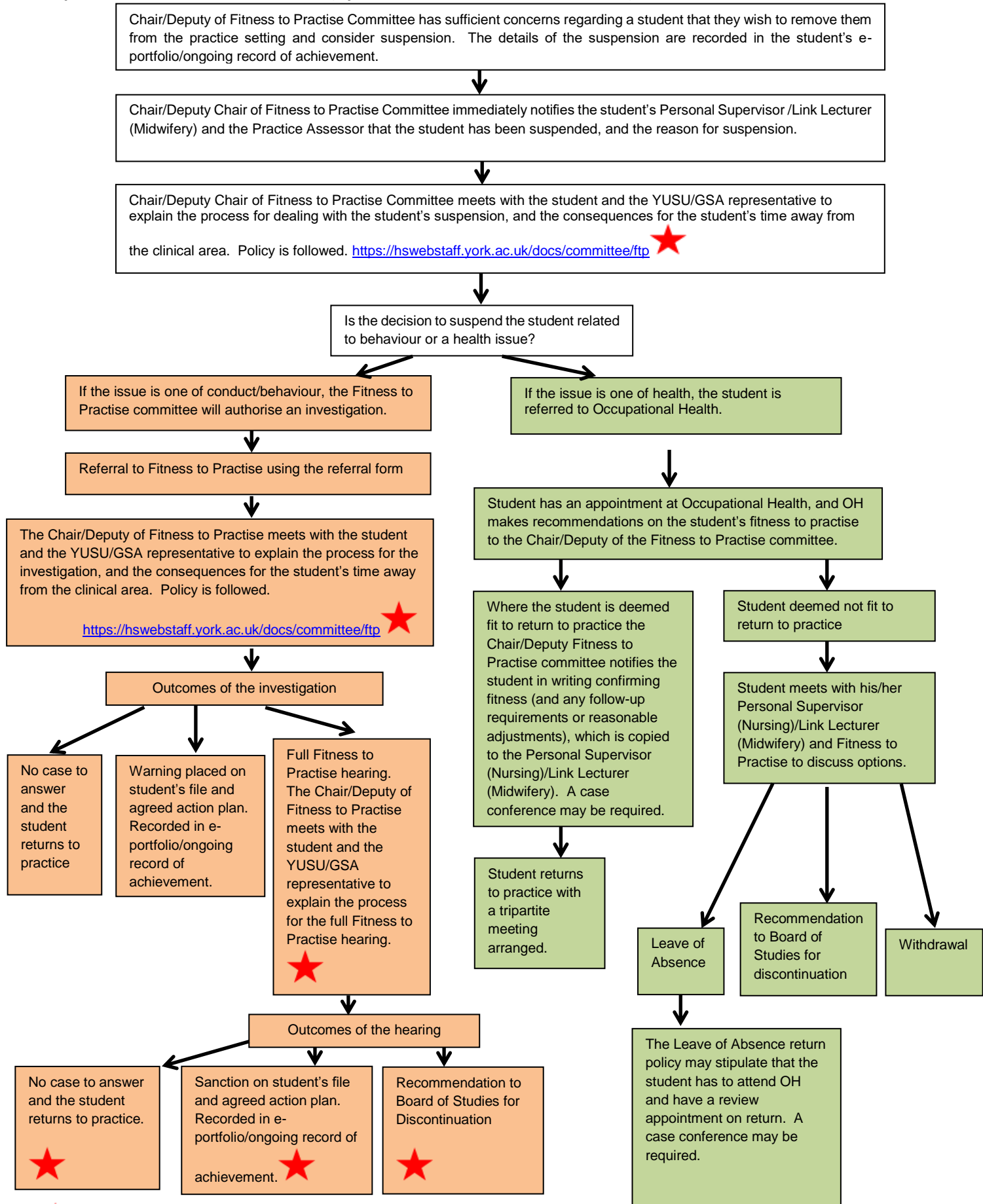
The following **DO NOT** constitute reasons for suspension: failure to meet NMC outcomes as listed in the ongoing record of achievement, failure to progress with an action plan identified in the ongoing record of achievement.

