

FITNESS TO PRACTICE POLICY



Policy Review					
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Sian Deasy	New Policy	9/7/2023		V1	

Initial Equality Impact Screening					
Who has been consulted on this policy & procedure?					
Internal stakeholders, including subject specialist teaching staff in areas of PSRB regulation.					
What evidence has been used for this impact screening (e.g. related policies, publications)?					
Office of the Independent Adjudicator good practice guidance. A range of General Dental Council (GDC) guidance and regulation. Review of policies of partner universities for standardisation and consistency. Review of formatting of document in line with accessibility good practice guidance, and review for non-inclusion of gendered pronouns.					
In line with OIA guidance, having a disability or long-term health condition (including mental health) would in no way automatically make a student unfit to practice, provided that with appropriate reasonable adjustments the student could meet the required competence standards of the programme. As outlined in this Policy, Fitness to Practice is not designed to be punitive to students, but to ensure that the general public and patients / service users are kept safe, and public trust in regulated professions is maintained.					
Declaration (please tick one statement and indicate any negative impacts)					
<input checked="" type="checkbox"/> I am satisfied that an initial screening has been carried out on this policy/procedure and a full Equality Impact Assessment is not required. There are no specific negative impacts on any of the Protected Characteristics groups.					
<input type="checkbox"/> I recommend that an Equality Impact Assessment is required by the Equality and Diversity group, as possible negative impacts have been identified for one or more of the Protected Characteristics groups as follows:					
<input type="checkbox"/> Age <input type="checkbox"/> Disability <input type="checkbox"/> Gender Reassignment <input type="checkbox"/> Race <input type="checkbox"/> Religion or belief <input type="checkbox"/> Sex <input type="checkbox"/> Sexual orientation <input type="checkbox"/> Marriage & civil partnership <input type="checkbox"/> Pregnancy & maternity					
Completed by Author:	Sian Deasy	Position:	Head of Higher Education and Adult Learning	Date:	09.07.2023
<input type="checkbox"/> Reviewed by Equality & Diversity Group Date:					
<input type="checkbox"/> I confirm that any recommended amendments have been made					
Amended by Author:		Position:		Date:	
Summary of Comments/Recommendations from Equality & Diversity Group Review:					

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1 POLICY STATEMENT

- 1.1 Some programmes at Yeovil College (YC) and Yeovil College University Centre (YCUC) come under the regulations of Professional, Statutory, and Regulatory Bodies (PSRBs), who have expectations that must be met for a student or professional to be deemed 'fit to practice'.
- 1.2 In line with guidance from the Office of the Independent Adjudicator (OIA)¹, this Fitness to Practice Policy is designed to:
 - 1.2.1 ensure that students on a professional course are fit to practise in that profession, or will be when they complete the course
 - 1.2.2 to protect present or future patients, clients, service users and members of the public
 - 1.2.3 to safeguard public confidence in relevant professions
 - 1.2.4 to comply with the requirements of professional/regulatory bodies
 - 1.2.5 and to ensure that students are not awarded a qualification that permits them to practise a profession if they are not fit to do so.
- 1.3 The purpose of the Fitness to Practice Policy is to ensure students can meet the professional standards required of their programmes, and that any concerns about a student's fitness to practise are dealt with fairly, promptly, and proportionately.
- 1.4 Students should be aware that different PSRBs have different requirements upon applying for professional registration, which may include declaring where the student has been subject to a Fitness to Practice process during their studies, and any outcomes reached or sanctions applied.

2 SCOPE

- 2.1 The Fitness to Practice Policy applies to any YC or YCUC student studying on a PSRB-regulated programme that stipulates required levels of competency, conduct, and/or health of its students to be deemed fit to practice. For example, the requirements of the General Dental Council (GDC)² for students studying on the Foundation Degree Dental Technology programme. Please note that students studying the BSc (Hons) Social Work degree with the University of Gloucestershire come under the scope of the University of Gloucestershire's Fitness to Practice regulations, rather than this policy.
- 2.2 This procedure does not apply to students studying qualifications that do not require them to register with a PSRB to practise a profession or follow a PSRB's Code of Ethics or other professional standards documents.

¹ <https://www.oiahe.org.uk/resources-and-publications/good-practice-framework/fitness-to-practise/>

² <https://www.gdc-uk.org/standards-guidance/standards-and-guidance/standards-for-the-dental-team>

- 2.3 This Policy sets out guidance and protocols to be followed in an instance where a staff member, employer, student, or other stakeholder raises potential concern about the Fitness to Practice of a student on a PSRB-regulated programme.
- 2.4 The Fitness to Practice Policy is separate from the Health, Wellbeing, and Fitness to Study Policy. In most instances where a learner may be unable to fully engage in their programme of study due to their health or wellbeing, the protocols outlined in the Health, Wellbeing, and Fitness to Study Policy should be used – the Fitness to Practice Policy would only come into effect where a learner’s health, wellbeing, or fitness to study also caused concern in line with the specific PSRB requirements of a programme.
- 2.5 The Fitness to Practice policy may be triggered by a standalone event, or as a consequence of findings or outcomes from other processes, such as the Academic Misconduct Procedure, the Learner Disciplinary Policy, the Health, Wellbeing and Fitness to Study Policy, or external processes such as a criminal conviction.
- 2.6 Following the Fitness to Practice Policy would not prevent the College from also following another policy or procedure, either simultaneously or consequently, if a learner’s health, wellbeing, or conduct had implications for more than one relevant policy or procedure. For example, if a student was aggressive or abusive to another learner, this may be considered both under the Learner Disciplinary Policy, as well as under the Fitness to Practice Policy. Where possible and reasonable, the College would typically undertake its disciplinary policies/procedures in the first instance, and the Fitness to Practice Policy would then be used once another procedure is concluded and the facts established.
- 2.7 Throughout this policy, the term ‘Programme Leader’ is used to refer to the member of staff who leads a programme of study, and who would typically be a professional registrant in the discipline which they teach. In the absence of the named ‘Programme Leader’, an appropriate deputy (such as another lecturer on the programme, or the Curriculum Area Manager) could fulfil their role for the purpose of this Policy.

