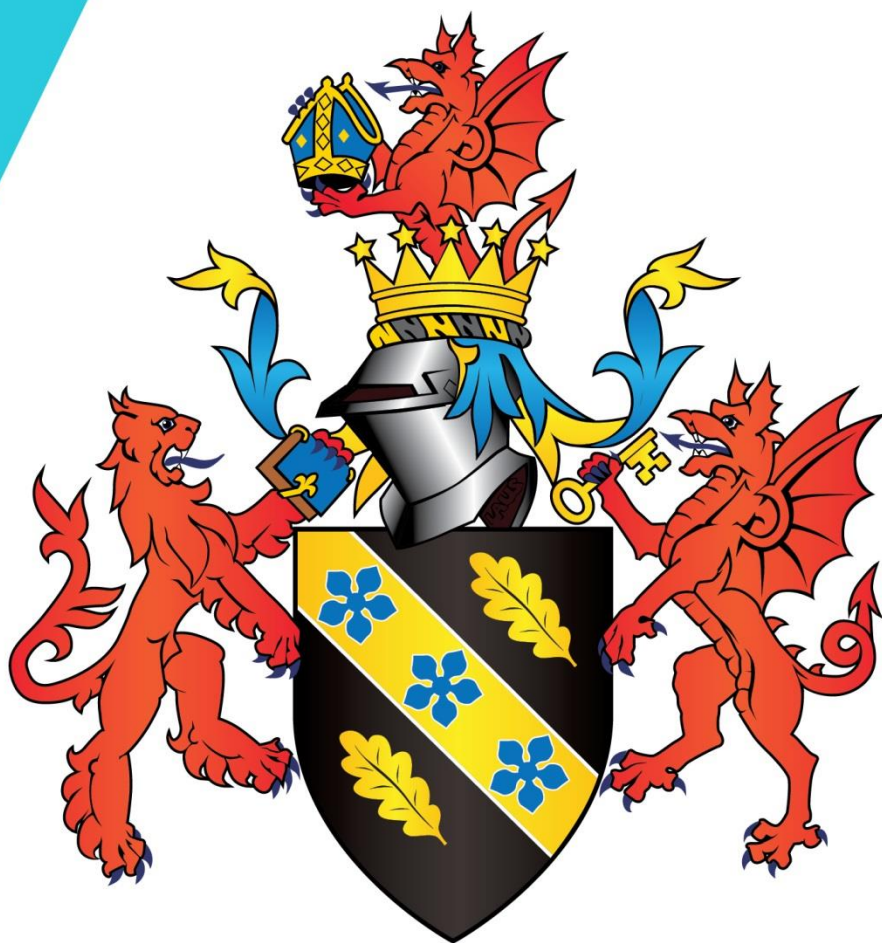




Prifysgol Cymru
Y Drindod Dewi Sant
University of Wales
Trinity Saint David



Fitness to Practise Policy

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1 Introduction

- 1.1 This policy covers the University's procedures in relation to Fitness to Practise and outlines the procedures that should be followed where there is cause for concern in relation to Fitness to Practise.
- 1.2 The University offers a wide range of professionally focused programmes. For a number of programmes of study, students must satisfy the University that they meet the requirements of professional bodies. The University may be required to sign a declaration confirming that an individual is a safe and suitable entrant to the given profession and is Fit to Practise.
- 1.3 Students enrolled on professionally focused programmes of study are required to display appropriate professional behaviour during their studies. This is behaviour that:
- a) conforms to the relevant code of professional conduct or practise (if any);
 - b) is consistent with the behaviour required by the relevant profession and by the employers of such professional staff;
 - c) does not jeopardise or put at risk the welfare, wellbeing or safety of others, including those within the university community, professional staff, patients, pupils, clients, or members of the public;
 - d) does not jeopardise or put at risk the student's own welfare, wellbeing, or safety;
 - e) safeguards public confidence in the profession.
- 1.4 Examples of circumstances that might render a student Unfit to Practise are given below. This list is not exhaustive, and the examples may not all be applicable to every programme.

Unprofessional Conduct

- a) Offences against the vulnerable, including children, the elderly and the mentally impaired;
- b) Exploiting the vulnerability of a child, patient or professional client, including establishing a sexual relationship;
- c) Chronic drug or alcohol abuse;
- d) Acting in a violent or aggressive manner on or away from University premises;
- e) Conviction of a criminal offence;
- f) Intimidation of fellow students, pupils, patients, professional clients or staff;
- g) Failure to rectify behaviour that has been subject to any actions under the University's regulations or other regulatory body relevant to the profession;
- h) Non-academic misconduct offences;
- i) Bullying and Harassment offences;
- j) Repeated inappropriate behaviour or attitude;
- k) Falsification of patient, client or other professional records or providing false or inaccurate statements or answers on self-declaration forms;
- l) Failing to act in a way to ensure the safety and wellbeing of those who are vulnerable;
- m) Academic misconduct;
- n) Unprofessional behaviour, including:

- Lack of respect, aggressive or poor attitude, laziness;
- Indiscipline, failure to follow dress code, inappropriate use of mobile phone, poor time keeping, poor attendance;
- Failure to self-reflect, lack of insight;
- Poor self-management, lack of personal accountability;
- Failure to adhere to codes of conduct and/or professional practice relevant to the respective workplace;
- Dishonesty;
- Failure to engage appropriately with investigations into unprofessional behaviour, including failure to report any restriction placed on their practice by any other body;
- Failure to notify the University if informed of an investigation into own practice by any professional or regulatory body;
- Breaking patient confidentiality.

