



# **FITNESS TO PRACTISE PROCEDURE**

## **1. Introduction**

- 1.1. In order to discharge its responsibilities the University has adopted these procedures which apply to all students following Programmes accredited by professional, statutory or equivalent declaration; where a student subject to a professional code of conduct is undertaking a relevant programme of continuing professional development; or where a

Standards and Enhancement Office will determine if other relevant University procedures are to be invoked.

Protect individuals the student has contact with during professional training;

## **5. Principles relating to Student Conduct and Behaviour**

- 5.1 Students on a programme leading to a professional qualification should refer to the professional standards of that profession examples of which are shown in Appendix 2. The following is intended as an indicative guide.
- 5.2 Students are required to act at all times in the best interests of their patients, clients, service users, students, work placement supervisors, mentors and colleagues, or any other individual or group they can reasonably be expected to come into contact with through the requirements and expectations of their programme and in accordance with its nature and the profession it relates to.
- 5.3 Students are required to conduct themselves in a professional manner consistent with reasonable expectations of conduct and behaviour within the profession associated with their programme at the University. Examples of some professional codes of conduct are provided in Appendix 2. Students will be informed by the programme team of the specific codes of conduct relevant to their professional body as determined by their programme of study.
- 5.4 The following is a non-exhaustive list of alleged behaviours which are likely to lead to the Fitness to Practise Procedures being invoked:

- Academic Misconduct;
- Health and safety breaches;
- Failure to disclose convictions or other information that the student is required to disclose;
- Unsafe practice, incompetence or requiring significant additional supervision;
- Poor communication or language skills;
- Exploiting the vulnerability of others;
- Physical, sexual or emotional abuse;
- Inappropriate relationships with patients, clients, students or service users;
- Exploiting the vulnerability of a patient or professional client to establish a sexual relationship;
- Acting in a violent or threatening manner on or away from University premises;
- Misuse of social media;
- Chronic drug or alcohol abuse;
- Conviction of a criminal offense;
- Being DBS barred;
- Falsifying records;
- Any action of omission that may create a safety risk to others;
- Breach of the duty of confidentiality, except where permitted or required under statutory provisions or professional body codes of conduct;
- Lack of honesty or trustworthiness, e.g. failure to disclose previous criminal convictions, proven use of unfair means in assessment;
- Refusal to carry out a lawful and reasonable instruction that could result in immediate harm to others;

Failure to respect the rights and dignity of patients, clients, service users, students, work placement supervisors, mentors and colleagues, irrespective of age, gender, race, ethnic origins, disability, sexual orientation, religion and belief, socio-economic background.

A chronic health or medical condition which cannot be alleviated sufficiently by appropriate treatment or reasonable adjustment;

Failure to rectify behaviour that has been subject to any disciplinary actions under

Repeated inappropriate behaviour towards others;

Any other circumstance or unprofessional behaviour which may call into question be admitted to and to practise their profession.

- 5.5 Students shall report to the appropriate authority (e.g. a professional, regulatory or statutory body) and to the University, actions by others that may put patients, clients, service users, students, work placement supervisors, mentors, staff and colleagues at risk. Failure to report could lead to disciplinary action being taken against the student. Students making a report in these circumstances must identify themselves.
- 5.6 Students on programmes subject to these procedures are required to disclose any criminal convictions (including spent convictions under the provisions of the

applicant for specialist medical advice and for the resulting report to be made available to the University.

- 6.3 Students are required to inform the University 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.
- 6.4 A student whose physical or mental health conditions change while registered on the programme should seek advice in the first instance from their programme leader about the implications for their continuation on the programme or their entry to the profession. Students are required to inform their School via their Personal Tutor of any changes in their physical or mental health which could affect their fitness to practise.
- 6.5 A student whose physical or mental health deteriorates while registered on the programme, should seek advice from their programme leader, the relevant professional body and, where appropriate, their employer about the implications for their continuation on the programme or

## **8. Variations to the Procedure**

- 8.1 The University reserves the right to vary any stage of this procedure as it deems current legal obligations and best practice;
- 8.2 Where mention is made in this procedure of action by a specific post holder or role holders this action may be delegated to an appropriate nominee where warranted by the circumstances, for example, where there is or may be any potential conflict of roles or interests, or the specific post holder or role holder is absent, so long as the nominee has appropriate experience to be able to act on behalf of the specific post or role holder.

