FITNESS TO PRACTISE PROCEDURE

Purpose

1. The Fitness to Practise Procedure applies to University of Suffolk students and apprentices enrolled on courses which lead to professional registration, accreditation, and/or licence to practise and where Disclosure and Barring Service (DBS) checks are normally required. These courses are likely to involve a practical professional placement as a required part of the course. Such courses include, but are not limited to, teaching, health professions, social work and counselling. Other courses may also be subject to this Procedure. Students on such courses have additional responsibilities placed upon them regarding their professional suitability, as outlined in the codes of practice of the relevant Professional, Statutory and Regulatory Body (PSRB). Failure to meet these requirements may lead to the Fitness to Practise Procedure being invoked. Students will be made aware if they are on a course covered by this Procedure through their Course Handbook and during induction to the course.

2. Concerns relating to a student's academic failure in practice should be dealt with through normal assessment procedures.

3. Fitness to Practise is the ability to meet the required professional standards, and is about demonstrating the skills, knowledge, character, conduct and health to practise the profession safely and effectively. The purpose of the Fitness to Practise Procedure is to enable the University to:

a) ensure that students on a professional course are fit to practise in that profession, or will be when they complete the course;
b) comply with the requirements of the PSRB codes of practice;
c) protect present or future patients, clients, service users and members of the public, which includes protecting the welfare of, and taking all possible steps to prevent harm to, any individuals with whom the student comes into contact during their training;
d) safeguard public confidence in the profession;
e) ensure that students are not awarded a qualification that permits them to practise a profession if they are not fit to do so.

4. This Procedure is not intended to replace the Academic Misconduct Policy, Safeguarding Policy or Student Discipline Procedure, although the outcome of a case raised under these procedures might also raise issues of fitness to practise.

5. This Procedure operates in accordance with the Office of the Independent Adjudicator (OIA) Good Practice Framework: Fitness to Practise issued in October 2019.

Scope

6. Concerns about a student's fitness to practise may be raised from any source, including (but not limited to) any member of staff, student, placement partner, member of the public, the Occupational Health Service or other agencies such as the Police, Social Services, or the Local Authority Designated Officer (LADO). Normally the allegation will relate to behaviour whilst the student is on the Institution's premises or in attendance at a placement setting related to the course. However, if it is reasonably believed that a student's behaviour off site has damaged or compromised relevant professional standards, action may be taken in accordance with this Procedure.

7. Concerns about fitness to practise may involve a range of actions, inactions, or omissions where the student's ability to meet professional standards may be impaired. Examples of issues that may lead to fitness to practise concerns include, but are not limited to, the following:

a) actions that have the potential to harm service users, other members of the public or service providers
b) actions that are likely to constitute an unacceptable risk to the student or others
c) failure to disclose information about previous matters relating to their professional suitability prior to registration on the course, including health, previous convictions and cautions
d) academic misconduct (for example plagiarism, cheating in examinations, forging records) which raise concerns about professional issues such as lack of honesty or integrity rather than the academic offence itself
e) inaccurate or falsified placement documentation
f) other disciplinary offences (for example antisocial, abusive or threatening behaviour, sexual misconduct, violence, bullying or harassment, damage to property, internet access abuse, substance/alcohol abuse)
g) contravention of the relevant professional code of conduct or actions that are prejudicial to the development or standing of professional practice
h) health and safety breaches
i) allegations of unprofessional or inappropriate 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

- failure to engage with investigations into unprofessional behaviour
- poor self-management, lack of personal accountability
- dishonesty
- breaking confidentiality

j) inappropriate behaviour away from the student's studies, including:

- criminal convictions
- disruptive behaviour in the community
- inappropriate use of social media

k) safeguarding concerns

l) poor mental or physical health or serious physical impairment that interferes with the student's ability to practise safely

m) failure to seek help or engage with appropriate services, medical treatment or other support in relation to health issues, disability or wellbeing, or unreasonable failure to follow medical advice or care plans, and treatment resistant conditions which might impair fitness to practise. This does not include pre-existing medical conditions or disabilities that the student has already disclosed and where reasonable adjustments have been made to enable the student to access their study. Cases will be considered where disability prevents the student meeting the core competencies after adjustments have been considered or made, or where this has implications for the safety and protection of patients, clients and/or the students

n) unsafe practice, incompetence or requiring too much supervision. This includes allegations, primarily occurring in placement settings, of repeated failures to achieve competence despite opportunities to develop, practise and rectify faults including where, while each individual incident may be less serious on its own, a pattern has emerged which calls into question overall competence

o) poor communication or language skills.