- o) Unsafe practice, incompetence or requiring too much supervision;
- p) Failure to disclose convictions or other information that was required to be disclosed.

Health

- q) A physical and/or mental health issues that compromises the individual's ability to comply with the professional requirements.
- r) Failure to seek help or engage with appropriate services in relation to health issues;
- s) Poor communication or language skills.

- 1.5 The Fitness to Practise Policy and Procedure is an internal procedure and is not a legal process. The University advises students to use the services of the TSDSU who are independent from the University and have a full understanding of the University's processes and procedures. UWTSD does not normally use legal professionals in the handling of cases, and does not expect that students will need to do so either. The engagement of legal professionals by students is normally not permitted.

2 Purpose

- 2.1 The University has a responsibility to ensure that students who come into contact with persons under the age of 18, vulnerable adults, patients, clients or general members of the public as part of their research or studies are Fit to Practise and that students who gain a professional qualification or the right to practise in one or more professions through their studies are Fit to Practise in such professions.
- 2.2 The policy aims to ensure that Fitness to Practise Procedures are conducted in a fair, transparent and timely manner.
- 2.3 The policy also aims to ensure that the University applies the principles of natural justice, exercises an appropriate duty of care, fulfils its statutory and ethical responsibilities to the student, professional bodies and the public at large, and complies with all relevant legislation.

3 Scope

- 3.1 This policy covers students who are registered directly at the University of Wales Trinity Saint David and are enrolled on a programme of study that leads directly to or is a necessary condition of a professional qualification or gives the student the right to practise in one or more professions.

- 3.2 This policy also includes programmes that are not presently or in prospect of being linked to a Registration or Regulatory Body but will require the student to undertake school-based, clinical- or other practice-based and work-based placements, including apprenticeships.
- 3.3 For students registered on such programmes of study at collaborative partnership institutions, University of Wales Technical Institutes, or at Constituent Colleges of the University, normally procedures from that institution are followed in the first instance. However, such students are entitled to submit an appeal to the University with respect to the outcome of their case. See section 18 of this policy.
- 3.4 This policy may be applied to former students of the University of Wales Trinity Saint David, particularly where Fitness to Practise proceedings were instigated while the former student was still a registered student at the University. If a student withdraws from the programme after Fitness to Practise procedures have started, the University may decide to continue to implement the procedures to completion. See also 16.4.v.
- 3.5 In cases where the Fitness to Practise concern is in relation to a student who is both a student and a member of staff, a decision shall be made first as to whether student or staff procedures shall be instigated.
- 3.6 The policy covers both on and off campus settings (including social media, University residential accommodation, behaviour in the community and on University related activities away from the University, such as placements, apprenticeships, work-based practise & learning, exchanges, sandwich years, internships, and field trips) and covers both harm and risk to the student, the University community, and the wider public.
- 3.7 Although disciplines may have specific external regulatory requirements for determining Fitness to Practise, it is expected that the procedures outlined in this policy will be applied to all students where there is 'cause for concern' in relation to their Fitness to Practise and that the specific external regulatory requirements will be embedded at set points within this overarching, generic policy.
- 3.8 Cause for concern in relation to a student's fitness to practise can be raised by a member of staff, but also by those within the profession (e.g. employers within a work-based learning setting or placement setting) or by the pupils, patients or professional clients served by the profession.
- 3.9 Procedures to be followed in relation to the admission of an applicant with a disability or serious medical condition to the programmes outlined in this section are contained in the University's Admissions Policy.

4 Relationship and interface with other policies and procedures

- 4.1 There are a number of strategies, policies and procedures that are connected to this Fitness to Practise Policy, including:
- a. Mitigating Circumstances Policy;
 - b. Support for Study Policy;
 - c. Health and Safety Policy;
 - d. Information Technology and Systems Acceptable Use Policy;

- e. Placement Protocol;
 - f. Prevent procedures;
 - g. Safeguarding Policy;
 - h. Non-Academic Misconduct Policy;
 - i. The Strategic Equality Plan;
 - j. Student Emergency Contact Policy;
 - k. Academic Misconduct Policy;
 - l. Third Party Involvement Policy.
- 4.2 Before any formal procedures are instigated, the University will consider which procedure(s) are the most appropriate to be used in relation to the alleged offence.
- 4.3 The University will reassess what procedures are used as appropriate and may change or add procedures as appropriate. It may be the case that two policies are used in tandem (e.g. the Fitness to Practise Policy and the Non-Academic Misconduct Policy) or it could be that the Non-Academic Misconduct Policy is followed by procedures under the Fitness to Practise Policy.
- 4.4 Where two or more policies or procedures are applicable at the same time, normally one policy will be the primary policy in terms of process. Students will be informed which policy, policies and procedures are used in their case and in which order they will be applied.
- 4.5 Where criminal proceedings are involved, the University will follow the procedures as outlined in the Non-Academic Misconduct Policy. The University then may subsequently apply the procedures outlined in the Fitness to Practise Policy.
- 4.5.1 In relation to students on apprenticeships and on other work-based learning routes, who come to the University by virtue of their employment or employer and may be perceived as employees first and students second, professional disciplinary proceedings will be treated by the University in the same way as criminal proceedings as outlined in 4.5 and the Non-Academic Misconduct Policy. This is done so that the most appropriate staff and/or officials external to the University can carry out the initial investigation.
- 4.5.2 An Institute or Professional Service is required to inform the Academic Office as soon as they become aware that an employer has instigated formal disciplinary processes in relation to one of their students. The employer will normally be expected to share information to underpin the University's risk assessment and decision as to whether it should instigate its own Fitness to Practise process.
- 4.5.3 Any formal disciplinary process instigated by the employer will normally take priority over the University's internal Fitness to Practise process. Care will be taken that there is no duplication of process and no other process should normally operate at the same time. Save for any precautionary action (see XXXX), the University's Fitness to Practise process will normally be suspended until the employer's disciplinary process is at an end.
- 4.5.4 Where a student receives an outcome from a disciplinary investigation undertaken by the employer, the University may receive this outcome into its own processes, either to inform the outcome of an ongoing Fitness to Practise process, or to instigate