3 RESPONSIBILITY AND AUTHORITY

- 3.1 It is the responsibility of all staff, students, and employers involved in a professionally regulated programme to ensure that the expectations of the PSRB are adhered to, and to ensure that any instances where the PSRB’s requirements may have been breached are reported appropriately.
- 3.2 It is the responsibility of the Programme Leader for any PSRB-regulated programme to ensure that all learners and staff delivering on the programme are familiar with both the professional requirements of their PSRB and with this Policy, and that this information has also been appropriately shared with any employers or work placement settings who are employing, hosting or otherwise supporting learner(s) from the programme.

3.3 It is the responsibility of the Quality Manager to keep records of all cases of the Formal stage of the Fitness to Practice Policy being invoked, including the stage of the process reached and outcomes agreed, and to share this information with PSRBs where required.

4 CAUSES FOR CONCERN

4.1 There are a range of instances which may cause concern about a student's fitness to practice. These may be standalone occurrences, or may come to light through undertaking another process, such as the Academic Misconduct Procedure, the Learner Disciplinary Policy and Procedure, or the Health, Wellbeing and Fitness to Study Policy. Instances which may cause concern could include, but are not limited to:

- 4.1.1 academic misconduct (for example plagiarism, cheating in examinations, forging records);
- 4.1.2 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);
- 4.1.3 health and safety breaches;
- 4.1.4 failure to disclose convictions or other information that the student is required to disclose;
- 4.1.5 inaccurate or falsified placement documentation;
- 4.1.6 unsafe practice, incompetence or requiring too much supervision;
- 4.1.7 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;
 - failure to engage with investigations into unprofessional behaviour;
 - poor self-management, lack of personal accountability;
 - dishonesty;
 - breaking patient confidentiality;
- 4.1.8 behaviour away from the student's studies, including criminal conviction, offence of dishonesty, disruptive behaviour in the community, or inappropriate use of social media;
- 4.1.9 safeguarding concerns;
- 4.1.10 poor mental or physical health or serious physical impairment that interferes with the student's ability to practise safely;

- 4.1.11 failure to seek help or engage with appropriate services in relation to health issues;
- 4.1.12 poor communication or language skills.

5 ACTION TO BE TAKEN IF A CONCERN ARISES

- 5.1 In all cases, the cause for concern should be raised with the student's Programme Leader in the first instance. Where possible, concerns should be documented clearly, in writing, and specific evidence given to support the cause for concern.
- 5.2 If a student, staff member, employer, service user, or other stakeholder is unsure of the Programme Leader for a particular course they should ask their appropriate contact at the College to confirm this, or if that is not possible, contact university.centre@yeovil.ac.uk to ask for the Programme Leader's contact information to be shared.
- 5.3 To be fair to service users, patients, clients, carers, students, sponsors, providers of practice learning opportunities, and employers, it is important that any concerns about a student's suitability or fitness to practise are raised promptly, and that they are investigated and assessed quickly, fairly, and systematically.
- 5.4 It is unlikely that the College will be able to investigate allegations made anonymously, as the College will normally need to know the identity of the person making the complaint so that they can rule out the possibility that the report is being made maliciously. Where a concern is being raised surrounding conduct whilst on placement or in the workplace, the placement provider may need to protect the anonymity of service users, particularly children or vulnerable adults, and so may provide anonymised witness statements, provided there is sufficient information available for the student to be able to respond to the concerns raised.

6 INFORMAL STAGE – ASSESSMENT OF CONCERNS

- 6.1 If a concern about a student's fitness to practice is raised, the Programme Leader should initially identify if the student's fitness to practice may be in question, or whether the concern is about a less serious competence issue.
- 6.2 In some instances, the Programme Leader may request that the person who raised the concern provides more information, evidence, or detail to better understand the concern raised, or may choose to call a Tutorial meeting with the learner to understand more about the concerns raised to allow them to make a reasonable assessment of the concerns. If the Programme Leader feels that the concerns raised are too complex, technical, or disputed for them to be able to make a reliable assessment at this informal stage, and / or the Programme Leader feels that they are not free from reasonable perception of bias to be able to assess the

concerns informally, they should instead proceed to a Formal Stage Fitness to Practice Investigation.