## **9. Invoking the Fitness to Practise Procedures**

- 9.1 Any concerns that a student enrolled on a Programme to which these procedures apply may have acted in such a way, or may suffer from a health problem, which would render that student not fit to practise must be reported in writing to the relevant Dean of Faculty/Head of School or Academic Area (the Lead Person).
- 9.2 Concerns may be raised by staff, students, work based tutors, mentors, clients, patients, service users or members of the public. Anonymous reports will not normally be considered, however, in e



- 9.5 Normally when a cause for concern is brought to the attention of the Lead Person the Disciplinary procedure will give students the opportunity to present their case. In the event that the student disputes the allegations the Lead Person may refer the matter to a Fitness to Practise Panel so that the student has an opportunity to present their case.
- 9.6 Normally when a cause for concern , and the informal cause for concern procedure has proven not to have been successful, the issue will initially be considered under the University Student Non Academic Conduct and Disciplinary Policy and Procedure.
- 9.7 Following the case being considered under the Student Non Academic Conduct and Disciplinary Policy and Procedure, the Lead Person (with advice from the Standards and Enhancement Office) will determine

- 10.2 The Fitness to Practise Hearing may be preceded by a formal investigation when the facts of the case have not yet been established.
- 10.3 In the event of further investigations being required an Investigating Officer will be identified by the Lead Person to conduct an investigation and/or make enquiries in order to gather facts and information. An Investigating Officer may be any member of University staff at Grade 7 and above (excluding members of the Executive Board) and, as far as is reasonably practicable, will be unconnected to the case. The enquiries may include a fact gathering investigatory meeting with the student in question. This is for the purpose of fact-finding, and no decision on disciplinary action will be taken until after a disciplinary hearing has been held. The student will be informed of the allegations and that an investigation is taking place.
- 10.4 Formal Stage Investigations meetings may take place in person or via remote telecommunications systems.
- 10.5 A student involved in the investigatory stage is expected to cooperate fully and promptly and provide such assistance to the Investigating Officer as is required. This will include informing the Investigating Officer of the names of any relevant witnesses, disclosing any relevant documents to him/her and attending any investigative interviews. The

nominee is a member of the University Executive Board and they inform the Vice Chancellor of the suspension so that he/she may affirm the action). The suspension will be confirmed to the student in writing.

12.2 Suspension is not in itself a disciplinary sanction and does not imply that any decision

13.8 If the student does not attend the hearing without giving notice and/or without good reason the Fitness to Practise Hearing will be held and a decision made on the information and evidence available to the Hearing Panel.

13.9 The Purpose of the Fitness to Practise Panel investigation and hearing is to determine whether \_\_\_\_\_ and the action to be taken.

13.10 The membership of the Fitness to Practise Panel shall normally be:

The Chair a Dean of Faculty or a Head of School/Academic Area with appropriate Fitness to Practice Procedure experience;

The Head of School/Academic Area (or nominee) study;

A senior academic from another School which has programmes that are included within the Fitness to Practise Register; and

(where appropriate) a representative of the profession concerned, who may be from another university or the relevant professional body;

University Disability Team may be present to provide advice to the Panel if deemed appropriate by the Chair but this person shall not be party to the final decision on the course of action to be adopted.

A secretary for the Panel will be organised by the Lead Person.

13.11 If the student is accompanied by a representative (normally a member of the \_\_\_\_\_), that person may make representation and ask questions but should privately with the representative at any time during the hearing.

13.12 Fitness to Practice Hearings may take place face to face or via alternative means (eg video call).

13.13 At the hearing the Chair will explain the process that will be followed and will confirm the student will be presented, together with any supporting evidence including the

Representative) shall set out his/her response, referring where appropriate to evidence.