Suspension from practice for failure to comply with vaccination/immunisation requirements remains the responsibility of Fitness to Practise Committee based on guidance provided by OHWorks.

The student should be encouraged to seek support from their Personal Supervisor (Nursing)/Link Lecturer (Midwifery) should they be suspended from practice. If the student feels that they cannot approach their Personal Supervisor (Nursing)/Link Lecturer (Midwifery) then they can seek assistance from the Academic & Welfare Manager/Development Coordinator at York University Students Union (YUSU) on (01904) 323724 or [asc@yusu.org](mailto:asc@yusu.org). If the student is a graduate, they can gain support from the Graduate Students' Association - contact: 01904 322 718, or book an appointment with an adviser [here](#)



## Suspension from Practice Procedure (by the Fitness to Practise Committee)

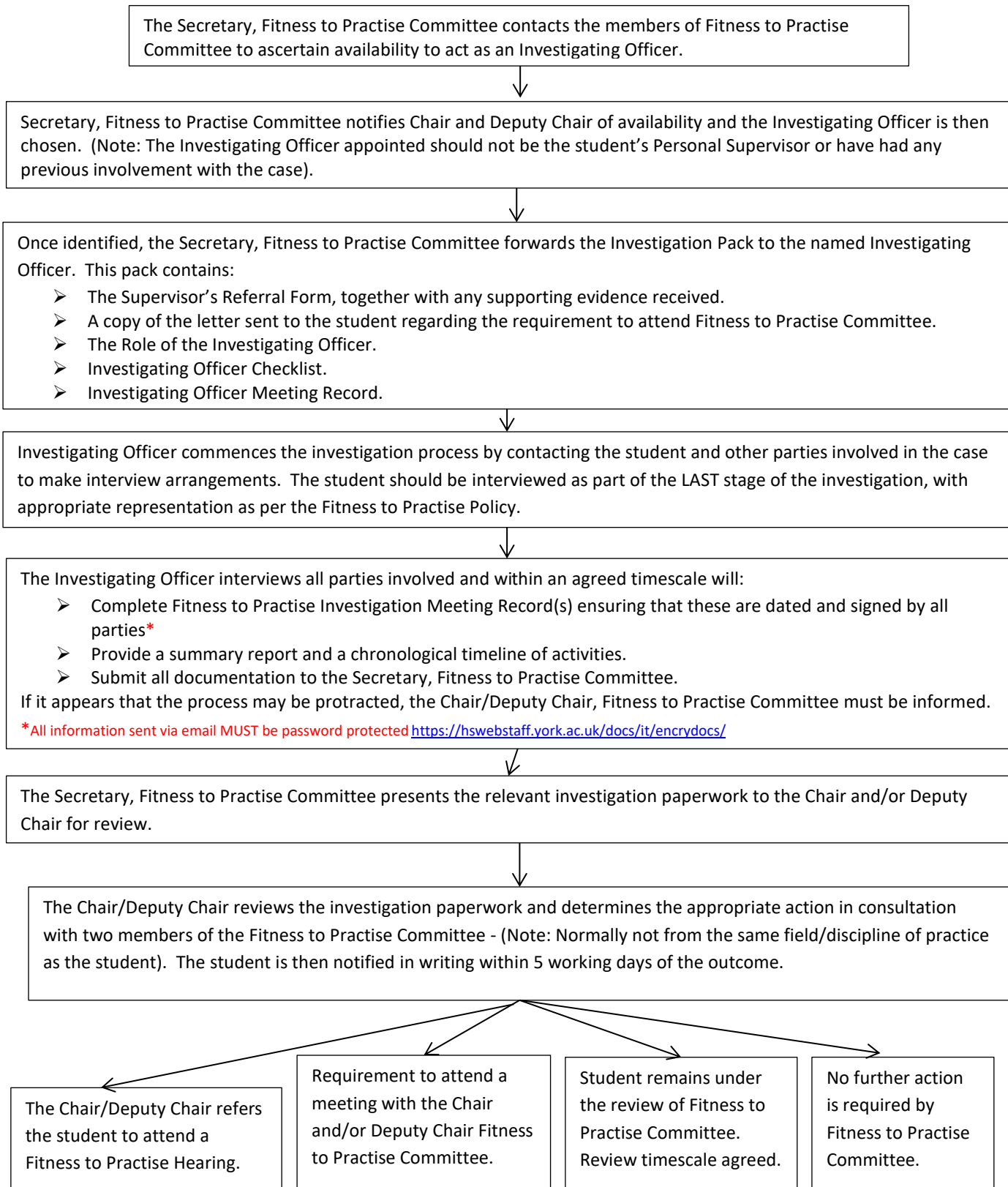


★ At these points in the process the student will be advised of the implications for the NMC practice hours and the additional University Policy and Support mechanisms (i.e. YUSU/GSA).

**Appendix 9a: Fitness to Practise Investigation Process**

**FITNESS TO PRACTISE COMMITTEE  
INVESTIGATION PROCESS**

The Core Membership of the Fitness to Practise Committee (Chair and Deputy Chair) determines that the student case requires a Stage 2 investigation and the following process is initiated:



## Appendix 9b: The role of the Investigating Officer - Fitness to Practise Committee



### THE ROLE OF THE INVESTIGATING OFFICER - FITNESS TO PRACTISE COMMITTEE

#### The Investigative Process:

Concerns relating to a student's fitness to practise, whether from an academic member of staff or from an external contact (placement provider, member of the public etc), should be passed in writing to the Chair/Deputy of the Fitness to Practise Committee. The Chair/Deputy of the Fitness to Practise Committee should authorise an initial investigation as to whether there are grounds for concern regarding a student's fitness to practise, as specified above. The Chair/Deputy of the Fitness to Practise Committee shall promptly, and in any event within 5 working days refer the matter to an Investigating Officer for investigation and shall notify the student of