- 6.3 If the concern that has been raised neither calls into question the student's fitness to practice, nor suggests a less serious competence issue - and as such requires no further action - it is still good practice for the Programme Leader to hold a Tutorial to meet with the learner to share that a concern has been raised about their practice or behaviour, as well as why the process will not be taken any further at this stage. The amount of information shared with the student about the concern would vary depending on the nature of the concern raised. As part of the Tutorial, the Programme Leader should signpost the student to how to access appropriate support, including pastoral support.
- 6.4 If the concern that has arisen is a less serious competence issue, the Programme Leader should call a Tutorial meeting with the learner to discuss the concern. As part of this Tutorial, the Programme Leader should direct the student to this Policy. If the student disputes the events or behaviour surrounding the concern raised, it may be appropriate to move to a Formal Stage Fitness to Practice Investigation to give the student a fair opportunity to present their case. However, if the student does not dispute the concern, the Programme Leader and student should agree upon supportive improvement measures to be taken.
- 6.4.1 These should be documented in an action plan, which should be shared with the learner and attached to the record of the Tutorial meeting in ProMonitor (the College's MIS system). The Programme Leader should make clear to the learner what the next steps are if they do not complete the required actions or make the required improvements, which may involve moving to a formal stage Fitness to Practice Investigation.
- 6.4.2 As part of the action plan, the Programme Leader may ask the student to undertake a piece of reflective writing to allow the student to demonstrate that they have the necessary insight into their behaviour or the concerns that have arisen. The Programme Leader should make clear to the student the requirements of this piece of work, how it will be assessed, and the consequences (such as moving to a formal stage Fitness to Practice Investigation) if the student does not complete the work to a satisfactory standard.
- 6.5 If the Programme Leader believes that the concern is sufficiently serious that the student's fitness to practice may be in question, for example, the student may be harmed or at risk of harming others, they should proceed directly to request the Formal Stage Fitness to Practice Investigation be begun.
- 6.6 Where a Programme Leader becomes aware of a very serious fitness to practice concern, they may request that immediate interim measures be taken whilst this Policy is followed to protect student(s), staff, service users, and / or members of the public.

- 6.6.1 Examples of cases that might require immediate intervention, prior to the processes outlined in this Policy being followed in full, might include:
 - 6.6.1.1 Cases involving a threat of serious harm to a student or others
 - 6.6.1.2 Cases involving gross misconduct or serious incidences of unprofessional behaviour
 - 6.6.1.3 Cases where the student has demonstrated unsafe practice
 - 6.6.1.4 Cases where the student's mental health is at serious risk
 - 6.6.1.5 Cases raising serious safeguarding concerns.
- 6.6.2 This may include requesting that a student's placement is temporarily suspended whilst the matter is investigated, although the student could continue to access taught lessons, if appropriate it is possible there is a request the student temporarily suspends their studies in full until the investigation is complete.
- 6.6.3 A Programme Leader should alert their Curriculum Area Manager (CAM) and their Assistant Principal (AP) if they believe immediate action is required, documenting clearly why they believe this immediate intervention to be necessary, and their recommended course of action.
- 6.6.4 If the CAM and AP (or appropriate deputies in their absence) are in agreement that immediate intervention is required to protect student(s), staff, service users, and / or member(s) of the public, this should be documented clearly, including the rationale for the decision, and the student should be notified of the decision taken and the reasons for this, including being signposted to a copy of this Policy.
- 6.6.5 The student should also be signposted to how to access support during this period of immediate action.
- 6.6.6 If a student believes that immediate action has been taken unfairly or disproportionately, they can appeal this decision in line with the 'Appeals' section outlined later in this Policy.
- 6.6.7 In all cases that require immediate intervention, the Programme Leader should also commence the process for a Formal Stage Fitness to Practice Investigation to begin.

7 FORMAL STAGE - FITNESS TO PRACTICE INVESTIGATION

- 7.1 When a Programme Leader has been made aware of a suspected or proven Fitness to Practice concern that requires formal consideration, they must notify the Quality Manager, providing details of the concern raised, the reason why this has caused a concern about the student's Fitness to Practice (typically by referencing the professional standards that may have been breached), and provide any evidence they hold to substantiate the concern(s) raised.

- 7.2 Where a student's fitness to practise is being considered because of previous findings under a disciplinary procedure, an academic misconduct investigation, the outcome of an occupational health report, or as a result of a criminal conviction, a formal investigation of the facts is generally not necessary or required, and Quality Manager can move the process directly to the 'Formal Stage – Fitness to Practice Panel'.
- 7.3 However, if this is the first time that a relevant panel/body will be considering the concern raised, and the facts of the case have not yet been established, a Fitness to Practice Investigation should be undertaken first.
- 7.4 A Fitness to Practice Investigation should take no more than 20 working days from the point of initiation to the point that the investigator's report is concluded and their findings sent to the student.
- 7.5 The Quality Manager should identify an appropriate staff member to undertake the Fitness to Practice Investigation – this should be a member of the College Management Team or experienced Programme Leader who does not teach the student, has had no previous involvement in the case, has no reasonable perception of bias surrounding the investigation, and has received appropriate training.
- 7.6 The purpose of the Fitness to Practice Investigation stage is to confirm the facts of the case to determine whether there is enough evidence to indicate that a student's fitness to practise may be impaired to warrant moving to a Fitness to Practice Panel Meeting. Appendix 1 provides a pro-forma the investigator should follow.
- 7.7 Once the investigator is appointed, they should meet with the student as soon as possible. The student should be given notice of the meeting and provided with enough information to allow them to respond to the concern(s). They should also be signposted to a copy of this Policy, as well as being signposted to how to access advice and support, and who can accompany them to the meeting (as outlined later in this Policy). The investigator should also ensure there is an appropriate administrator present to take minutes of the meeting.
- 7.8 The investigator may also choose to meet with other College staff, staff at the placement provider/employer, and/or other students to better understand the facts of the case. They will also consider documents and other evidence, including medical evidence, the student provides in support of their case, as well as considering any wellbeing issues. It is important that the investigator seeks appropriate expert advice, especially in cases involving health or impairment issues.
- 7.9 Upon completing their investigation, the investigator should complete the report documentation Appendix 1 and share this, along with any relevant evidence, with the Quality Manager. This will include their conclusions as to whether, on the balance of probabilities and in line with evidence provided, the student's fitness to practice may be impaired.

