

## Faculty of Health and Life Sciences

### Fitness to Practise Procedure

#### 1 Introduction.

- 1.1 In 2008 the Council for Healthcare Regulatory Excellence made it a requirement that HEI's had formally agreed mechanisms for managing student fitness to practise issues.
- 1.2 HEI's have a duty to protect the public; maintain confidence in the professions and to act in the Public Interest.
- 1.3 This procedure is set in the context of the University's framework for dealing with student welfare and discipline. It should be read in conjunction with the following sections of the University's General Regulations and Procedures Affecting Students (the Regulations):
- Glossary
  - Chapter 2: Student discipline
  - Chapter 2 Annex 3: Student placements
  - Chapter 2 Annex 8: Fitness to Practise procedures
  - Chapter 3: Provision for students whose behaviour causes concern
  - Chapter 4: Academic offences
- 1.4 It should also be read in conjunction with the University's Indicative Sanctions Guidance to Fitness to Practise Panels
- 1.5 The Faculty Lead for Fitness to Practise will manage this procedure.

- 1.6 The University expects students enrolled on programmes leading directly to a professional qualification or the right to practise a particular profession or calling, to demonstrate high standards of behaviour in their professional, personal and student lives. Programme handbooks and professional bodies provide information about the standards of behaviour expected of students training for a particular profession or calling. It is the student's responsibility to familiarise him/herself with the provisions and requirements of the relevant professional bodies.
- 1.7 This procedure applies to students who do not currently have registration with a professional and/or statutory body, but are enrolled onto a programme of study leading directly to a professional qualification or the right to practise a particular profession.
- 1.8 For students who are already registered members of a profession and are undertaking a programme or module as part of their professional development, which does not lead to a new registration status, about whom fitness to practise concerns are raised such concerns will be raised with their employer or sponsor.

## **2 Fitness to Practise**

- 2.1 The term 'fitness to practise' is used by the different professional and/or statutory bodies that regulate health and social care. These professional bodies expect students enrolled onto programmes leading directly to a qualification or right to practise a particular profession to demonstrate that they are suitable to continue on that programme of study and be enrolled onto the professional register.
- 2.2 The Nursing and Midwifery Council define fitness to practise as:  
*“being fit to practise requires a nurse or midwife to have the skills, knowledge, good health and good character to do their job safely and effectively.”*

2.3 The General Pharmaceutical Council consider “a *pharmacy professional fit to practise when they can demonstrate the skills, knowledge, character and health required to do their job safely and effectively...fitness to practise is a person’s suitability to be on the register without restrictions.*”

2.4 The Health and Care Professions Council state:

*“When we say that a registrant is fit to practise we mean that they have the skills, knowledge and character to practice their profession safely and effectively...it is not just about professional performance. It also includes acts ... which may affect public protection or confidence in the profession. This may include matters not directly related to professional practice.”*

2.5 The lead for professional standards and fitness to practise issues for Physician Associates is the Faculty of Physician Associates of the Royal College of Physicians. They state:

*“Patients need good physician associates (PA). Good physician associates make the care of their patients their first concern: they are competent, keep their knowledge and skills up to date, establish and maintain good relationships with patients and colleagues,\* are honest and trustworthy, and act with integrity and within the law...PAs ... must use their best judgement in applying these principles in the various situations they may face. Failure to do so may bring their fitness to practise into question and endanger their right to practice.”*

## 2.6 **Health**<sup>1</sup>

Should a student’s physical or mental health give cause for concern such that their ability to practise is impaired, an Occupational Health assessment or other medical opinion may be requested.

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<sup>1</sup> It should be noted that by health we are not referring to pre-existing medical conditions or disabilities that the student has already disclosed and is receiving support for, unless the condition has recently changed or are preventing the student from meeting core competencies.