- the details of the allegations against him/her; and
- the identity of the investigating officer; and
- any suspension from his/her clinical programme or limitations or conditions placed upon the continuance of his/her studies or supervised practise during the period of the investigation.

**NOTE:** *The Investigating Officer should not be the student's Personal Supervisor nor should be called upon to provide evidence as part of the investigation. There should be no conflict of interests.*

At this point the Investigating Officer may request the people connected with the case to provide written comments on the student's conduct and/or health pertinent to the case, explaining why there is concern as to the student's fitness to practise. Factual information about the student's professional progress on the course and any other relevant documentation should also be provided.

The Investigating Officer shall interview relevant individuals including the student himself/herself using the Fitness to Practise Investigating Officer Checklist.

The student, in order that a report can be made on his or her fitness to practise on medical grounds, may be required to be assessed by a suitably qualified Health Practitioner as appointed by the University for this purpose.

Promptly on receipt of the report from the Investigating Officer, and in any event within 5 working days, the Chair of the Fitness to Practise Committee shall notify the student in writing of:

- the outcome of the investigation; and
- whether the matter is to be referred to the full Fitness to Practise Committee together for adjudication with full details of the procedures to be adopted; and
- the imposition, cessation, continuance or alteration (as the case may be) of any suspension or conditions/limitations placed on the student's studies.