7.10 Once the Quality Manager has reviewed the report for completeness, a copy will also be sent to the student or their representative, ensuring that personal information about anyone other than the student has been redacted. The student should also be notified who they can contact regarding any concerns or queries, their right of appeal, how to access appropriate support, and the next steps to be taken.

7.11 Next steps to be taken could include:

7.11.1 That the investigator believes the student's fitness to practice may be impaired, and so the matter will be referred to a Fitness to Practice Panel.

7.11.2 That the investigator does not believe that a student's fitness to practice may be impaired and so a Fitness to Practice Panel will not be called as there is 'no case to answer', however, the investigator has reason to believe that the student's conduct may require consideration under another policy or procedure (for example, the Learner Disciplinary Policy), who they have referred this to, and an anticipated timescale for the student to hear the next steps.

7.11.3 That the investigator does not believe that the student's fitness to practice may be impaired as there is no case to answer (e.g. the concern is trivial, it is a malicious allegation that is untrue, or is mistaken) so the process will conclude.

8 FORMAL STAGE – FITNESS TO PRACTICE PANEL (Convening a panel)

8.1 When either the findings of a Fitness to Practice Investigation recommend a Fitness to Practice Panel is convened, or a Fitness to Practice Panel is convened in response to the findings of another panel, investigation, or criminal proceeding (as per 7.2), the Quality Manager will call a Fitness to Practice Panel of Investigation. A panel will comprise:

8.1.1 A chair (usually a member of the Senior Management Team).

8.1.2 A member of staff who is professionally registered with the appropriate PSRB (for example, in a panel called for the FD Dental Technology programme, this would be a GDC-registered professional). This member of staff may come from another organisation in cases where an appropriate professional cannot be identified internally.

8.1.3 An Independent Member (a member of the College Management Team, or experienced Programme Leader, who has not taught the student in question).

8.2 In calling the panel, the Quality Manager will give due regard to the makeup of the panel, for example, its cultural and/or gender balance, in order to reduce the risk of unconscious bias.

8.3 All panellists must:

8.3.1 Have read and understood this Fitness to Practice Policy

- 8.3.2 Have read and understood relevant professional guidance from the relevant PSRB³
 - 8.3.3 be fair-minded and open to hearing the case before reaching a decision
 - 8.3.4 know and understand legal requirements and good practice in relation to equality and diversity
 - 8.3.5 be free from the reasonable perception of bias in relation to this investigation.
- 8.4 The Quality Manager should give staff the opportunity to recuse themselves if they feel they have a conflict of interest, or that it is reasonable to think there would be a perception of bias. This would include, but not be limited to, any instances where an invited panellist had had previous involvement in the case, or knew a student personally.
- 8.5 The Programme Leader will be invited to attend the panel meeting to present the case, answer any questions that arise, and provide relevant subject-specific context, but will not be able to influence the final decision made.
- 8.6 Where a Fitness to Practice Investigation has taken place, the investigator will also be invited to attend the Panel meeting to present their findings and answer any questions that arise, but will not be able to influence the final decision made.
- 8.7 An appropriate administrator will act as secretary and minute taker to the panel.
- 8.8 Where possible, the panel meeting should be arranged for a day when the student would normally have teaching in order to ensure availability.
- 8.9 In most cases, the panel meeting should be organized so the student has 2-4 weeks' notice. In certain circumstances, for example vacation periods, it may take longer to arrange the meeting. Panel meetings may be called with less notice in exceptional circumstances, such as where this will allow the matter to be resolved before an Assessment Board, or if there is a very serious matter under investigation.
- 8.10 The student will be informed in writing of:
- 8.10.1 The reason for Fitness to Practice concern (ensuring there is sufficient information available for the student to be able to respond to the concerns raised).
 - 8.10.2 The purpose of the panel meeting.
 - 8.10.3 The members of the panel.
 - 8.10.4 The date and time the panel meeting is scheduled to take place.
 - 8.10.5 Their opportunity to accept or contest the allegation. Depending on the circumstances leading to the Panel being called, it may be that certain parts of the concern raised cannot be challenged (for example, if a panel is being called in

³ In the case of students on a GDC registered course, this would include 'Standards for the Dental Team', 'Preparing for Practice', 'Student Professionalism and Fitness to Practice', and the GDC fitness to practise procedures

response to a student being convicted of a criminal offence, the student cannot contest whether they committed the criminal offence).

- 8.10.6 The opportunity to provide evidence in mitigation, and any timescales for doing so. A document will be supplied to support the student to put together a statement of mitigation, outlining potential mitigating factors, such as demonstrating remorse, now receiving treatment for an illness, or that there has been an absence of appropriate professional guidance in a particular area.
 - 8.10.7 The opportunity to attend the meeting (including attendance via Microsoft Teams) if they choose.
 - 8.10.8 The opportunity to bring a support person (in line with Section 13).
 - 8.10.9 The opportunity to request reasonable adjustments are made to the panel meeting (for example, in the case of a student who usually receives in-class communication support, it would be reasonable to request equivalent support is provided to access the panel meeting).
 - 8.10.10 The option to request to call witnesses if the facts related to the fitness to practice concern are disputed, although any student should give the Quality Manager at least five working days' notice of this.
 - 8.10.11 Details of any witnesses the College may be calling to the meeting, and whether the student will be able to ask them any questions.
 - 8.10.12 How to access support during the process, both with understanding the process, as well as pastoral/wellbeing support.
- 8.11 The Quality Manager should send all panel members and the student in question details of the cause for concern around the student's Fitness to Practice at the point that the student is invited to the panel meeting. In cases involving multiple students, students themselves will only be sent evidence related to their own practice. The Programme Leader is responsible for ensuring the Quality Manager has this information in good time.
- 8.12 If a student has reasonable grounds to believe that a particular panellist may be prejudiced against them, they must inform the Quality Manager within five working days of being notified of the panel meeting.
- 8.13 A student can provide a written statement so that the meeting can take place without them, but they do not have the automatic right to request the panel meet at an alternative date or time. If a student is unable to attend the panel meeting owing to a valid extenuating circumstance, they must let the Quality Manager know with as much notice as possible, and the Quality Manager will rearrange the meeting to an alternative date and time, no more than three weeks after the initially proposed date. This flexibility to rearrange the Panel will only be extended once – if the student is unable to attend the alternative date/time, they may provide a written statement so the meeting can take place without them, but the panel will not be