5 Mitigating circumstances and reasonable adjustments

- 5.1 Reasonable adjustments will be made as appropriate in relation to the process and communicating the outcome for students who have disabilities or other health issues. Where students have not already formally declared a disability to the University prior to formal procedures being started, they are advised to make such a declaration as soon as possible during the formal processes so that it is possible to make reasonable adjustments as appropriate. Student Services will make the decision in relation to the exact nature of any reasonable adjustments needed, in consultation with the student and ensuring external advice is taken as appropriate. Formal processes may be suspended until reasonable adjustments have been put in place.
- 5.2 A student's disability may be a mitigating factor in relation to the Fitness to Practise concern. However, upholding the expected professional standards is paramount for the University.
- 5.3 Mitigating circumstances are not normally relevant to deciding whether a student has breached the professional code of conduct, but they are normally taken into account when deciding on measures that need to be taken to address the Fitness to Practise concern.
- 5.4 Students will have the opportunity to present any mitigating circumstances or factors that they believe should be taken into account in relation to the alleged concern. Normally, such circumstances and factors will be presented as part of the investigative process. Mitigating factors might include:
- The misconduct is a minor example of a serious breach of professional conduct;
 - It is a first time that a Fitness to Practise concern has been raised;
 - The student admits to the breach of professional conduct at the earliest opportunity;
 - The student is proactively addressing the issues that led to the concern about their Fitness to Practise;
 - The student has expressed remorse for the breach of professional conduct;
 - The student has compelling personal circumstances that affected their judgement.

6 Third Party Representation, Support and Enquiries

- 6.1 Students may decide that they would like a third party representative or a supporting person.
- 6.2 The policy and procedure relating to third party representation, support and enquiries can be found in the Third Party Involvement Policy.
- 6.2.1 Notwithstanding the Third Party Involvement Policy 6.4 and 6.5, where a third party has been appointed to act on the student's behalf during the process, the student will normally be expected to answer any questions about what has given rise to the fitness to practise concerns and to be present at case officer interviews and/or Formal Panel meetings.

7 Responsibilities

- Fitness to Practice strategies and processes are overseen by Council.
- The Fitness to Practise policy is the responsibility of Senate.
- Fitness to Practise procedures are overseen on behalf of Senate by the appropriate Pro Vice-Chancellor .
- The Vice-Chancellor (or nominee) is responsible for making decisions in relation to the total suspension or termination of studies.
- Case Officers fulfil a range of roles in relation to a Fitness to Practise case, including undertaking any preliminary risk assessment, completing an investigation, and making a recommendation in relation to Fitness to Practise to a Formal Panel. A case may have more than one Case Officer, each with a specific role in relation to the case.
- A Senior Officer of the University will undertake the review of the outcome.
- Institutes are responsible for ensuring that students, enrolled on such programmes of study, are informed of the Fitness to Practise standards expected from them in relation to their profession.¹
- Institutes are also responsible for informing professionals (e.g. in a work-based learning or placement setting) of the University's policy framework.
- Institutes are responsible for ensuring that the procedures outlined in this policy are used appropriately in relation to any informal resolution (as outlined in section 10).
- Students are responsible for both disclosing any circumstances and any changes to the circumstances that could affect their continued fitness to practise (e.g. a change in health status, a subsequent criminal conviction, a complaint or disciplinary matter that has arisen before or arises during a work placement).
- Students are also responsible for nominating a supporting person or third party representative.

8 Definitions

- 8.1 In addition to the Student Code of Conduct, which sets out expected standards of behaviour of all enrolled students, there are Fitness to Practise requirements for particular disciplines. Any behaviour that contravenes either the Student Code of Conduct or any discipline specific professional requirements will 'cause concern' in relation to a student's Fitness to Practise, including behaviour that occurs during the course of an investigation or panel.

¹ For the responsibilities of Institutes in relation to admission of students to such programmes of study see the University's Admissions Policy. A Disclosure and Barring Service (DBS) check is a mandatory requirement for all students working with children, young people and vulnerable adults.

- 8.2 The student = the student about whom a cause of concern in relation to fitness to practise has been raised.
- 8.3 PSRB = Professional, Statutory or Regulatory Body.
- 8.4 Fitness to Practice concerns are classified as either minor or major depending on the severity of the issue(s). A series of minor issues may count as a major concern, particularly where earlier intervention or remedial action has failed (see section 10).