## Points to Remember throughout your Investigation:

- You must remain totally impartial throughout your investigation.
- All information sent via email MUST be password protected  
<https://hswebstaff.york.ac.uk/docs/it/encrydocs/>
- Remember that at this stage these are allegations not proven fact.
- You must seek out what is the evidence to support the allegation(s).
- You will need to ascertain as much detail as possible, including a review of any incidents which have previously led to this investigation which may have already been resolved formally.
- You must interview the person making the allegation, the student and witnesses on both sides. The interviewees should be provided with at least three working days' notice and informed that they may be accompanied at the interview by a representative. For students this may be a full-time member of the University or president or full-time officer of the York University Students' Union (YUSU). For colleagues in clinical practice this may be a working colleague or union representative.
- You should interview the student as part of the LAST stage on the investigation, so that the student is given the opportunity to respond to any issues which have arisen as part of your investigation.
- You should remind the student of the relevant Code of Conduct and reiterate the importance of honesty, accountability and integrity before starting the interview.
- When interviewing the student you should ask if they are aware of anyone else who the student feels can provide evidence related to the incident(s).
- You should keep in mind the balance between patient/service user and public safety, the overall interests of the student and the need to maintain trust in the relevant profession.
- A précis must be taken of any interview conducted as part of the investigative process. This must be signed and dated by the Investigating Officer and the interviewees. You must inform the interviewees that they shall be entitled to have sight of this record prior to a full Fitness to Practise Committee Hearing.
- Any interview with the student and other parties must be held face-to-face. Where this is not possible/practicable a telephone interview may be held but a summary of the telephone discussion must then be provided in writing by the Investigating Officer and signed by the other party as an accurate representation of the discussion.
- The investigating processes should be concluded as swiftly as possible. If it is looking likely that this process may be protracted then you must inform the Chair/Deputy of the Fitness to Practise Committee.
- After you have concluded all of the required interviews and collated appropriate evidence you must then prepare a formal written report of your findings and submit this to the Chair/Deputy of Fitness to Practise Committee, attaching evidence as appropriate.

**FITNESS TO PRACTISE COMMITTEE - INVESTIGATOR CHECKLIST**

QUESTION	YES/NO	RATIONALE	COMMENTS
Have you received the Referral Pack?			If no, <b>do not</b> commence investigation.
Good practice requires investigation to <i>normally</i> be completed within 10 working days – can you achieve this?			If no, please notify Fitness to Practise Secretary and provide an expected date of completion.
Notes of interviews should be contemporaneous and signed by the interviewee at the time of completion. *It may be necessary to accept official e-mail as identification/confirmation. In this instance emails must be password protected. <a href="https://hswebstaff.york.ac.uk/docs/it/encrydocs/">https://hswebstaff.york.ac.uk/docs/it/encrydocs/</a>		Unsigned data will not be accepted as evidence.	If no, please identify why not and ensure signatures are obtained as quickly as possible.
Do you have copies of any supporting evidence? Has this been signed by the person providing it?		Unsigned data will not be accepted as evidence.	
Has the supporting evidence been included as appendices?			If no, please ensure appendices are attached in the appropriate order.
Have you written and signed a report of your investigation?		You will present this at the hearing in addition to all parties receiving a copy.	
Have you listed the contents of your report with page numbers if relevant, in chronological order, including all relevant appendices?		This is very helpful when collating the evidence for the student and panel.	

**Appendix 9d: Fitness to Practise Committee – Investigation meeting record**



The Department of Health Sciences

**FITNESS TO PRACTISE COMMITTEE - INVESTIGATION MEETING RECORD**

<b>Date and Time of Meeting:</b>	
<b>Meeting Venue:</b>	
<b>Present:</b>	
<b>Explanation of the Role of the Investigating Officer:</b>	

<b>Factual information about the incident:</b>

<b>Background information (eg surrounding circumstances including sickness):</b>

**Previous history:**

**Evidence:**

**Contributing factors:**

**Changes to the situation since the incident:**

--

It has been agreed that these notes are an accurate reflection of the interview held on the date above:

Investigating Officer: <i>Print and Sign</i>		Date:	
Student: <i>Print and Sign</i>		Date:	
Interviewee: Title/Designation <i>Print and Sign</i>		Date:	