8. In the case of concerns about post registration students or students who hold an existing registration, the Executive Dean of School in consultation with the Academic Registrar shall determine whether to raise those concerns with the relevant PSRB and/or the student's employer.

9. In the event of alleged criminal activity or matters relating to the protection of children and vulnerable adults, refer to Appendix 1.

Commitments

10. In considering any allegations, appropriate attention will be paid to the requirements of the University's Equality, Diversity and Inclusion Policy. In particular, reasonable adjustments will be made for those with disabilities, specific learning difficulties or long-term medical conditions.

11. An allegation raising concern about fitness to practise is a serious and potentially defamatory one. Consequently it is essential that the proceedings should be conducted on the basis of strict confidentiality. All parties to the allegation and individuals who have been involved in any related investigation and/or the management and/or the administration of the allegation will observe the requirements for confidentiality. Whilst confidential information may need to be disclosed in order to consider the allegation, this will only be to those internal and external staff involved in the consideration of the allegation.

12. Where a person wishes to raise a concern about a student anonymously, for example under whistleblowing procedures, the University will normally take steps to identify the person in order to rule out the possibility that the concern is raised maliciously. Concerns received from an anonymous source will be given consideration at the University's discretion. A concern made anonymously could impede the investigation and communication of the outcome.

13. Witnesses who are giving their professional opinion are not expected to be anonymous, and if a witness does not agree to the student knowing their identity it may not be appropriate to rely on their evidence. Where evidence comes from service users during a practice placement, it will be necessary to protect the confidentiality of the service users, particularly where those service users are children or vulnerable adults, and as such this may include anonymised witness statements.

14. All witnesses should be aware that their statements will be shared with the student and the panel should the case progress to formal stage (part 2). Witness statements will normally be in written format. However, where interviews are held via video-conferencing such as Teams, the meeting may be recorded providing all parties present consent to the recording. In such cases, written minutes of the meeting will be produced but the recording may also be made available to the student and panel on request (subject to the agreement of all parties) should the case progress to formal stage (part 2).

15. Students can access impartial and confidential advice from the Students' Union Advice Service and Student Life teams. They may also seek support from their PSRB if they are a member.

16. Once a fitness to practise procedure has been instigated, the University will endeavour to conclude the proceedings within 90 days. There may however be circumstances where this is not possible, for example due to the complexity of the case or availability of the student, witnesses or panel members. In such instances, the student will be kept informed and given a likely timescale for completion.

17. It is expected that students will engage with the fitness to practice procedures when required to do so. If a student fails to engage with the process without good reason and despite reasonable efforts by the Office for Student Appeals, Complaints and Conduct (OSACC) to seek engagement, the University will normally follow the procedure through to conclusion without additional input from the student. Where, for good reason, a student is unable to engage with the process (for example due to ill health) the student will normally be offered time away from their studies, and the fitness to practise proceedings will restart when they are able to return.

18. If a student withdraws themselves from their programme of study once fitness to practise proceedings have commenced, the University will normally follow the procedure through to conclusion. For Master of Pharmacy students, the procedure will always continue through to conclusion once the case reaches the Formal Stage (part 2). This is to ensure the completeness and accuracy of the University's record in the event that the student later wishes to undertake another professional course either at the University or at another institution, or a question arises about the proceedings or outcome.

PROCEDURE FOR DEALING WITH CONCERNS ABOUT A STUDENT'S FITNESS TO PRACTISE

19. Concerns about a student's fitness to practise are normally made through the completion of a Reporting a Cause for Concern Form, submitted to OSACC along with appropriate supporting evidence. OSACC will then forward the concern to the Executive Dean of School (or equivalent), or their nominee, with responsibility for the course on which the student is enrolled. Concerns may also be raised through internal University processes, including but not limited to the Academic Misconduct Policy, Extenuating Circumstances Policy, Student Discipline Procedure and Safeguarding Policy, or as a result of DBS checking procedures.

20. Paragraphs 21 to 62 set out the normal route that fitness to practise concerns take. However, where the facts of the case have already been established (for example through the conclusion of a case under the Student Discipline Procedure, Academic Misconduct Policy or

Safeguarding Policy, or as a result of a workplace investigation or criminal proceedings) it is not normally necessary to appoint an Investigating Officer and the case may proceed directly to formal stage (part 2). In such cases, the fitness to practise proceedings would not normally commence until the internal processes of the disciplinary, academic misconduct or safeguarding case have concluded, including the appeals process. It may however be appropriate for any immediate action to be taken in accordance with paragraph 21 in order to protect the student or others. Similarly, where the student is the subject of a workplace investigation relating to their fitness to practise or criminal proceedings, a Cause for Concern form should be submitted as soon as the workplace investigation is instigated, or criminal proceedings begin. This is to allow for any immediate action to be taken in accordance with paragraph 21, but the fitness to practise proceedings will normally be on hold until the workplace investigation or criminal proceedings have concluded.