9 Support

- 9.1 The welfare of students and staff is important to the University. The University will ensure that all parties involved in Fitness to Practise Procedures have access to support, information, advice, and assistance throughout the process. Where appropriate the University will refer to external support services to provide further specialised support. Support can take a range of forms, depending on what is needed and appropriate in each individual case. The formal process may be suspended until access to appropriate support has been arranged.
- 9.2 Where Fitness to Practise processes are instigated, consultation will take place with the Student Services to make sure that the student's immediate support needs are adequately considered. In cases involving international students, International Registry will also be consulted in relation to visas and related requirements.
- 9.3 In addition, the Students' Union offers students help and support in navigating University policies and procedures, and resolving issues and problems.
- 9.4 Support in terms of advice and guidance for the student through the process will not be provided by the same member of staff or the Students' Union that makes a judgement in the case.
- 9.5 Students in relation to whom Fitness to Practise Procedures are instigated will be treated fairly and no presumptions will be made about their Fitness to Practise until the relevant process has been concluded (see also sections 11 and 12).

10 Cause for Concern Procedures

- 10.1 Although, depending on the severity of the situation, the University may immediately instigate formal Fitness to Practise Procedures, normally it would be expected that it was first attempted to use informal interaction and intervention methods.
- 10.2 Students who are concerned about a change in their circumstances that could affect their continued Fitness to Practise are encouraged to contact the Student Services Department, their welfare contact in their Academic Discipline or Institute, or their academic or personal tutor to consider together what solutions may be appropriate. An action plan may be drawn up.
- 10.3 Staff who are concerned about a student's Fitness to Practise can either approach the student to try and ascertain whether there is an issue that may require support or suggest that the student contacts their personal or year tutor, the Institute's or Academic Discipline's welfare link, or the Student Services Department for advice and support.

- 10.4 Professionals who are concerned about a student's Fitness to Practise (e.g. as a placement provider) are asked to contact the student's Academic Discipline or Institute as soon as possible. Cf, Student Placements Protocol 2 **c and d**.
- 10.5 Anything that is agreed with the student as a result of informal intervention (e.g. additional support mechanisms allocated, new deadlines agreed for assessments, action plan drawn up, conduct agreed, changes made in relation to a placement) will be confirmed in writing so that there is a written record of informal action taken. Students will be told that any breaches of professional conduct or Fitness to Practise cause for concern will be taken into account in future Fitness to Practise procedures.
- 10.6 For minor, straightforward alleged breaches of professional conduct or Fitness to Practise concerns, normally a local (e.g. Institute or Professional Services-led approach) is followed. This may involve a meeting with a named member of staff from such a unit.
- 10.7 There are members of staff that are able to deal with minor, straightforward alleged offences or breaches of conduct at a local level. This includes members of staff in roles such as Deans of Institute, Assistant Deans of Institute and Directors of Academic Disciplines in the Institutes.
- 10.8 If an Institute or Professional Service Department wants to add to the roles listed above to enable additional staff members to deal with minor, straightforward alleged offences or breaches of conduct at a local level, they should inform the Academic Office.
- 10.9 Outcomes that may be imposed for minor breaches of professional conduct include a behavioural contract, apology, action plan, remedial action, a formal written warning, or additional work requiring the student to reflect on their practice. Additional support mechanisms could also be put in place and changes could be made to placements (see 10.5).
- 10.10 Any outcomes that are imposed for minor breaches of professional conduct need to be logged centrally with the Academic Office.
- 10.11 Although students can be excluded from an immediate element of a module or placement following an alleged breach of professional conduct, students are not able to be excluded for a further fixed term period or permanently from (part of) their studies or from any University services or facilities because of a minor breach of professional conduct.
- 10.12 Institutes and Professional Service Departments normally complete the process for minor breaches of professional conduct within fourteen days.
- 10.13 Students who are excluded from an immediate element of a placement in line with 10.11 or as a result of dismissal by the placement provider but where the matter is resolved following local intervention may receive a mark of zero for the relevant placement module or components thereof. Retrieval options will be determined by the appropriate examining board.
- 10.14 Students are able to appeal against outcomes of minor breaches of professional conduct. See section 18

- 10.15 Where the named staff in Institutes or Professional Services are not sure whether an alleged breach of professional conduct or Fitness to Practise concern needs to be classified as minor or major, advice can be sought from the Academic Office.
- 10.16 Where the alleged breach of professional conduct is major, where there are multiple, repeated or continued minor breaches of professional conduct, where the student refuses to cooperate to address issues of professional conduct, where Fitness to Practise concerns remain despite informal intervention strategies or where earlier remedial action has not been successful, it is expected that matters will be proceeded to a formal stage, following formal Fitness to Practise processes for major Fitness to Practise concerns as outlined in this policy.

11 Criminal processes

- 11.1 In the event of external criminal processes being commenced in relation to alleged non-academic misconduct, please consult section 8 in the Non-Academic Misconduct Policy. Where criminal processes have been instigated, formal procedures will always be used.

12 Formal procedures: general principles

- 12.1 Formal procedures are instigated on either or both of the following grounds:
- i. any conduct which may render that student a person not fit to be admitted to and practise that profession;
 - ii. any health issue or condition which may render that student a person not fit to be admitted to and practise that profession.
- 12.2 All Fitness to Practise cause of concerns will be handled by an appropriately independent member of the University (= Case Officer).
- 12.3 References in this policy to steps or actions by specific University post holders shall be read as including reference to their nominees. In addition, in order to avoid delays or potential conflicts of responsibilities, other staff members may undertake tasks allocated to specific post holders.
- 12.4 Delays to placements or other University-related activities may occur as a result of a case being referred to Fitness to Practise Procedures.
- 12.5 All matters considered under this policy and set of procedures will be dealt with according to the individual's circumstances. Whilst seeking to ensure consistency of approach and application, the University reserves the right to vary the precise details of the procedure applied to the circumstances of a particular case (e.g. depending on the discipline specific requirements in relation to Fitness to Practise).
- 12.6 The student's views will, where possible and appropriate, form part of the considerations at all key stages of this set of procedures.
- 12.7 The University will wherever possible seek to adhere to the time limits outlined within these procedures, but in cases where there are special circumstances which require variance from specified time limits, the student will be advised of the reasons for this. The student will also be advised about any delays to the process as appropriate.