2.6.1 Where the concern arises out of a disability as defined by the Equality Act 2010 the university, in collaboration with placement partners where relevant, will decide whether reasonable adjustments can be made. In cases where the judgement of relevant parties is that no reasonable adjustments can be made to enable professional or competence standards to be achieved, the issue may be considered under this procedure.

### **3 Equality and Diversity**

3.1 De Montfort University (DMU) is committed to driving forward fairness, equality and inclusion for all of our staff, students, visitors and contractors.

3.2 In doing so, we recognise our specific responsibilities to individuals and groups protected by the Equality Act 2010 characterised by

- Age
- Disability
- Gender reassignment/identity
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or Belief
- Sex
- Sexual Orientation

3.3 We believe that working towards the elimination of unlawful discrimination, harassment, promoting good relationships across the university and advancing equality of opportunity helps to make us a diverse, vibrant and friendly place to study and work.

3.4 Our aim is to ensure that our processes are fair, objective, transparent and free from discrimination and promote the interests of the public.

## **4 Students with a disability / specific learning difficulty**

- 4.1 Students who are subject to this procedure will be invited to declare an assessed or confirmed disability and/or specific learning disability. Students with an assessed or confirmed disability or specific learning disability may be offered reasonable adjustments to assist them during the investigation and potential subsequent panel hearing. Details regarding accessing Disability Advice and Support may be found in Appendix 1 of this document.
- 4.2 If at any time during the fitness to practise process a student with a disability or mental health condition is unable to engage with the proceedings, the option of adjourning the procedure whilst support is accessed will be considered.
- 4.3 University staff involved with the fitness to practise case may liaise with DMU colleagues involved with the provision of mental health services and learning disability support, for advice or relevant information to help inform decisions.

## **5 Information Sharing**

- 5.1 The University has the power to share information regarding a student's fitness to practise investigation and outcome with others including: external partners; the Disclosure and Barring Service; placement providers; Professional Statutory and Regulatory Bodies; the Pharmacy Schools Council (where the student is on a programme validated by the GPhC). This list is not exhaustive.
- 5.2 The University is obliged to disclose that a student has been or is currently subject to fitness to practise procedures in any reference provided by them.
- 5.3 The University recognises the confidential and sensitive nature of fitness to practise cases and is mindful of its obligations under the General Data Protection Regulation (2018) and the Data Protection Act (2018).

## **6 Record Retention**

- 6.1 The outcome of a fitness to practise investigation will remain on the student record until such time as the records are destroyed as per DMU policy.
- 6.2 The University recognises the confidential and sensitive nature of fitness to practise cases and is mindful of its obligations under the General Data Protection Regulation (2018) and the Data Protection Act (2018).

## **7 Concerns**

- 7.1 Concerns about a student's fitness to practise may be raised from any source, including any member of staff, fellow student, placement partner, member of the public or other agencies such as the Police, Social Services or Occupational Health Service.
- 7.2 These may include concerns about a student's:
- attitude or behaviour in either practice or theory;
  - poor or non-attendance in either practice or theory;
  - bad time-keeping;
  - breaking the University's disciplinary code;
  - behaviour outside the University which might render them unfit to practise;
  - criminal offence not declared at time of admission or committed whilst registered on the programme;
  - working outside the principles, policies and ethos of the placement provider;
  - health or well-being;
  - Bullying and harassment of colleagues / peers / members of staff (University and external placement staff);
  - Dishonesty about qualifications.

This list provides examples and is not exhaustive

### **7.3 Conduct which constitutes fraud**

7.3.1 The following are examples of actions that could raise allegations of fraud:

- forging signatures (relating to practice or academic work)
- forging comments (relating to practice or academic work)
- working whilst absent from the University/placement due to alleged sickness
- claiming a bursary when not entitled to do so or providing false information in a bursary application or not informing the NHS Bursaries Office when entitlement changes.