Initial consideration

21. On receipt of the concern, the Executive Dean of School (or equivalent) or their nominee, in consultation with the relevant Course Leader where appropriate and supported by OSACC, shall evaluate the risk to the protection of the public, clients and/or to the student and take such immediate action as is deemed appropriate in the circumstances to safeguard all relevant parties, but without prejudice to the outcome of the enquiry. This may include recommending to the Provost/Principal or their nominee, in consultation with the Academic Registrar or their nominee, that the student be suspended from practice placement and/or academic study and/or restrict the student's access to the Institution's premises pending the outcome of an investigation into the allegation.

22. If the Executive Dean of School (or equivalent) or their nominee determines that there is no risk or that the risk is minor, the concern will be considered under the relevant School/partner's informal processes. The School/partner's informal processes will determine whether the course team should monitor the student or take no further action. It is the responsibility of the School/partner to ensure that processes are clearly documented and adequate records maintained of any actions agreed.

23. If the Executive Dean of School (or equivalent) or their nominee determines that the risk may be moderate or major, the concern should proceed to the formal stage (part 1) for investigation by an Investigating Officer (or directly to formal stage (part 2) where the facts of the case have already been established through the conclusion of a case under the *Student Discipline Procedure*, *Academic Misconduct Policy* or *Safeguarding Policy*, or as a result of criminal proceedings or a workplace investigation).

Precautionary measures

24. Precautionary action as a result of a concern may include imposing conditions requiring the student to have no contact with a named person or persons, or suspending the student from the University, with the suspension applying to placement elements, theory elements or both.

25. A student who is suspended may be wholly or partly prohibited from entering the University's premises and from participating in University activities, including exercising their duties of any office or committee membership or ambassadorial roles in the University. The suspension may be subject to qualification, such as giving permission to attend an examination or submit an assignment, and depending on the nature of the alleged concern, the suspension may permit or deny access to Virtual Learning Environments (such as Brightspace) and other online resources.

26. Suspension is an interim measure. The suspension may be to take a student off campus or out of placement for their own safety or for the safety of others while an investigation is carried out, or to provide a cooling off period.

27. A student may be suspended at any time and will be informed in writing of the suspension by the Provost/Principal or their nominee. Suspension is not a sanction and does not imply guilt; it is used only where necessary for the protection of patients, clients and/or the students and is a interim measure.

28. The Vice-Chancellor, Provost, or the University Secretary are empowered to authorise the suspension as senior representatives of the University. Where the student is registered at a partner institution, the relevant Principal (or equivalent) or their authorised representatives have delegated authority to suspend a student.

29. Any suspension of a University of Suffolk student registered at one of our partners must be notified immediately in writing by the relevant Principal (or equivalent) or their authorised representative to OSACC and the Academic Registrar.

30. The terms of the precautionary action and the reason for it will be notified to the student in writing by the Provost/Principal (or equivalent) or their nominee.

31. A student may appeal the decision to suspend them from their studies and/or practice. Any appeal should be submitted within five working days of the decision of suspension. An appeal and any supporting evidence should be submitted to the Office of Student Appeals, Complaints and

Conduct (OSACC) via email within five working days of the decision of suspension. In consultation with the Academic Registrar, the Provost/Principal or their nominee will review and consider any appeal and the outcome will be issued to the student within five working days of the receipt of the appeal.

32. The Provost/Principal or their nominee may take action as follows:

a) Determine no change to the original decision and terms to suspend/restrict the student;
b) Determine no change to the original decision to suspend but reduce or restrict the terms of the suspension e.g. permit the student to access the building for example;
c) Overturn the original decision and remove the suspension/restriction.

33. Where a suspension remains, it will be reviewed every twenty working days (four weeks) until the conclusion of the case or at any stage if there is a material change in the circumstances of the case. The Office of Student Complaints and Conduct (OSACC) will invite the student to present any written representations in support of their review. Any review will be undertaken by an Associate Dean or Senior Academic who has had no prior involvement in the case and a recommendation made to the Vice-Chancellor or authorised nominee if the recommendation is that the suspension or restrictions should be lifted.

34. Factors to be considered as part of the review include the reason(s) for the suspension/restrictions, any altered circumstances, the stage of any investigation into the concern raised, the behaviour of the student since being suspended and the estimated timescale before the case is likely to be resolved. Those carrying out the review may also consult with the relevant Executive Dean of School or their nominee, as appropriate. The student will be informed via email of the outcome of any review.