- 12.8 The University reserves the right to take no further action at various stages of the Fitness to Practise procedures if it is considered that there are insufficient grounds or evidence to do so.
- 12.9 During the application of this policy the University reserves the right to adjourn any fitness to practise investigation or hearing and reconvene at a later date.
- 12.10 In the event of the student submitting a complaint during fitness to practise procedure, it may be appropriate to pause the fitness to practise procedure while the complaint is investigated. If, however, the issues raised in the complaint and in the fitness to practise procedure are closely linked, the University will normally consider the issues raised in the complaint as part of the fitness to practise procedure. In both cases, the student will be informed in writing of the approach adopted.
- 12.11 The student will be informed in writing as soon as appropriate and possible after the decision has been made to start formal procedures. Supporting evidence will be given to the student as appropriate to explain this step. If any new or additional evidence emerges during the formal procedures the student will be informed about these and will be given the opportunity to respond.
- 12.12 The student will be invited to any meeting or hearing, normally at least two days before the meeting. However, there may be circumstances where an urgent risk assessment or investigation is required and in this case a verbal invitation with less than two days' notice will be given.
- 12.13 Where possible and practical, the student will be given the opportunity to attend any meetings or hearings related to the Fitness to Practise proceedings or any appeal. Meetings are normally conducted by electronic means. However, the University reserves the right to proceed with any investigative meeting, Fitness to Practise hearing or appeal meeting in the absence of the student, subject to the student having been properly notified of the date and time of the hearing (failure to attend without due notification may lead to further action), or in cases where criminal proceedings do not allow the student to attend in person. In exceptional circumstances, a representative may be appointed (see section 6).
- 12.14 Where the student has communicated in response to a meeting notification that they are not able to attend such a meeting for a good reason, the University will normally rearrange the date of such a meeting.
- 12.15 The student will have the right to be accompanied by a supporting person of their choosing at any investigative meeting or Fitness to Practise hearing. The supporting person must be appointed and abide by the procedure set out in the Third Party Involvement Policy.
- 12.16 The student will be advised of the identity of the Case Officer, and, subject to any obligations of confidentiality, will normally be informed of the identity and capacity of any persons with whom the University may consult about the case. The student will also be informed about the attendance at any meetings of any members of staff other than the Case Officer and, if held, of the members of a Formal Panel.
- 12.17 The panel will be able to ask questions from the student as part of the processes outlined in appendix SC15.

- 12.18 No meetings will be recorded and the University does not allow for any meetings to be recorded covertly. Notes or minutes will be provided for each meeting held. All relevant parties will be asked to confirm the accuracy of such notes, normally electronically. Where there is a disagreement that cannot be solved, two versions may be submitted to the Formal Panel or as part of the Case Officer's report.
- 12.19 The rights and interests of both the student and any other parties will be balanced fairly and equally.
- 12.20 All relevant parties will be supplied with a copy of this policy and any other policy or procedures that are applicable.
- 12.21 The University will ensure that all written records related to the case are clear, accurate, and appropriate, and will be stored appropriately.

13 Precautionary action

- 13.1 At an early stage in the formal Fitness to Practise proceedings, a risk assessment, using the risk assessment form, shall take place to assess whether there is a risk to the student, a risk to any member(s) of the University community or a risk to anyone associated with the student's intended profession. This risk assessment will include consideration of support arrangements that need to be put in place for all parties involved.
- 13.2 A risk assessment shall take place to assess whether the student poses a risk to:
- their own health, safety, and/or wellbeing;
 - the health, safety, and/or wellbeing of others;
 - and/or University property or any other settings associated with University activities (e.g. placement settings); and/or
 - the reputation of the University and/or the reputation of the profession.
- 13.3 Particularly swift precautionary action will need to be taken in cases where there is a risk of serious harm, where the student's mental health is at risk, where the student displays significant distress, where the issues are highly sensitive and where there is an ongoing threat of serious disruption to other students or the University's activities.
- 13.4 Risk assessments are normally undertaken by the Case Officer but may also be undertaken by an appropriate Senior Officer of the University, particularly in relation to cases with urgent, high-level risks as outlined in 12.1.
- 13.5 The initial risk assessment will normally be completed within seven days. Additional time may be needed to consider and approve a set of reasonable adjustments and support arrangements, particularly where external evidence is required.
- 13.6 If risk levels are high, precautionary measures may be imposed. Precautionary action undertaken by the University must be reasonable and proportionate and may include the imposing of certain conditions, a suspension from studies, suspension from a placement, or exclusion from any or all University grounds and/or facilities pending the outcome of Fitness to Practise proceedings. The suspension and/or exclusion may be qualified or partial where appropriate and will be for a fixed term.