7.3.2 Where an allegation of fraud is made against a student who is registered on a National Health Service (NHS) funded programme, the University may refer the matter to the NHS Counter Fraud Service for its investigation. All other students will be considered to be self-funding and will be dealt with as per the process detailed from 7.3.4 below

7.3.3 For students registered on NHS-funded programmes, no internal action will normally be taken by the University other than suspension from the University until the NHS Counter Fraud Service has completed its investigations and any subsequent external proceedings have been completed, or the NHS Counter Fraud Service advises that it does not object to the University dealing with the matter.

7.3.4 Where an allegation of fraud is made against a student who is self-funding (or a student registered on a NHS-funded programme who is referred back by the NHS Counter Fraud Service to the University for investigation), where this pertains to signatures and comments within practice or academic work, the University reserves the right to engage independent, external forensic experts to examine any documentary evidence.

7.3.5 Where independent and external experts are to be used, the student will be notified of the chosen experts and offered the right to object to the use of them. The student may only object on the grounds of potential conflict of interest and for no other reason. The student must lodge their objection with HLS FtP admin within 5 working days of receiving notification of the proposed experts. The decision as to whether the alleged conflict of interest is sufficient to warrant using alternative experts lies with the Faculty Lead for Fitness to Practise who will consult with the relevant Head of School.

#### 7.4 Initial concerns

Initial concerns may be discussed with the Faculty Lead for Fitness to Practise to explore alternative methods of addressing issues and whether there are disciplinary or Academic concerns requiring referral to the Academic Practice Officer to ensure equity and parity of treatment of students within the Faculty.

7.5 Concerns about a student must be raised in writing, addressed to the relevant Head of the School; this may take the form of a written complaint or statement that is forwarded on to the Head of School by the recipient. The person raising concerns is expected to identify themselves; anonymous allegations will not normally be acted on. In some circumstances it may be possible to keep the identity of the person raising concerns confidential if this would be in either their own or the student's best interests.

7.6 On receipt of a written statement of concern the Head of School will discuss the matter with the Faculty Lead for Fitness to Practise and the relevant Programme Leader to find out whether they are aware of the concerns and, if so, whether any attempt has been made to resolve the matter informally. Where the concern is related to a declared disability, consideration will be given to the provision of reasonable adjustments.

7.7 If there has been no attempt at informal remedy and it is considered that an informal remedy is appropriate, the Programme Leader will normally be asked to try to resolve the matter and will report the outcome to the Head of School.



This stage of the procedure should normally take no more than five working days.

## 7.8 Initial concerns – utilising other university processes

7.8.1 On receipt of the statement of concern, the Head of School should consider whether there may have been a breach of the University's Disciplinary Code. S/he should consult with the Faculty Lead for Fitness to Practise or the University Investigator (DMU Estates) or the Student Appeals and Conduct Officer to determine whether this may be the case. If it is determined that the alleged action/default may constitute a breach of the University's Disciplinary Code then a decision will be taken on the most appropriate method for the allegation/s to be investigated, either by a joint FtP / Disciplinary investigation or by a stand-alone fitness to practise investigation. It must be noted that **this latter cannot be the case for pharmacy students as the General Pharmaceutical Council (2017) stipulate that these investigations do not occur simultaneously.**

7.8.2 On receipt of the statement of concern, the Head of School should consider whether the student may have committed an academic offence. S/he should consult with colleagues to consider whether this may be the case. If it is determined that the alleged action/ default may constitute an academic offence then a decision will be taken on the most appropriate method for the allegation/s to be investigated, either via the Academic Offences procedures, or by a stand-alone fitness to practise investigation.

7.8.3 On receipt of the statement of concern, the Head of School should consider whether the student should be suspended by the University from either practice, academic or both aspects of their programme. This decision should be communicated to the Programme Leader and the Faculty Lead for Fitness to Practise. Any such suspension should be imposed in accordance with the relevant provisions of the University's Regulations

7.9 If the matter cannot be resolved informally, the Head of School will initiate fitness to practise proceedings.

The Head of School will inform the Programme Leader and Faculty Lead for Fitness to Practise of their decision.