rearranged again.

9 FORMAL STAGE – FITNESS TO PRACTICE PANEL (The Panel Meeting)

- 9.1 The panel meeting should begin with the Chair briefing the other panel members, and then relevant evidence will be presented to the panel. When the panel has been convened in response to the findings of a Fitness to Practice Investigation the Investigator will present the relevant evidence, or where a Fitness to Practice Panel has been convened in response to the findings of another panel, investigation, or criminal proceeding (as per 7.2) this evidence will typically be presented by the Programme Leader.
- 9.2 The student will then be invited to join the panel meeting.
- 9.3 Where the fitness to practise concerns relate to something that has not been proven, the panel must first establish the facts and allow the student an opportunity to put forward their case before determining whether, on the balance of probabilities and in line with evidence provided, the concern about the student is founded.
- 9.4 Once any disputed facts have been decided, either through a separate disciplinary procedure or criminal proceedings, or by the fitness to practise panel, the role of the panel will be to consider whether the established facts lead to a genuine fitness to practise concern and, if so, what action should be taken.
- 9.5 The Chair will explain the cause for concern that has led to the panel being called and possible outcomes to the panel and the student.
- 9.6 The panel will then discuss with the student the evidence that has called into question their fitness to practice, and the student will have the opportunity to share any evidence to contest the allegation and/or provide evidence in mitigation. The panel will have the opportunity to ask questions.
- 9.7 The student will then be asked to leave whilst the panel deliberate and will be called back when they have decided an outcome. Where this is not possible on the day, the student should be informed of when they should expect to hear the outcome, which should be no later than five working days after the date of the panel meeting.

10 FORMAL STAGE – FITNESS TO PRACTICE PANEL (Deciding Upon and Communicating an Outcome)

- 10.1 The panel must consider whether, on the balance of probabilities and in line with all evidence that has been presented, the student breached the professional regulations/code of conduct/expectations of the relevant PSRB and, if so, the seriousness of the breach and whether it can be remedied.

- 10.2 The panel should give due regard to any guidance issued by the relevant PSRB around thresholds of fitness to practice when reaching their decision. Appendix 2 outlines guidance from the GDC on reflective questions for panels when considering a student's fitness to practice.
- 10.3 The panel should also consider mitigating and aggravating factors, such as the level of insight the student has shown, evidence of good practice, personal circumstances and previous disciplinary concerns or patterns of behaviour.
- 10.4 When reaching its decision, it is reasonable for the panel to attach significant weight to the professional opinion of professionally registered staff, but the panel should also listen to the student's account of what happened and investigate any factual disputes or allegations that the student has not been treated fairly.
- 10.5 It is reasonable for a panel to consider a student's previous disciplinary and fitness to practice record and, if relevant, their health record, when determining their overall fitness to practise. For example, a student who has received previous warnings related to behaving unprofessionally towards peers and has now been found to have behaved unprofessionally towards a patient may be found to be unfit to practice owing to the cumulative effect of these incidents and the lack of improvement in behaviour.
- 10.6 If a student has declared a disability, the Fitness to Practice Panel will also consider whether the matters under investigation have arisen wholly or partly related to the student's disability, and whether they have arisen despite reasonable adjustments having been made.
- 10.7 When deciding upon an outcome, the burden of proof is on the panel to consider evidence to substantiate whether, on the balance of probabilities, and in line with the professional regulations/code of conduct/expectations of the relevant PSRB, a student is fit to practice.
- 10.8 It is good practice for a panel to work through the potential outcomes below from least to most severe, documenting whether each is appropriate. The intent of any warning or sanction is not to be punitive towards the student, but to protect the public, the safety of patients/service users/the general public, and public trust in the profession.
- 10.9 The panel should consider any relevant guidance from a relevant PSRB when determining an outcome – for example, in cases related to a student on a programme overseen by the GDC, the section entitled 'Outcomes of a student fitness to practise hearing' of the 'Student Professionalism and Fitness to Practice' guidance provides more detail on when various outcomes are likely to be appropriate⁴.
- 10.10 Outcomes that the panel can decide upon are outlined below. All three panellists must be in agreement for an outcome to be confirmed.
- 10.10.1 The student receives no warning or sanction.