- 13.7 Precautionary measures involving a total suspension of studies must be approved by the Vice-Chancellor or nominee.
- 13.8 A precautionary suspension, exclusion or set of conditions should not be regarded as a penalty and does not indicate that the student is not Fit to Practise.
- 13.9 Precautionary measures may be put in place if they are necessary:
- 13.9.1 To ensure that a full and proper investigation can be carried out and/or
 - 13.9.2 To protect the student and others whilst the allegation is being dealt with as part of Fitness to Practise Procedures.
- 13.10 When precautionary measures are put in place the student will be informed of these in writing by the Academic Office and the reasons for the set of measures will be explained. A meeting may be convened to explain precautionary measures. In case of urgent risks, the student may be informed verbally in the first instance.
- 13.11 The student may appeal against the precautionary measures imposed,² by submitting a written request stating the reason for the appeal to the Academic Office within seven days of the date issued on the notice of the precautionary measures. The appeal will be considered by the Student Case Review Group. The student will be notified of the final decision of their appeal within fourteen days of the receipt of the letter requesting an appeal.
- 13.12 Whilst the precautionary measures are in place, the student may request a review of the suspension, exclusion or set of conditions if there is a relevant change to their circumstances. This request should be made in writing to the Academic Office and will be considered by the Student Case Review Group, which will normally respond within fourteen days of the receipt of the letter.
- 13.13 If the student fails to comply with any precautionary measures, the precautionary measures will be reviewed which may result in more serious precautionary measures being imposed by the Pro Vice-Chancellor (Academic Experience) (or nominee).
- 13.14 Precautionary measures will be reviewed at regular intervals during the formal procedures.
- 13.15 The University does not consider the precautionary action as disciplinary.

14 Procedures for investigation

- 14.1 In cases where the student has gone through Non-Academic Misconduct or Support for Study procedures in relation to the matter under consideration, those procedures will normally replace the investigation procedures outlined below and will proceed directly to a panel.
- 14.2 Care will be taken that the Case Officer appointed is impartial and not implicated. The Case Officer is normally a member of University staff, but could, in exceptional circumstances, be external to the University.

² Where action has had to be taken in order to mitigate against urgent risks, it may not be possible to appeal against the full set of precautionary measures.

- 14.3 If there are any concerns in relation to the Case Officer, parties are asked to express those concerns in writing to the Academic Office who will consider any such concerns.
- 14.4 The purpose of the investigation is to gather all information necessary to establish the facts in relation to Fitness to Practise concerns, and to enable an informed and reasoned decision as to whether the student is Fit to Practise.
- 14.5 To this end, the Case Officer will seek to collate and evaluate evidence in relation to the student's Fitness to Practise, interview relevant parties, question discrepancies and make findings of fact on the balance of probabilities.
- 14.6 The student will be informed of the scope and the remit of the investigation.
- 14.7 As part of an investigation, normally all parties are interviewed separately. All parties will be informed how their evidence will be used and shared so that they understand the process and give informed consent.
- 14.8 Any witnesses are normally also met as part of an investigation. To aid the investigation, all involved parties will be asked to indicate if there are any relevant witnesses that need to be consulted.
- 14.9 Witnesses will be asked to confirm accuracy of their witness statement and will be asked to give written consent for their evidence to be used and identity disclosed at a Formal Panel. Witness statements by witnesses unwilling to give such consent may be disregarded and not included for consideration by a Formal Panel.
- 14.10 As part of an investigation, the Case Officer will consult with the student to explain the cause for concern and allow the student the opportunity to respond to the allegation, and provide the Case Officer with any evidence that they wish to be taken into account.
- 14.11 The Case Officer will also consult with other University staff, external professionals and other persons, as appropriate.
- 14.12 As part of the investigation, the Case Officer may consult as appropriate with the relevant PSRB in order to seek their advice.
- 14.13 The entire investigation is normally concluded within 40 days of the offence being alleged.
- 14.14 Once the investigation has been completed, the Case Officer will submit their investigative findings to the Academic Office.

15 Formal Procedures

- 15.1 Upon receipt of the Case Officer's report by the Student Case Review Group, the case will normally be referred to a Formal Panel. The rationale for the procedure followed after the completion of the investigation, and the decision to proceed to a Formal Panel will be communicated to the student in writing, normally within seven days of the completion of the investigation.
- 15.2 The date of the panel, membership, and format of the Formal Panel will be communicated to the student in advance of the proceedings by the Academic

Office, normally not less than fourteen days in advance of the meeting. If the documentation to be circulated requires extensive redaction to meet data protection standards, this period may be extended after appropriate notification.

- 15.3 If there are any concerns in relation to a member of the Panel, parties are asked to express those concerns in writing to the Academic Office who will consider any such concerns.
- 15.4 Any documentation for the meeting of the panel will be circulated to the members of the Formal Panel, the student and the Case Officer, normally not less than seven days in advance of the meeting.
- 15.5 Where a Formal Panel cannot reach an agreement, the University will appoint an appropriately qualified person to review the case and make a decision about the outcome of the case. This decision will be final.
- 15.6 Following the meeting of the Formal Panel, the student will be formally notified of the outcome in writing within seven days of the meeting of the Formal Panel.