## **8 Advice and Support Available to Students Subject to FtP Investigation**

- 8.1 The student may be accompanied in all meetings and interviews by a person as defined in the Glossary to the University's General Regulations and Procedures Affecting Students.
- 8.2 In addition to support as defined in the Glossary to the University's General Regulations and Procedures Affecting Students, the student may access pastoral support. The relevant School should appoint a member of academic member of staff to provide pastoral support to the student under investigation for the duration of the fitness to practise process.
- 8.3 Pastoral support will normally be provided by the student's personal tutor, however where there is the potential of a conflict of interest an independent and impartial member of academic staff should be identified.
- 8.4 The person providing pastoral support will not be required to discuss the specific details of the case. They will only discuss the process relating to fitness to practise case; where necessary they can obtain clarity, on behalf of the student, relating to procedural matters.
- 8.5 The student will be provided with the name of the person providing pastoral support in the initial letter from the Head of School.
- 8.6 Where the student is suspended from the University this level of pastoral support will not be available since a suspended student is not permitted on site and is not allowed access to University facilities for the periods of suspension. In such cases, the student should refer to the General Regulations and Procedures Affecting Students for details about support.

## 9 Investigation Stage

9.1 The Faculty Lead for Fitness to Practise will appoint an investigator from within the Faculty. This will be an experienced member of academic staff who has undertaken training with regard to conducting fitness to practise investigations.

9.2 Where possible the investigator will not be a member of the same profession as that of the student's programme of study.

### 9.3 Notifying the Student

9.3.1 The Head of School will inform the student in writing:

- of the concerns raised about him/her
- that an investigation is to be conducted under this procedure
- that an investigator will contact them under separate cover.
- whether the student is required not to attend practice pending the outcome of the procedure (after consultation with the appropriate professional or practise partner)<sup>2</sup>
- whether they will be recommending that the student should be suspended from the University pending the outcome of the procedure
- of their right to be accompanied by a person as defined in the Glossary to the University's Regulations (normally the De Montfort Students' Union)
- the name of the member of academic staff who will provide pastoral support
- that the University has the power to share information regarding a student's fitness to practise investigation and outcome with others including: external partners; the Disclosure and Barring Service; placement providers; Professional Statutory and Regulatory Bodies; the Pharmacy Schools Council. This list is not exhaustive.

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<sup>2</sup> Note that any suspension from practice must be reviewed and confirmed by the senior member of staff designated to deal with such matters under the University's General Regulations and Procedures Affecting Students.

- that the University is obliged to disclose that a student has been or is currently subject to Fitness to Practise procedures in any reference provided by them.

9.3.2 The communication to the student will include a copy of this procedure document and the Faculty's Indicative Sanctions Guidance. This stage of the procedure should normally take no more than five working days.

#### 9.4 Investigation process

9.4.1 The investigator must conduct the investigation in a timely manner using appropriate methods of evidence gathering which, in addition to interviewing the student concerned, may include:

- interviews with relevant university staff, professional, relevant other third parties or practice partner colleagues
- obtaining a written professional opinion on the effect of the student's behaviour or state of health/well-being on their fitness to practise
- obtaining other relevant documents; please note that where documents are requested, original copies must be provided for inspection. Where relevant, copies of such documents will be made and presented in the case report file.
- obtaining information about the student's progress on the programme
- requiring the student to attend the university's or other Occupational Health Service.

This list is not exhaustive.

9.4.2 The investigator will be accompanied in all meetings and interviews with the student by a colleague who will make a written summary of discussions, outcomes and actions. Where Government Covid-19 restrictions prevent face to face meetings, or in cases where the meeting will combine face to face and remote attendance, MS Teams will be the platform used.

9.4.3 The investigator will conclude the meeting with the student by summarising

the key points discussed and the students' responses to these.