35. Should the outcome of the review be a recommendation to lift the suspension/restrictions, consideration will be given to any terms that should be applied to the student's return to the University. The lifting of the suspension will not affect the fitness to practice process. The suspension may be reinstated immediately if there are grounds for suspecting that the student is either seeking to influence the proceedings or if there is a further concern raised, either related or unrelated to the original cause of suspension.

Formal Stage (part 1)

36. Where a concern proceeds to the formal stage (part 1), the Executive Dean of School or their nominee shall pass all relevant documents, along with an exact allegation, to OSACC, who will appoint a trained Investigating Officer in consultation with the Executive Dean of School (or

equivalent) or their nominee. The Investigating Officer appointed will be a registrant with the PSRB related to the student's programme of study wherever possible. The student's personal tutor/academic coach/supervisor and the originator of the cause for concern are not eligible to be appointed as the Investigating Officer.

37. Normally within five working days of receipt of the exact allegation from the Executive Dean of School (or equivalent) or their nominee, OSACC will inform the student of the allegation made, the name of the Investigating Officer and the procedure for dealing with the allegation.

38. The student will be asked to submit a statement in response to the allegation along with any documentary evidence, where relevant, to OSACC within five working days of the date of the allegation letter. OSACC will pass this information to the Investigating Officer as soon as possible following receipt. Ideally this should be provided before the Investigating Officer meets with the student, but should a statement not be received within the deadline, the investigation will proceed without.

39. The Investigating Officer will assemble impartially the evidence relevant to the allegation and prepare a written report which shall not pass judgement for or against the student nor recommend a particular course of action.

40. In assembling such evidence, the Investigating Officer may interview those involved and shall consider any relevant records or other written information. Interviews may be conducted by telephone or virtually via video conferencing where appropriate. A representative from OSACC should normally be present to take the minutes of any meetings. The minutes will not normally be a verbatim transcript, but rather an accurate summary of the meeting. As a matter of good practice, the student under investigation and others interviewed should be requested to read and sign minutes of their meeting(s) with the Investigating Officer to the effect that the statement represents a true record and to acknowledge that their statement will be shared with the student and the panel should the case proceed to formal stage (part 2).

41. The Investigating Officer when interviewing the student who is the subject of the concern shall explain the allegation and ask questions of the student regarding the allegation and any other relevant details. The Investigating Officer shall inform the student beforehand that they may be accompanied by a supporter. A supporter can be an appropriate member of staff of the University of Suffolk or one of the University's partner institutions, or a registered student of the University, or a member of staff or sabbatical officer of the Students' Union. The supporter may also be a representative of the union of the student's PSRB, if the student is a member. The role of the

supporter is to act as an observer, give moral support and to assist the student to make their case. A supporter should not normally answer questions on behalf of the student or speak for the student. The supporter should not also be a witness to the alleged breach/incident. In addition, where reasonable adjustments are required, a student may be accompanied by a further supporter e.g. a sign language communicator or a note-taker, and a student with difficulty in understanding English may be accompanied by an interpreter. Legal representation is not normally permitted, except in complex cases or cases where the consequences for the student are potentially very serious. If a student wishes to have legal representation, they should inform OSACC in advance of their request and the Academic Registrar will determine whether legal representation will be permitted.

42. The Investigating Officer will submit their report to OSACC, normally within twenty working days of the case being referred to them. If the investigation takes longer than this the student will be kept informed of progress.

43. On receipt, OSACC will forward a copy of the Investigating Officer's report to the Executive Dean of School (or equivalent) or their nominee for consideration. If required, the Executive Dean of School (or equivalent) or their nominee may request a meeting with the Investigating Officer to discuss any aspects of the report.

44. The Executive Dean of School (or equivalent) or their nominee will consider the Investigating Officer's report and determine that either:

a) there is not sufficient evidence to support the allegation against the student, in which case the Executive Dean of School (or equivalent) or their nominee shall inform the student in writing via OSACC. In such cases, the Executive Dean of School (or equivalent) or their nominee may request the course team to monitor the student in accordance with the School/partner's informal processes or implement an action plan, or there may be no further action;
b) there is sufficient evidence to support the allegation against the student, but the concern can be addressed and monitored through action plans and regular meetings over a specified period of time. If concerns remain at the end of this review period, the case may proceed to Formal Stage (part 2) of this Procedure;
c) there is sufficient evidence to support the allegation against the student, and therefore the case will proceed to Formal Stage (part 2) of this Procedure.

45. OSACC will inform the student of the outcome of Formal Stage (part 1) in writing (normally via email), including details of the next steps where applicable.