⁴ https://www.gdc-uk.org/docs/default-source/guidance-for-students/guidance-for-training-providers79019ec7940a44ff8841f2a928c0d276.pdf?sfvrsn=dee70721_5

- 10.10.2 The student receives a **formal written warning** as there is evidence of misconduct, which if repeated would likely amount to them being found unfit to practice, however, their fitness to practice is not impaired at this stage and they do not require any of the sanctions listed below.
- 10.10.3 The student's fitness to practice is impaired, but with appropriate support, supervision, remedial work, and/or reflection they may become fit to practice, and they will receive a **condition** or **undertaking**. Any condition or undertaking must be proportionate, carefully explained to the student, and have a clear and demonstrable outcome as well as timescale in which this must be achieved, and who will be responsible for reviewing this. If the student does not successfully achieve all condition(s) and/or undertaking(s) in the time period specified, a further Fitness to Practice Panel will be convened to consider whether the student is fit to practice.
- 10.10.4 The student's fitness to practice is impaired – they are currently unfit to practice, but they may become fit to practice in the future if certain steps are taken - and they will be **suspended** from the programme. The period of suspension and the condition(s) the student must meet at the end of this period to be able to re-join the programme of study should be carefully explained to the student. If the conditions are related to the student's health, the panel should specify the evidence that would be required, for example a satisfactory occupational health report, before the student can resume their studies. The panel should also specify who will be responsible for reviewing whether the student has met the requirements to resume their studies at the end of the agreed time period. If the student is found to have not met the requirements to re-join their programme by the specified point, a further Fitness to Practice Panel will be convened to consider whether the student is fit to practice.
- 10.10.5 The student's fitness to practice is impaired – they are not fit to practice and they will be **permanently withdrawn** (i.e. expelled) from the programme. In this instance, the College will consider if the student is eligible for an exit award, or if there is an alternative programme the student could transfer to.
- 10.11 In all cases, the panel's decision should be communicated clearly to the student in writing, setting out the outcome, giving a clear explanation of, and detailing the reasons for the decision and any sanctions in straightforward language. The letter should also inform the student of their right of appeal and the time limits for doing so, as well as how to access support.
- 10.12 In some cases, it may also be necessary to communicate the outcome of the panel to the relevant PSRB, in which case, this must both be communicated to the student in writing, and

the Chair of the panel should take responsibility for ensuring that appropriate reporting to the PSRB is undertaken.

11 APPEALS

- 11.1 Appeals can be made against decisions made under the Fitness to Practice Policy (including a decision to temporarily suspend a learner's placement and/or studies whilst an investigation takes place, the outcome of the 'Investigation' stage, or the outcome of the 'Panel' stage).
- 11.2 Any appeal must be made, in writing, within 10 days of the student being notified of the decision/outcome which they wish to appeal.
- 11.3 If a student does not appeal within the time limit for doing so, the College will close the matter and inform the student in writing.
- 11.4 Appeals should be sent to the Quality Manager and should detail the grounds on which the appeal is being made, providing appropriate evidence to support the appeal.
- 11.5 Appeals can only be made on the following grounds:
- 11.5.1 that the procedures were not followed properly;
 - 11.5.2 that the decision maker(s) reached an unreasonable decision;
 - 11.5.3 that the student has new material evidence that they were unable, for valid reasons, to provide earlier in the process;
 - 11.5.4 that there was bias or reasonable perception of bias during the procedure;
 - 11.5.5 that the action the provider has decided to take is disproportionate, or not permitted under the procedures.
- 11.6 Appeals which do not meet the criteria listed above will not be considered, and the appellant will be issued with a Completion of Procedures letter explaining the decision within 28 days.
- 11.7 Appeals made outside of the time limit specified will only be considered in truly exceptional circumstances, where a student can evidence that the nature of the exceptional circumstance prevented them from meeting the required deadline (for example, the bereavement of an immediate family member, or a student being hospitalised for emergency treatment). Appeals made outside of the time limit for any other reason will not be considered, and the appellant will be issued with a 'Completion of Procedures' letter explaining the decision within 28 days.
- 11.8 Any appeal will be reviewed by a member of the Senior Management Team without any prior involvement in the case. The nominated member of the Senior Management Team may choose to contact the student to request further information to inform their decision or speak to others involved in the investigation or panel meeting, however, they are not obliged to do so. Students should therefore ensure that their initial appeal includes all relevant detail and supporting evidence that would be required to consider the appeal.

- 11.9 The person reviewing the appeal should determine whether there is appropriate evidence to support the decision that the appeal should be upheld, as there has been a material error, omission, or change of circumstances, in line with one of the grounds outlined in 11.5.
- 11.10 If it is found that the appeal is upheld, a new Fitness to Practice Panel will be convened, who will re-hear the student's case and determine an appropriate outcome. As the member of the Senior Management Team reviewing the appeal is very unlikely to be a professional registrant in the student's discipline, it would not be appropriate for the appeal to recommend an overturning or amendment of a Panel's decision. The student will be notified of this outcome in writing.
- 11.11 If it is found that the appeal is not upheld, the student will be notified of this in writing, and issued with a Completion of Procedures letter (see Appendix 3).
- 11.12 Any appeal should be concluded, and its outcome issued to the appellant, within 20 working days of the appeal being received.

12 REASONABLE ADJUSTMENTS TO THE PROCESS

- 12.1 If a student requires reasonable adjustments to be made to any part of the Fitness to Practice process, they should notify the Quality Manager with as much notice as possible, outlining the reasonable adjustments they require. For example, a student with Chronic Fatigue Syndrome may request to attend a meeting remotely rather than travelling to campus, or a student who usually has an in-class communication support worker may request that an equivalent provision is in place for the panel meeting.
- 12.2 If a student is not well enough to engage in the fitness to practice process, it may be more appropriate to allow the student to temporarily suspend their studies in line with the appropriate policies and procedures (which would be the HE Withdrawal and Temporary Suspension of Studies Policy for HE learners), and then the Fitness to Practice Policy would resume when the student's period of temporary suspension ends.