## 9.5 Utilising other University procedures during the investigation

9.5.1 The investigator may recommend that the student should be suspended from practice and/or theory at any time during the investigation, where there is sufficient evidence to support this action. This recommendation should be considered and approved by the Head of School. Any such suspension should be imposed in accordance with the relevant provisions of the university's Regulations.

9.5.2 Where the investigation indicates that the student may have breached the university's Disciplinary Code, the investigator should consult with colleagues to determine whether this is indeed the case. If it is determined that the action/default constitutes a breach of the university's Disciplinary Code then a decision will be taken on which is the most appropriate method for the matter to proceed, either via the disciplinary process and regulations, incorporating fitness to practise concerns, or by a stand-alone fitness to practise investigation. It must be noted that **this cannot be the case for Pharmacy Students as the General Pharmaceutical Council (2017) stipulate that these investigations do not occur simultaneously.**

9.5.3 Where the investigation indicates that the student may have committed an academic offence the investigator should consult with colleagues to determine whether this is indeed the case. If it is determined that the action/default constitutes an academic offence then a decision will be taken on which is the most appropriate method for the matter to proceed, either via the Academic Offences procedures, or by a Fitness to Practise investigation.

## 9.6 Expanding the remit of the initial investigation

9.6.1 Where additional information comes to light during the course of the investigation that further calls into question the student's fitness to practise,

these additional concerns are to be provided to the student in writing by the Head of School. The student must be offered the opportunity to meet with the investigator to discuss the additional allegations.

9.6.2 The student may be accompanied in all subsequent meetings and interviews by a person as defined in the Glossary to the University's General Regulations and Procedures Affecting Students.

9.6.3 The investigator will be accompanied in all subsequent meetings and interviews with the student by a colleague who will make a written summary of discussions, outcomes and actions.

## **10 On completion of the investigation**

10.1 The investigator will provide a complete report including all evidence to be considered, to the Faculty Lead for Fitness to Practise for peer review.

10.2 The final investigation report will be provided to the PVC/Dean or Deputy Dean for HLS who will decide whether the concerns are groundless or have been addressed or whether, in the light of the investigation, the matter should be referred to a Fitness to Practise Panel for further consideration. This decision will be made in line with guidance provided by the relevant regulatory body.

10.3 The PVC/Dean or Deputy Dean for HLS will also consider whether the student has breached the University's disciplinary code. If it is determined that the action/default constitutes a breach of the University Disciplinary Code then a decision will be taken on which is the most appropriate method for the matter to be heard, either via the Disciplinary Hearing procedures and regulations, incorporating Fitness to Practise concerns, or simply by a standalone Fitness to Practise Panel Hearing. It must be noted that **this latter cannot be the case for Pharmacy Students as the General Pharmaceutical Council (2017) stipulate that these investigations do not occur simultaneously.**

- 10.4 The PVC/Dean or Deputy Dean for HLS will write to the student to inform them of the outcome of the investigation. This decision making stage of the procedure should normally take no more than five working days. Outcomes may include:
- no further action
  - continue under close supervision
  - the development of an action plan to address specific points
  - refer to other university process eg provost
  - refer to FtP Panel for formal hearing.
  - any other outcome as is deemed suitable and appropriate.
- 10.5 In the event that it has been decided to proceed to fitness to practise panel for the case to be heard then the members of that panel and the student will receive notification of the hearing and the associated paperwork via email to their DMU email account no fewer than 12 working days prior to the date of the hearing. All emailed documents will be password protected, encrypted and sent via secure software
- 10.6 Due notice will be considered to have been given to the student on the date and time of the email.
- 10.7 In the event that it has been decided to proceed via either the University's Disciplinary Proceedings or Academic Offences procedures then the student will receive further information in accordance with the procedures as set out in the University's General Regulations and Procedures Affecting Students

## **11 Fitness to Practise Panel**

### 11.1 Purpose of the panel

This is an independent and impartial panel convened to hear, consider and resolve fitness to practise cases within the Faculty of Health and Life Sciences.