16 Outcomes

- 16.1 In making any Fitness to Practise decisions the University will:
 - i. Determine whether the alleged facts and matters occurred on the balance of probabilities;
 - ii. Determine whether those facts and matters affect a student's Fitness to Practise and, if so, the level of seriousness of the breach of professional behaviour;
 - iii. Determine what decision (if any) should be made in relation to a student's Fitness to Practise;
 - iv. Consider any mitigating circumstances and/or the student's previous record in relation to fitness to practise and breaches of conduct.
- 16.2 The University is able to make the following decisions in relation to Fitness to Practise cases:
- 16.3 That the student is Fit to Practise and is:
 - i. permitted to continue with the programme without further action;
 - ii. permitted to continue with the programme subject to conditions and requirements as defined/required by the Formal Panel;
 - iii. permitted to continue with the programme but required to repeat a specific part or parts of the programme as defined by the Formal Panel;
 - iv. permitted to continue with the programme but that a formal warning be placed on the student's record;
 - v. subject to any other action considered appropriate by the Formal Panel to enable the student's successful completion of the remainder of the programme.
- 16.4 That the student is not Fit to Practise and:

- i. is required to suspend their studies for a specified period of time, following which the Formal Panel will review the conditions set and decide whether to re-admit the student to the programme;
 - ii. the student's studies on a programme leading to a professional qualification be terminated, but recommend that the student may seek advice to be admitted to an alternative programme within the University;
 - iii. the student's studies be terminated and the student to exit the University with an interim award, which may or may not satisfy professional requirements;
 - iv. the student's studies be terminated and the student be required to withdraw from the University without an award;
 - v. exceptionally, recommend that an award already made is withdrawn.
- 16.5 All decisions made under 16.3.ii-iv and 16.4 will be recorded on the student's record.
- 16.6 Although, in considering the outcome of Fitness to Practise procedures, a student's particular circumstances (e.g. mitigating circumstances and declared disabilities) as well as unintended impacts (e.g. the student's statutory financial support, visa status) will be taken into account, upholding Fitness to Practise standards is paramount for the University.
- 16.7 The decision to terminate the student's studies at the University permanently will need to be approved by the Vice-Chancellor (or nominee), with notification given to the Chair and Clerk of Council.

17 Reconsideration of the same breach of professional conduct

- 17.1 The University may reconsider a Fitness to Practise concern if new evidence emerges which, for good reason, could not have been obtained by the University at the time.
- 17.2 In deciding whether it is appropriate to consider such a concern for the second time, the University will consider:
- i. Whether the outcome of the first process has been called into question, and if so why;
 - ii. The length of time that has elapsed and the effect on this on the reliability of any evidence to be considered;
 - iii. The severity of the alleged breach of professional conduct;
 - iv. The impact on the student of undergoing a second Fitness to Practise procedure;
 - v. Whether leaving the matter unaddressed would impact on matters of Fitness to Practise or on any obligations the University has to professional or regulatory bodies in respect of a particular student's character.

18 Review of Outcome

- 18.1 If the student is dissatisfied with the outcome of the formal stage, they may be able to request a review.
- 18.2 A request for a review may only be made on one or more of the following grounds:
- 18.2.1 irregularities in the conduct of the Fitness to Practise procedure, which are of such a nature as to cause reasonable doubt whether the same decision would have been reached had they not occurred;

- 18.2.2 the existence of new material evidence which the student was unable, for compelling reasons, to provide earlier in the process;
- 18.2.3 that evidence is available to show that the outcome reached at an earlier stage was unreasonable. In this context, unreasonable shall be taken to mean that the outcome was not a possible conclusion which a similar hearing or process of consideration might have reached.
- 18.3 A request for review of the outcome must be received on the required form not later than 14 days after the notification of the outcome.
- 18.4 Simple notice of a desire to request a review by the student within the above deadline shall not be deemed to constitute a formal request for review and shall not be accepted.
- 18.5 A request for review received after the above deadline will be deemed to be out of time and will not be considered unless there is independent evidence to show compelling reasons as to why the request for review was not submitted in a timely manner.
- 18.6 Where a request for review is deemed out of time, the University will issue a Completion of Procedures Letter on request, noting the reason why the request for review was not considered and advising the student that they may be able to take their outcome to the Office of the Independent Adjudicator (OIA) for Higher Education.
- 18.7 The original decision shall stand until the final outcome of any in-time request for review is known. For international students on visas, where a student has been withdrawn through this policy, the decision will be implemented after the review deadline has passed and/or the review process completed.
- 18.8 If no request for review is received within 14 days, the University will assume that the student does not wish to request a review. Where the student subsequently requests a Completion of Procedures Letter, the University will issue a Completion of Procedures Letter, noting that the student did not engage with the request for review procedures in a timely manner and advising the student that they may be able to take his/her outcome to the Office of the Independent Adjudicator (OIA) for Higher Education.
- 18.9 A suitable senior officer shall review the request to ascertain if the request has been made on permissible grounds and if a clear case has been made. They may refuse any request which is not based on the grounds stated above or in which it is apparent that no clear case to review the outcome has been made. The student shall be informed by means of a Completion of Procedures Letter that the request for review has been rejected and that the original outcome stands. The student will be advised that they may be able to take their outcome to the Office of the Independent Adjudicator (OIA) for Higher Education.
- 18.10 If it is determined that the request has been made on permissible grounds and that a clear case for reviewing the outcome has been made, the senior officer shall consider the request.
- 18.11 In reaching a decision, the senior officer shall base their decision on the evidence of the student's submission together with any further evidence which they consider relevant. This review stage will not usually consider the issues afresh or involve a

further investigation. No meeting will be held as part of the review process. A Formal Panel can only be held if the matter has been referred back to the formal stage for reconsideration

- 18.12 The senior officer shall be empowered to take one of the following decisions:
- 18.12.1 to uphold the outcome;
 - 18.12.2 to refer the matter back to a Formal Panel;
 - 18.12.3 to offer a modified outcome.
- 18.13 The decision of the senior officer shall be final, and the matter shall, therefore, be regarded as closed. There shall be no further discussion of the decision of the senior officer with the student or any other person. There shall be no right to request a further review of the outcome.
- 18.14 The decision of the senior officer shall be communicated to the student, normally within 28 days of receipt of the request for review by a revised outcome letter. If the review of outcome is rejected, the student will be advised, by means of a Completion of Procedures letter, that they may be able to take their outcome to the Office of the Independent Adjudicator (OIA) for Higher Education.
- 18.15 If on receipt of the revised Outcome Letter, if the student is dissatisfied with the outcome, the student may request a Completion of Procedures Letter be issued which will advise the student that they may be able to take his/her outcome to the Office of the Independent Adjudicator (OIA) for Higher Education.