13 BEING ACCOMPANIED TO PANEL MEETINGS

- 13.1 A student can be accompanied to the panel meeting by a friend, family member, or other appropriate support person such as the HE Student Support Officer. This person would attend to provide moral support, rather than to speak on the student's behalf. The student should give the Quality Manager at least five working days' notice if they would like to bring someone to accompany them to the meeting.
- 13.2 In particularly complex disciplinary cases where the consequences for the student may be severe, a student may request permission to bring a legal representative. Requests for a legal representative to attend will be considered by the Quality Manager on a case-by-case basis

and only granted in severe and exceptional circumstances. When considering whether it is appropriate for a legal representative to attend, the Quality Manager will consider:

- 13.2.1 The seriousness of the case;
- 13.2.2 Whether any points of law are likely to arise;
- 13.2.3 The capacity of the individual to understand the case against them;
- 13.2.4 Procedural difficulties;
- 13.2.5 The need to avoid delay;
- 13.2.6 The need for fairness between the student and those making the allegation.

- 13.3 A student may request to appoint someone else to speak on their behalf. This will be considered on a case-by-case basis, and decided upon by either the Investigator (if at the 'Investigation' stage), or the panel's Chair (if at the 'Panel' stage). For example, in the case of a student with a disability who usually receives in-class support with communication this may be appropriate.
- 13.4 If a student, or their support person, require any reasonable adjustments to be made in order to attend or engage with the meeting, they must inform the Quality Manager with at least five working days' notice. Where reasonable, these adjustments will be made to ensure fairness.

14 ACCESSING SUPPORT

- 14.1 Any student who wishes to access support during the Fitness to Practice process should do so, by contacting the Student Experience team if they are a Further Education (FE) student, or the HE Student Support Officer if they are a Higher Education (HE) student.

15 CRIMINAL PROCEEDINGS AND FITNESS TO PRACTICE

- 15.1 If the police or courts are involved in a matter which may impact upon a student's fitness to practice, the College should normally wait for the outcome of the police or the courts' investigation or proceedings before conducting an internal investigation. The College will keep in touch with the student(s) involved and with the police during this process.
- 15.2 The College may need to take some form of temporary action during this time in order to protect other students, staff members and/or service users. For example, a student may be suspended, or temporarily suspended from their programme or placement. Any instance would be considered on a case-by-case basis, and the Programme Leader, Curriculum Area Manager (CAM) and Assistant Principal (AP) would meet to weigh up the potential risk to student(s), staff, the public, and/or patients and service users against the potential disadvantage to the student of what might be a long suspension while the criminal investigation is happening. If it was deemed that a temporary suspension was necessary, this would be communicated clearly with the student, along with the reasons for the decision being

made. The student would have the right to appeal this decision, in line with the Appeals information outlined in this Policy.

15.3 Where a student is acquitted of a criminal offence, or where the criminal investigation has been dropped, the College may still take action under the Learner Disciplinary Policy and Procedure and/or Fitness to Practice Policy.

15.4 If a student was convicted of a criminal offence, the Fitness to Practice Policy would be triggered, and a Fitness to Practice Panel would be convened to determine whether what the student has been convicted of impairs their fitness to practise.

16 RELATED POLICIES, PROCEDURES, DOCUMENTS, DEFINITIONS

- Acceptable Use of IT Policy
- Learner Disciplinary Policy and Procedure
- Health, Wellbeing, and Fitness to Study Policy
- Academic Misconduct Procedure
- Office of the Independent Adjudicator Good Practice Framework – Fitness to Practice⁵
- General Dental Council – Student Fitness to Practice Guidance⁶
- General Dental Council – Student Professionalism and Fitness to Practice⁷
- General Dental Council – Standards for the Dental Team⁸

⁵ <https://www.oiahe.org.uk/media/2373/fitness-to-practise.pdf>

⁶ <https://www.gdc-uk.org/education-cpd/students-and-trainees/becoming-a-member-of-the-dental-team/guidance-for-students>

⁷ https://www.gdc-uk.org/docs/default-source/guidance-for-students/guidance-for-training-providers79019ec7940a44ff8841f2a928c0d276.pdf?sfvrsn=dee70721_5

⁸ <https://www.gdc-uk.org/standards-guidance/standards-and-guidance/standards-for-the-dental-team>

Appendix 1 - Fitness to Practice Investigation Report

Yeovil College - Student Fitness to Practice Investigation Report		
Investigator Name		
Investigator Job Title		
Student Name		
Programme Title		
Student Year of Study		
Details of the allegations (including relevant professional standard(s) or equivalent that may have been breached)		
PSRB for Programme		
Detail of relevant professional standard(s) / code of conduct or equivalent that may have been breached:		
How did the investigation come about?		
Key actions taken by the Investigator as part of this investigation:		
Action	Person	Date/Time
Documents / Evidence Considered:		
What	Provided by	Date/Time
Key findings of the investigation. (This may include facts / timeline established, and any other relevant information – for example if there are existing warnings or actions related to the learner which are pertinent).		
Summary of evidence supporting the judgement that the student may not be fit to practice (detail what the investigation has established).		
Summary of evidence not supporting the judgement that the student may not be fit to practice (detail what the investigation has established and / or any part of the investigation that was inconclusive).		