11.2 The purpose of the panel is to: determine whether the charges are proven or not proven; to determine whether fitness to practise is impaired; to determine the appropriate sanction.

11.3 The panel will only consider the evidence before them and all panel decisions are made using the civil standard on the burden of proof; that is on the balance of probabilities.

11.4 The potential for conflict of interest or bias will be addressed by making panel members aware of the identity of the student in advance to ensure that any potential conflicts of interest can be identified, and vice versa, students will be informed of the identity of the panel to give an opportunity to object to its membership on the grounds of potential bias.

### 11.5 Notifying the student of the decision to proceed to panel

11.5.1 Where the PVC/Dean or Deputy Dean decides that the matter should be referred to the fitness to practise panel for further consideration, they will write to the student to inform them of:

- the issues of concern / allegations to be discussed at the meeting and the evidence to be presented
- the date, time and location for the panel hearing, giving no fewer than 12 working days notice of the meeting; where Government Covid-19 restrictions prevent face to face hearings, or in cases where the Hearing will combine face to face and remote attendance, MS Teams will be the platform used.



- the members of the panel and the process and deadline for challenging its composition based on potential conflict of interest or bias (see point below).
- the student's right to attend the meeting with a person as defined in the Glossary to the University's General Regulations and Procedures Affecting Students (normally the De Montfort Students' Union)
- their right to present written information to the panel: such written information must be lodged by the student with the panel chair five working days before the date set for the panel hearing. Where this written information includes documents offered in mitigation (for example GP letters, telephone bills etc, the original papers must be presented; scanned or photocopied documents will not be accepted). Such documents will be copied and presented to the panel chair. The original will be returned to the student.
- In situations where Government Covid-19 restrictions prevent or restrict the sharing of physical papers in order to reduce contact, the student will be requested to provide electronic copies of any submissions.
- Their responsibility to inform the panel chair of any discrepancies or inaccuracies within the investigation pack. Such information must be lodged by the student with the panel chair five working days before the date of the panel hearing. **Late submissions will not be permitted.**
- The student has the right to call witnesses.
- If the student wishes to call witnesses it is his/her responsibility to make arrangements for their attendance at the hearing. The student must inform the chair of the panel in writing of the names of the witnesses s/he will be calling at least 5 working days before the meeting. If s/he does not do so, the panel may request that the meeting is adjourned.
- The chair of the panel has the right to call witnesses.
- The chair of the panel must inform the student in writing of the names of the witnesses s/he will be calling at least five working days before the meeting.
- The chair of the panel has the discretion to limit the number of witnesses.

11.6 The student has the right to challenge the composition of the panel based on any perceived conflict of interest. Any objection must be received within five working days of notification of the panel composition.

The decision on the reasonableness of the objection will be taken by the chair of the panel (or another member of the panel if the chair is the subject of the objection), and if necessary a panel member will be replaced. In situations where the chair rejects a claim of bias, their decision is final.

- 11.7 The student, panel members and chair will be provided with an electronic copy of the fitness to practise investigation report including all papers concerning the case. This will be password protected, encrypted and sent to their specified email address via secure software.
- 11.8 No new evidence is permitted to be presented at the panel hearing.
- 11.9 The student is not permitted to raise matters of factual accuracy in relation to the investigation report during the panel hearing. Any comments that the student wishes to make pertaining to the contents of the report must be lodged with the panel chair five working days before the date set for the panel hearing. **Late submissions will not be permitted.**
- 11.10 The panel needs to be satisfied that it has been provided with as much information as is required for a proper decision.
- 11.11 The panel may ask for more information if that is required to reach a robust decision. If that is the case, the hearing may need to be adjourned and re-convened at a later date.
- 11.12 The fitness to practise panel comprises the following:

Chair (Head of School or Associate Head of School from a School within the Faculty of Health and Life Sciences but not from the School in which the student is enrolled)

A senior registered practitioner from the same discipline as the student under investigation; where this is not possible due to lack of opportunity or availability (for example for Trainee Nurse Associates) a senior registered practitioner from the same Professional Regulator will attend.