Formal Stage (part 2)

46. If a case proceeds to Formal Stage (part 2), OSACC will convene a Fitness to Practise Panel (FTPP) as soon as possible. Membership of the FTPP will be agreed by the Executive Dean of School or their nominee.

47. The FTPP shall comprise:

a) an Associate Dean, Executive Dean of School, or Head of Subject (or equivalent) (Chair);
b) three academics, with at least one registrant from a relevant PSRB (the same PSRB as the student wherever possible) with experience of fitness to practise issues who will be able to advise the FTPP with regard to PSRB requirements and standards of conduct. Neither the student's personal tutor/academic coach/adviser/supervisor nor the Investigating Officer shall be members of the FTPP
c) one representative from a professional placement provider from the same profession as the student.
d) Membership of the FTPP may be amended as necessary to comply with the relevant PSRB requirements. When specialised input is necessary, others with the requisite knowledge may be co-opted with the agreement of the Chair of the FTPP in consultation with the Academic Registrar or their nominee, for example the Disability and Mental Health Adviser. A representative from OSACC will be Secretary and record the FTPP's decision and justification for that decision.

48. The Chair and members of the FTPP shall have had no previous involvement in the case. All panel members will receive training for the role and, where reasonably possible, membership of the FTPP will represent a diverse mix.

49. The student will be informed of the panel membership in advance. A student has a right to object to an individual panel member, if they wish to object to an individual panel member, they should inform OSACC, via email, within three working days of the notification and provide the reason for their objection. The Chair of the FTPP, in consultation with the Academic Registrar, will consider the objection and determine whether an alternative should be appointed. Where the objection is against the Chair, the decision will be made by the Academic Registrar.

50. It is normally expected that the Investigating Officer will act as the presenting officer at the FTPP. In the absence of the IO, the OSACC representative as Secretary or the Chair can present the case.

51. OSACC will convene the FTPP as soon as possible. The panel meeting may take place in person, virtually via video conferencing or a hybrid of both. OSACC will send the meeting details, along with copies of the evidence to members of the FTPP and to the presenting officer and the student concerned ten working days before the hearing.

52. Any party may nominate witness(es) and shall inform OSACC of the name(s) at least five working days prior to the panel. The decision of the Chair of the FTPP regarding witnesses to be called shall be final. In reaching a decision about witnesses to be called, the Chair will take into account their number and relevance to the matter in hand. OSACC shall inform witnesses of the date, time and venue of the panel but is not responsible for ensuring their attendance. The unavailability of witnesses shall not restrict or delay the panel unless the Chair determines that their evidence may be material to the decision of the FTPP. Unavailable witnesses may submit a statement to OSACC for consideration by the FTPP. Exceptionally, a witness may be accompanied by a supporter as defined in paragraph 41.

53. The student may also provide OSACC with a further statement concerning the allegation(s) against them and/or any additional written evidence as they consider relevant to the case. Such information should be submitted at least five working days before the hearing and will be circulated to the FTPP by OSACC.

54. At least three working days before the panel, OSACC will send confirmation of the arrangements to the student, at both their University email address and personal email address. This should include details of:

a) the nature of the allegation
b) membership of the FTPP
c) the name of the presenter of the case
d) the name(s) of any witness(es) called
e) the date, time and place of the FTPP hearing

55. The conduct of the FTPP shall proceed as outlined in Appendix 3. The FTPP shall allow the student against whom allegations have been made to present their case in person and, if the student wishes, to be accompanied by a supporter (as defined at paragraph 41) to help them in presenting their case to the FTPP.

56. The FTPP shall consider the oral and/or written evidence submitted by the presenting officer and any oral and/or written statement or evidence provided by the student. It shall have the

power to seek such other evidence as it deems necessary and may be adjourned to allow for such evidence to be gathered.

57. The FTPP will operate on the principle of the balance of probability (i.e. it is more likely than not that something happened). The case will be deemed to be proven where this is the majority decision of the FTPP. Where there is a split decision, the outcome should fall in the student's favour.

58. If the FTPP decides that the fitness to practise allegation is unproven, it will dismiss the case and no further action will be taken against the student.

59. If the FTPP decides that the fitness to practise allegation is proven, it shall have the power to do any one of, or a combination of, the following:

a) Permit the student to continue on the course; the student is required to submit a satisfactory written reflection
b) Permit the student to continue on the course with adjustments
c) Issue a formal warning
d) Discontinue the placement and make arrangements for locating an alternative placement, where reasonably possible, and if this is permitted under the relevant assessment regulations
e) Require the student to intercalate from the course for a defined period of time with return subject to conditions
f) Require the student to withdraw from the course because they are unfit to practise
g) Impose such other action as it considers appropriate, provided that no such action requires or implies contravention of, or a concession or exemption under, the relevant assessment regulations
h) Recommend consideration of a barring referral to the DBS (see paragraph 62) and/or reporting to the relevant PSRB.