- a. To dismiss the case or concern that has been raised;
- b.

future misconduct within 12 months will take such warning into account;

- c. Where appropriate and following advice from an Occupation Health Provider (OHP) permit the student to continue on the programme with appropriate treatment and support in place and as informed by the Health, Wellbeing and Supported Study Policy (as appropriate). A period of monitoring may also be stipulated;
- d. Require the student to re-sit a specified part or parts of the Programme where permitted;
- e. Require any other action considered appropriate by the Panel to enable the completion of the remainder of the Programme;
- f. qualification be terminated but that the student be permitted to apply to transfer his/her registration to an alternative academic qualification; and/ or
- g. Where the recommendation from the Fitness to Practise Panel is that the student

Programme be terminated and that the student be expelled from the University, the recommendation will be considered by the Vice Chancellor for affirmation.

- 13.17 The Chair of the Fitness to Practise Panel will confirm to the student in writing, usually within five working days of the hearing, the outcome of the Fitness to Practise hearing of exclusion or expulsion.

#### **14. Right of Appeal**

- 14.1 In the letter confirming the outcome of the Fitness to Practise hearing, the student will be notified of his/her right to appeal.
- 14.2
- 14.3 When an appeal is against any sanction other than expulsion, the Appeal Officer will be a Dean of Faculty who has experience of the Fitness to Practise Procedure but

b. New material evide

- 14.15 There is no further right to appeal and the procedure is exhausted at this stage.
- 14.16 In circumstances where the Appeal Officer determines to uphold an appeal by a student the following action will be taken:
- a. In the case of a formal warning being given the warning will be removed from the
  - b. In the case of the student being permitted to continue on the programme with appropriate treatment and support in place and as informed by the Health, Wellbeing and Supported Study Policy (as appropriate) with or without a period of monitoring the arrangements will be revoked
  - c. In the case of the student being required to re-sit a specified part or parts of the Programme where permitted this requirement will be rescinded;
  - d. In the case where other actions have been required by the Panel enable the the remainder of the Programme these requirements will be rescinded;
  - e. In the case where the s professional qualification are to be terminated but that the student be permitted to apply to transfer his/her registration to an alternative academic qualification the decision will be revoked
  - f. In the case o be reinstated from the date the exclusion or expulsion took effect and the student will not be deemed to have had any break in their studies.

## 15 **Completion of Procedures and the Office of the Independent Adjudicator**

### 15.1

## **18 Monitoring and Review**

- 18.1 This procedure will be monitored and reviewed on behalf of the University Executive Board by the Standards and Enhancement Office. The outcome of such monitoring and review will be published on an annual basis to this body.

## **19 Equality Impact Assessment**

- 19.1 The University of Bolton is committed to the promotion of equality, diversity and a supportive environment for all members of our community. Our commitment to equality and diversity means that this policy has been screened in relation to the use of plain English, the promotion of the positive duty in relation to the protected characteristics of race, sex, disability, age, sexual orientation, religion or belief, gender reassignment, marriage and civil partnership, pregnancy and maternity.

## **20 Dissemination of and access to the Policy**

- 20.1 This policy is published on the University of Bolton [Student Information Policy Zone](#).



<b>FITNESS TO PRACTISE PROCEDURE</b>	
Procedure Ref:	
Version Number	1.5
Version Date	v1.1 July 2011 updated September 2014 v1.2 Rewritten and updated December 2015 v1.3 Updated May 2017 v1.4 Updated August 2019 v1.5 Updated August 2020
Role of Reviewer	Head, Quality Systems
Procedure Owner (School/Centre/Unit)	Standards and Enhancement Office
Person responsible for implementation (postholder)	Heads of School
Approving Committee/Board	Senate
Date approved	22 May 2017
Effective from	August 2017
Dissemination methods (eg website)	Website to current and perspective students
Review Frequency	3 years
Reviewing Committee	Education Committee
Consulting History	Academic Standards and Quality Committee (now known as Education Committee): 4 July 2013, 13 October 2010 Senate: 18 October 2018

Appendix 1

Programmes subject to Fitness to Practise Policy and Procedures

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Appendix 2

Examples of Professional Body Codes of Conduct (non-exhaustive list)