A lay member (a person who is not a registrant with any of the Professional Regulatory Statutory Bodies)

A member of academic staff who is a registrant from the same discipline and School as the student under investigation; where this is not possible due to lack of opportunity or availability (for example for Trainee Nurse Associates) a senior registered practitioner from the same Professional Regulator will attend.

In attendance (and not part of the decision making process):

An administrator to ensure the meeting runs smoothly, records the hearing and takes minutes.

The Investigator, to present the case.

The student under investigation

The person accompanying the student.

Witnesses where called.

11.13 The student will normally be required to attend the panel hearing in person. If the student fails to attend without good reason acceptable to the panel chair, the panel will consider the student's case in their absence.

11.14 The person accompanying the student will act in accordance with the provisions in the University's General Regulations and Procedures Affecting Students. It is expected that the student will respond to the issues of concern and answer questions put to them by the panel. This allows the student to

personally describe the course of events surrounding the issues raised and present any extenuating circumstances for the panel to consider.

11.15 In circumstances where the student is demonstrably unwell and unable to attend the panel hearing, the hearing will be adjourned until such time as the student has recovered. Adjourning the panel for this reason is at the discretion of the chair.

In exceptional circumstances for example, where the student does not return to the programme as a result of their health issue or they remain too unwell to attend a panel hearing, the panel may consider it to be in the student's best interests to offer the student the opportunity to meet with panel representatives, normally the Head of School and the Programme Leader to discuss their case. In such circumstances the full panel will discuss the case before the student meets with the panel representatives. The panel representatives will then report the outcome of their meeting with the student to the full panel before any decision is made.

In cases where the student declines this opportunity, fitness to practise decisions will be made in their absence.

## 12 Panel Proceedings

Chair welcomes the student under investigation, panel members, administrator, investigator and the person accompanying the student.

The chair will explain the process of the panel hearing and inform the student of the issues giving cause for concern

All attendees will introduce themselves including the capacity in which they are sitting.

The investigator will present the case.

The panel members will ask the investigator any points requiring clarification

The student will present their response

The panel members will ask the student any points requiring clarification.

The student may ask questions of any individuals present.

All questions must be for the clarification of matters of fact and should be addressed through the panel chair

The chair will ask the investigator whether there have been any inconsistencies in the student's responses and whether the student has volunteered any new information during their discourse.

The investigator is dismissed.

The student and the person accompanying them will retire for the panel's deliberations.

12.1 Panel deliberations and decision making are in private

12.2 The panel will consider the evidence before them and make their decisions in this order:

1) whether the individual charges are proven or not proven

2) whether fitness to practise is impaired

3) determine the most appropriate and proportionate sanction.

12.3 The civil standard of proof is used by the panel; that is proof on the balance of probabilities. A fact will be established if it is more likely than not to have happened.

12.4 The panel will take account of the students' learning and ability to reflect on their behaviours when making their decisions.

12.5 The decisions of the panel shall be taken by simple majority. Where the votes are equal, the panel shall decide the issue under consideration in favour of the student.

12.6 The student and the person accompanying them will return to the panel to hear the outcome.

12.7 The panel chair presents the panel's decisions in relation to whether allegations are proven, whether fitness to practise is impaired and the outcome of the hearing.

12.8 The student and the person accompanying them will leave.

12.9 Panel hearing closes.

12.10 Throughout the hearing the panel chair has the discretion to control and limit questioning to matters which are strictly relevant or to adjourn the meeting.

## 12.11 Notifying the student of the panel decision and outcome.

12.11.1 The chair of the panel will write to the student, normally within five working days of the hearing date, to confirm the outcome of the meeting and any actions required of the student.