19 Completion of Procedures and Independent Review

- 19.1 Complaints to the Office of the Independent Adjudicator (OIA) for Higher Education must be made within 12 months of the effective date of the Completion of Procedures Letter. The effective date of a Completion of Procedures Letter will normally be the date on which it is issued. Where a request for review is deemed out of time or where a Completion of Procedures Letter is requested more than 30 days after the notification of the final decision, the effective date of any Completion of Procedures Letter will normally be the date upon which the final decision was made. Full details of the procedure will be available from the OIA website: www.oiahe.org.uk.

20 Confidentiality parameters

- 20.1 The University will be mindful of its obligations under relevant data protection regulations and the Equality Act 2010 in relation to any information shared about fitness to practise cases.
- 20.2 All parties will be reminded of the confidentiality associated with the procedures outlined above. Information associated with the case will be disclosed to as few people as possible.
- 20.3 Witnesses will not normally be able to give evidence confidentially. Where witnesses indicate that they would like to give their information confidentially, normally their evidence will not be relied on.

21 Standard timelines

- 21.1 Throughout the policy, standard timelines are mentioned for key stages of the process. The University will, wherever possible, seek to adhere to the time limits outlined within these procedures, but in cases where there are special circumstances which require variance from specified time limits, the students and any other relevant parties will be advised of the reasons for this. Processes may need to be suspended.

Key stage	Standard timeline
Invitation to meetings	Notice provided not less than 2 days
Completion of the initial risk assessment process	Within seven days of the start of the risk assessment process
Submission of appeal against precautionary measures	Within seven days of the date issued on the notice of the precautionary measures
Completion of investigative process	Within 40 days
Notification of the outcomes of non-complex Fitness to Practise concerns	Within seven days of the receipt of the investigative findings
Proceed to panel notice for complex Fitness to Practise concerns	Within seven days of the receipt of the investigative findings
Information about the format of the panel, membership, date and venue	Notice provided not less than fourteen days in advance of the meeting
Circulation of any documentation associated with the meeting of the panel	Notice provided not less than seven days in advance of the meeting
Notification in writing of the outcome of a panel meeting	Within seven days

Key stage	Standard timeline
Completion of the formal process	Within 80 days of the allegation made against the student
Appeal against an outcome	Within 14 days of the date of the notification of the outcome
Notification of the receipt of the appeal	Within 7 days
Notification of the outcome of an appeal	Within 28 days of the appeal being received

22 Monitoring

- 22.1 A Student-facing Policies overview report will be submitted annually to Senate by the Pro Vice-Chancellor (Academic Experience). This report will also monitor the effectiveness of the suite of policies.

23 Resource implications

Implication	Detail
Finance	<i>Training for all University members of staff involved in Fitness to Practise procedures (e.g. Case Officers, Chairs of Case Review Panels, staff providing support, senior members of staff, minute takers)</i>
Staff	<i>No additional resource anticipated.</i>
Assets	<i>There are no identified asset costs.</i>
Partners	<i>See sections 3.3 and 18.3</i>
Timescales	<i>Once approved the policy will be implemented immediately. The policy will be regularly monitored to ensure ongoing compliance with relevant legislation.</i>
Leadership	<i>PVC (Academic Experience)</i>

24 Impact Assessment

Implication	Impact considered (Yes/No)	Impact Identified
Legal		<p><i>The policy identifies action taken if the offence is also subject to criminal proceedings / legal action.</i></p> <p><i>The policy conforms with:</i></p> <ul style="list-style-type: none"> • Contract and consumer law • Negligence (duty of care) • The Human Rights Act 1998 • The Equality Act 2010 • Health and Safety at Work Act 1974 • Natural Justice (fairness) • Data Protection Act 2018 (and GDPR)

Contribution to the Strategic Plan		<i>The policy aligns with the values expressed in the Strategic Plan.</i>
Risk analysis		<i>Policy compliance will mitigate the risk of students entering professions for which they are not Fit to Practise. It also mitigates against complaints to the OIA and ICO.</i>
Equality		<i>The policy will ensure adherence to provisions of the Equality Act.</i>
Welsh language		<i>The policy aligns with principles expressed by the Welsh Language Act.</i>
Environmental and sustainability		<i>None identified.</i>
Communication / Media / Marketing		<i>The policy will be made available to staff and students via the student Hwb</i>

Policy author: Professor Mirjam Plantinga, PVC (Academic Experience)

Document version control

Version No.	Reason for change	Author	Date of Change
0.1	Draft policy	MP	15.12.16
0.2	Add detail to the scope of the policy.	CG	17.10.17
0.3	Annual review of the policy	MP	04.02.19
0.4	Review of Policy in light of new Fitness to Practice Guidelines from the OIA	KE	28.02.2019
1.1	Annual review of policy	KE	25.08.2020
1.2	Annual review	CP	15.09.2021
1.3	Annual review	MO	08.09.2022
1.4	Annual review	MO	15.08.2023