60. OSACC shall inform the student and Executive Dean of School (or equivalent) and the relevant Course Leader in writing within five working days of the FTPP meeting, giving clear and detailed reasons for the decision and relevant next steps. The student shall be informed of the right to appeal against the decision of the FTPP in accordance with paragraphs 63 to 73 of this Procedure.

61. The Executive Dean of School (or equivalent), in consultation with the Academic Registrar, shall consider whether the decision of the FTPP should be reported to the relevant placement provider, employer and/or PSRB before the period of appeal has elapsed.

62. The University has a legal duty to make a barring referral to the DBS where it thinks that a person has either:

a) harmed or poses a risk of harm to a child or vulnerable adult;
b) has satisfied the harm test; or
c) has received a caution or conviction for a relevant offence;
d) and
e) the person being referred is, has been or might in future be, working in regulated activity; and
f) the DBS may consider it appropriate for the person to be added to a barred list.

If the FTPP recommend referral to the DBS, the relevant information will be provided to the Designated Safeguarding Officer for consideration in consultation with the Executive Dean of School (or equivalent) and Academic Registrar. No referral should be made until after the period of appeal has elapsed.

PROCEDURE FOR APPEALS AGAINST DECISIONS OF THE FITNESS TO PRACTISE PANEL

63. If a student wishes to appeal against a decision of the FTPP, a written statement setting out the grounds on which the appeal is being made (see paragraph 64) must be submitted to OSACC within five working days of the student having been informed of the decision of the FTPP. While the appeal remains unresolved, the original decision of the FTPP will stand. If no appeal is received within this timescale, the case will be closed. A completion of procedures letter may be provided at this point if the student requests one, but it will state that the student did not complete the University's internal processes.

64. The grounds on which an appeal against the decision of the FTPP can be considered are:

a) the procedure was not followed properly;
b) the FTPP did not make reasonable efforts to acquire all relevant information;
c) that new evidence has become available that could not have reasonably been provided for the FTPP hearing and which could materially have affected the decision(s) of the FTPP;
d) there was bias and/or reasonable perception of bias during the procedure and/or in the conduct of the FTPP hearing;
e) the penalty imposed is not reasonable or proportionate to the offence or not permitted under the procedure.

65. In the event of an appeal, the Academic Registrar shall consider whether the grounds for appeal are covered by the provisions of paragraph 64 above and warrant further consideration by the Fitness to Practise Appeal Panel (FTPAP).

66. If the Academic Registrar determines that there are no grounds for further consideration of the appeal, the matter shall be referred to a senior representative of the awarding institution for consideration. If the senior representative of the awarding institution agrees that there are no grounds for further consideration, the Academic Registrar via OSACC shall inform the student in writing by issuing a completion of procedures letter within fifteen working days of receipt giving the reasons for that decision. This decision is final and there is no further right of appeal within the University. Students may be able to seek a review by the Office of the Independent Adjudicator (OIA) (see paragraph 75).

67. If the Academic Registrar or senior representative of the awarding institution determines that the appeal does warrant further consideration, the Academic Registrar shall appoint a FTPAP.

68. The FTPAP shall comprise:

a) Provost (Chair) or nominee
b) one academic who has had no previous involvement in the case (was not a member of the FTPP) but who is a registrant of the relevant PSRB
c) one academic from the relevant subject area from the awarding institution
d) one representative from a placement provider who was not a member of the FTPP and not associated with the teaching of the student

A representative from OSACC will be Secretary to the FTPAP and record the FTPAP's decision and justification for that decision.

69. The FTPAP shall carry out a review of all documents considered by the FTPP, together with the written statement submitted by the student setting out the grounds for the appeal. The FTPAP shall not proceed by way of a re-hearing but shall have the power to require the presentation of such further evidence as it deems necessary. The student will be informed of when the FTPAP will meet but will not be present.

70. The FTPAP shall have the same powers as the FTPP and may confirm the decision of the FTPP or substitute such other decision as it considers appropriate.

71. When the FTPAP has reached its decision, the Secretary shall inform the student in writing through the issue of a completion of procedures letter, copied to the Executive Dean of School (or equivalent) and Academic Registrar, within five days of the FTPAP meeting.