12.12 The fitness to practise report and outcome letter, including conditions and sanctions will remain on the student's record for the duration of their programme and will be retained by the university as part of their record until destroyed as per DMU policy.

## 13 Outcomes

13.1 The panel has discretion to make any decision appropriate and proportionate to the circumstances, wherever possible with the student's agreement. Such decisions may include:

- permitting the student to continue on the programme with no further action required;
- permitting the student to continue on the programme under close supervision; the details of this will be determined by the panel and may include a conditions of practice order.
- requiring any other action considered appropriate, for example referral to an Occupational Health specialist;
- recommending that the student re-take part of their programme including the assessments
- recommending that the student takes a leave of absence with return to study subject to conditions;
- recommending that the student should be suspended for a defined period of time with return to study subject to conditions;
- recommending that the student should be dismissed from the programme as unfit to practise

This list provides examples and is not exhaustive.

13.2 In cases where the panel wishes to recommend that the student should be suspended from the programme for a defined period of time or dismissed from the programme as unfit to practise, the case file and recommendation are sent to the senior member of staff designated by the Vice-Chancellor for dealing with such matters under the relevant provisions of the University's Regulations; this is normally the PVC/Dean or Deputy Dean where they have not been involved with the decision as to whether the case should proceed to panel .

13.3 The designated senior member of staff will consider:

- whether the stated procedure was followed;
- whether a reasonable decision was made on the basis of the available evidence; and
- whether clear reasons have been given for the decision.

13.4 If the designated senior member of staff believes that an appropriate decision was made, he/she will endorse the panel's recommendation. The chair of the panel will notify the student of this decision in writing.

- The letter will include:
  - information that the University has the power to share information regarding a student's fitness to practise investigation and outcome with others including: external partners; the Disclosure and Barring Service;
  - placement providers; Professional Statutory and Regulatory Bodies; the Pharmacy School Council. (This list is not exhaustive).
  - That the University is obliged to disclose that a student has been dismissed from a programme of study as a result fitness to practise processes in any reference provided by them.
  - Information about the University's appeals process.



13.5 If, however, the designated senior member of staff believes that not all of the considerations noted above can be satisfied then, he/she will meet with the panel chair to discuss the matter further. Following this discussion the designated senior member of staff, acting wholly, reasonably and objectively and having due regard to the particular specialisms involved, may require a new panel to be convened in accordance with the procedure set out in this Procedure. The designated senior member of staff will notify the student of his/her decision in writing.

13.6 In cases where a student fails to take actions recommended by the panel the matter is referred to the senior member of staff designated by the Vice-Chancellor for dealing with such matters under the relevant provisions of the University's Regulations. This member of staff will then decide whether the matter should be dealt with by the Student Disciplinary Committee or under the provisions for students whose behaviour causes concern

## **14 Appeal**

14.1 In cases where the designated senior member of staff upholds the panel's recommendation that the student should be suspended or dismissed from the programme, the student has the right to appeal to the University's Disciplinary Appeals Committee in accordance with the procedures set out in Chapter 2, of the University's General Regulations and Procedures Affecting Students.

14.2 A student wishing to appeal against any other decision of the panel may make written representation to the Vice-Chancellor, normally within 14 days of the date on which the outcome of the panel hearing was emailed to them. The Vice-Chancellor's decision in such cases is final and not subject to review by any other University body.

## **15 External and Independent Review**

- 15.1 Students who have exhausted all of the university's internal procedures may take their case to the Office of the Independent Adjudicator (OIA). Information about this may be obtained directly from the OIA at <http://www.oiahe.org.uk>

### **Appendix 1**

Details about DMU Disability Advice and Support may be found at

[www.dmu.ac.uk/dmu-students/the-student-gateway/disability-advice-and-support](http://www.dmu.ac.uk/dmu-students/the-student-gateway/disability-advice-and-support)

Press ctrl and click to access the link

### **References**

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**General Pharmaceutical Council (2017)** *Standards for Pharmacy Professionals*. GPhC, London.

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