72. If any action had been taken under paragraph 61 above to inform the relevant PSRB, the Executive Dean of School (or equivalent) and the Academic Registrar shall decide whether any further report should be made to the placement provider or PSRB concerned in the light of the decision of the FTPAP.

73. The decision of the FTPAP is final and there is no further right to appeal. Students may be able to seek a review by the OIA (see paragraph 75)

Master of Pharmacy

74. Where a FTPP requires a Master of Pharmacy student to withdraw from the course on the grounds that they are unfit to practise, and the student either chooses not to appeal the decision or is withdrawn/remains withdrawn following the outcome of any appeal, relevant information will be submitted to the Excluded Students Database, as outlined in the Pharmacy Schools Council Data Sharing Agreement.

Further right to appeal

75. Students who are dissatisfied with the outcome of their appeal and the decision of the FTPAP may be able to seek a review by the OIA should the case be eligible under the OIA's rules (see http://www.oiahe.org.uk/). Details will be provided in the completion of procedures letter advising the student of the final outcome of their appeal.

Monitoring and Evaluation

76. The University of Suffolk will monitor and evaluate the effectiveness of the Fitness to Practise Procedure and reflect upon the outcomes for enhancement purposes. A report will be submitted annually to the Equality, Diversity and Inclusion Committee, the Quality Committee and Senate. The report will include equality monitoring data.

Record keeping

77. The University will keep proportionate records of all fitness to practise proceedings and outcomes for up to 50 years. In accordance with the OIA Good Practice Framework, records will be kept even when the proceedings result in no action being taken against the student. This is because behaviour or concerns that were not considered serious enough to need any action at the time may be relevant in later proceedings should the student behave in a similar way again or

if other concerns are raised. A record will be kept even if the student is completely exonerated in case a dispute later arises about the proceedings or outcome. Details will only be disclosed in exceptional circumstances and following consultation with the Academic Registrar.

78. This procedure should be read in conjunction with the Free Speech Code of Practice.

APPENDIX 1

ADDITIONAL ACTION FOR ALLEGED CRIMINAL ACTIVITY OR MATTERS RELATING TO THE PROTECTION OF CHILDREN AND VULNERABLE ADULTS

The following applies where the alleged concerns of fitness to practise, if substantiated, would also constitute an offence under criminal law and/or concerns a reportable child or vulnerable adult protection matter.

a) If the alleged offence is reported to the Police, the Academic Registrar and/or Executive Dean of School (or equivalent) may decide to defer action until the Police and courts have dealt with the matter. In cases where there is a child or vulnerable adult protection issue, the matter will be reported in accordance with the Safeguarding Policy and no investigatory action will be undertaken until advice from the appropriate authority has been received.

b) In such cases, no internal disciplinary action other than suspension from the Institution will normally be taken until either a prosecution has been completed or a decision not to prosecute has been taken or, in the case of child or vulnerable adult protection matters, advice has been received from the appropriate authority that an investigation is appropriate.

c) The Institution has the right to report any criminal offence to the Police or any child or vulnerable adult protection matter to the relevant authority and will normally do so when the offence is judged by the Provost/Principal or Safeguarding Officer as serious, or reportable in relation to child or vulnerable adult protection issues according to the Safeguarding Policy.

d) When an allegation of fitness to practise is proven under this procedure, and a student has also been sentenced by a criminal court on the same facts, the penalty imposed by the criminal court will also be taken into account in deciding the penalty under this procedure.

APPENDIX 2
FITNESS TO PRACTISE PROCEDURE: ROLES AND RESPONSIBILITIES

The Academic Registrar shall:

- ensure that the FTPP and the FTPAP procedures are fully and properly followed
- be a source of independent advice to all parties in the FTPP and FTPAP
- receive and consider (in consultation with a senior representative of the awarding institution) appeals against decisions of the FTPP
- if it is decided (with the agreement of a senior representative of the awarding institution) that an appeal does not warrant consideration by an FTPAP, inform the student (via OSACC) by email giving the reasons within fifteen working days
- if an allegation of fitness to practise is proven, in consultation with the Executive Dean of School, consider whether the outcome of the decision should be reported to the relevant professional or statutory body or DBS (in consultation with a Designated Safeguarding Officer)
- report outcomes of Fitness to Practise cases to the University of Suffolk Senate annually

The Executive Dean of School (or equivalent) or their nominee shall:

- take immediate action to safeguard all relevant parties
- appoint a senior member of academic staff to act as Investigating Officer
- receive a written report from the Investigating Officer in order to recommend the next course of action
- attend the FTPP to present the case or nominate a representative to present the case on their behalf

The Investigating Officer shall:

- assemble impartially the evidence relevant to the allegation from a full range of parties including the student
- prepare a written report for the Executive Dean of School (or equivalent) or their nominee which shall not pass judgement for or against the student nor recommend a particular course of action
- attend the FTPP as the Presenting Officer

The Chair of the Fitness to Practise Panel (FTPP) shall:

- ensure that the FTPP proceeds in accordance with the Fitness to Practise Procedure and allows all relevant parties including the student the opportunity to present their case

- ensure that all relevant evidence is considered and ensure that the FTPP has all of the information it needs in order to reach a decision
- call witnesses to the FTPP and request further information/evidence required for the FTPP to reach a decision
- ensure that the FTPP reaches its own decisions based on the evidence before it from all relevant parties
- ensure decisions are made in line with relevant regulatory body standards and codes of conduct that aim to ensure patient and service user safety.

A member of the Fitness to Practise Panel (FTPP) shall:

- ensure all FTPP panel documentation is read and considered ahead of the panel date
- ensure that all relevant evidence is considered
- ask questions and clarify facts by engaging with the student and witnesses during the panel hearing to understand the full context and ensure accurate assessment of the case
- ensure that the FTPP reaches its own decisions based on the evidence before it from all relevant parties. Ensure decisions are made in line with the relevant regulatory body standards and codes of conduct that aim to ensure patient and service user safety.
- act impartially, maintaining strict confidentiality.

The Secretary (OSACC) to the Fitness to Practise Panel (FTPP) shall:

- ensure the FTPP procedures are fully and properly followed
- be a source of independent advice to all parties in the FTPP
- convene a meeting of the FTPP as soon as possible
- receive and send copies of all written evidence to all relevant parties
- send confirmation of the arrangements for the hearing to the student
- be present for the proceedings of the FTPP to advise parties on procedure and proceedings to date, take notes and record the FTPP's decision and reasons for the decision
- inform the student and Executive Dean of School of the FTPP's decision in writing including informing the student of their right of appeal against the decision of the FTPP

The Chair of the Fitness to Practise Appeals Panel (FTPAP) shall:

- ensure that all relevant evidence is considered and ensure that the FTPAP has all of the information it needs in order to reach a decision
- ensure that the FTPAP does not proceed as a re-hearing

The Secretary (OSACC) of the Fitness to Practise Appeals Panel (FTPAP) shall:

- ensure the FTPAP procedures are fully and properly followed
- be a source of independent advice to all parties in the FTPAP
- convene a meeting of the FTPAP as soon as possible
- receive and send copies of all written evidence to all relevant parties
- be present for the proceedings of the FTPAP to advise parties on procedure, take notes and record the FTPAP's decision and reasons for the decision
- inform the student that there is no further right to appeal and provide information on how to make a complaint to the Office of the Independent Adjudicator for Higher Education (OIA)

APPENDIX 3
ORDER OF PROCEEDINGS AT THE FITNESS TO PRACTISE PANEL HEARING (FTPP)

1. At the start of the hearing, the FTPP will have a preliminary discussion in private. The Secretary shall then invite into the room:

- the person presenting the case ('the presenting officer')
- the student who is the subject of the hearing ('the student')
- any accompanying supporter of the student as permitted by the Procedure

2. If the student fails to appear, the FTPP will consider whether or not to proceed with the case immediately and may do so provided it is satisfied that the student has been properly informed of the time and place of the meeting.

3. Any witnesses whom the FTPP has invited to attend shall remain outside the room in which the FTPP is sitting until called to give evidence.

4. The Chair shall state briefly why the FTPP is sitting.

5. The proceedings at the FTPP will usually follow the pattern described below:

- all written evidence will be taken as read;
- the presenting officer will present their case;
- the student will present their case;
- the presenting officer and the student may question each other and may each be questioned by the FTPP upon their statements or evidence, both written and oral;
- witnesses are called one at a time and are questioned first by the FTPP then by the person who nominated them and finally by the other party;
- following the withdrawal of any witnesses who have been called, the FTPP may ask any further questions of the student or the presenting officer;
- the presenting officer may make a closing statement if wished (and may leave the hearing for a few minutes to prepare this);
- the student may make a closing statement if they wish (and may leave the hearing for a few minutes to prepare this);
- the student and the presenting officer will leave the hearing;
- the FTPP make a decision and the hearing closes.

6. The order of proceedings will be at the discretion of the Chair of the FTPP. The ruling of

the Chair on any point of procedure shall be final.

7. The FTPP may at any time either before or during a hearing decide to adjourn the hearing for a period not normally exceeding seven working days.

8. The decision of the FTPP shall be sent in writing to the student and to the Executive Dean of School by the Secretary within five working days of the meeting of the FTPP.