Evidence not collected (list all evidence that could not be collected any why – this may include persons that were not interviewed)	
Anonymised statements (if any, explain why and provide details of any enquiries into witness)	
<ul style="list-style-type: none"> • <i>Student A's to protect them from any detrimental impact</i> 	
Summary of Investigation Findings (Conclusion reached and rationale – this may include how the evidence supporting and evidence not supporting the judgement that the student may not be fit to practice have been balanced).	
Recommendation (Please mark 'X' as appropriate).	
	On the balance of probabilities, and the basis of the evidence considered, the student's fitness to practice may be impaired, and so the matter should be referred to a Fitness to Practice Panel.
	On the balance of probabilities, and the basis of the evidence considered, the student's fitness to practice is not impaired and so a Fitness to Practice Panel will not be called as there is 'no case to answer', however, there is reason to believe that the student's conduct may require consideration under another policy or procedure (for example, the Learner Disciplinary Policy). (If so, please outline who you have referred this to, and an anticipated timescale for the student to hear the next steps).
	On the balance of probabilities, and the basis of the evidence considered, the student's fitness to practice is not impaired and there is no case to answer (e.g. the concern is trivial, it is a malicious allegation that is untrue, or is mistaken) so the process will conclude.
Investigator Name:	
Investigator Job Title:	
Signed:	
Date:	
Please ensure any evidence considered, including emails, statements and meeting notes, are appended to this report and returned to the Quality Manager.	

Appendix 2 - GDC Guidance on Applying Thresholds

Guidance from the General Dental Council (GDC) on applying the threshold of student fitness to practice⁹.

- A student's behaviour may have harmed patients or put patients at risk of harm
- Harm or a risk of harm may be demonstrated by an incident or series of incidents that cause concern to personal tutors and academic or clinical supervisors. A series of incidents could indicate persistent failings or other repeated departures from good practice which are not being, or cannot be, safely managed through pastoral/student support or support has been tried and has failed
- A student is alleged to have shown a deliberate or reckless disregard of professional and clinical responsibilities towards patients and colleagues
- An isolated lapse from high standards of conduct - such as a rude outburst - would not in itself suggest that the student's fitness to practise was in question. But the sort of misconduct, whether criminal or not, which indicates a lack of integrity on the part of the student, an unwillingness to behave ethically or responsibly or a serious lack of insight into obvious professional concerns will bring a student's fitness to practise into question
- A student's health or impairment may be compromising patient safety. Medical issues can be difficult to manage and there may be personal issues that students are under no obligation to disclose. However, patient safety must be prioritised and a student's willingness to recognise an issue and response to advice taken into account
- A fitness to practise procedure does not need to be initiated merely because a student is unwell, even if the illness is serious. However, a student's fitness to practise is brought into question if it appears that the student has a serious medical condition (including misuse of drugs or alcohol); AND the student does not appear to be following appropriate medical advice as necessary in order to minimise the risk to patients and colleagues.
- The stage of the course the student is at.

⁹ https://www.gdc-uk.org/docs/default-source/guidance-for-students/guidance-for-training-providers79019ec7940a44ff8841f2a928c0d276.pdf?sfvrsn=dee70721_5

Appendix 3 - Completion of Procedures Letters

Template letter when 'Appeal' stage has been concluded internally for students studying on Open University validated courses.

Dear **[Name of complainant]**,

This letter confirms that the internal procedures of Yeovil College in relation to your **appeal*** regarding **[please describe]** have been completed.

The issues that you raised in your **appeal etc*** were **[details]**. The issue(s) that were considered in relation to your **appeal was / were***: **[brief summary etc]**.

Our final decision is* **[detail]** because **[reasons]**.

In conclusion the College will be taking the following actions in relation to the issues you have raised. **[Here you must add – actions to be taken, timescales and who is responsible.]**

I hope you will view this response as helpful in addressing your concerns. However, if you have any further concerns, require any information, or would like to attend a meeting to discuss your **appeal** further, please contact me to resolve any outstanding issues you may have.

I should also like to take this opportunity to thank you for contacting us about your concerns. The opinions of those who use our services give us valuable insight into the service that we provide and areas where improvements might be made.

Because you are studying on a programme validated by the Open University (OU) you can request that the OU reviews this outcome if certain conditions are met. Please read "Appendix 1: Student Complaints and Appeals Procedure" of the Open University's Handbook for Validated Awards¹⁰ to understand if you would be eligible to request the Open University review this outcome, and if so, the timeline and process you will need to follow. Do read the Open University's documentation for full details, however, you should be aware that it is important that the OU receives any complaints or appeals as soon as possible, and within three months of the date of this letter. A delay may mean that the OU are unable to investigate the matter fully.

Please note, that procedures will not be deemed officially 'completed', and therefore you would not be able to ask the Office of the Independent Adjudicator for Higher Education (OIA) to review this outcome until you had also exhausted the Open University's processes. If you were to follow and complete the Open University's processes, you would then be issued a 'Completion of Procedures' letter and at that point would be entitled to request that the OIA review the complaint. Please be aware that there are time limits within which you would have to request the OIA review a complaint – typically students have 12 months to bring an appeal to the OIA, although please visit their website for the most up-to-date information.

Yours sincerely,

[Authorised signatory]

¹⁰ <https://www.open.ac.uk/about/validation-partnerships/about-ou-validation/ou-handbook-validated-awards>

Template letter when ‘Formal Complaint: Appeal’ stage has been concluded internally for students studying on University of Gloucestershire validated courses, relating to matters that have the right of appeal to UoG.

Dear **[Name of complainant]**,

This letter confirms that the internal procedures of Yeovil College in relation to your **appeal*** regarding **[please describe]** have been completed.

The issues that you raised in your **appeal etc*** were **[details]**. The issue(s) that were considered in relation to your **appeal was / were***: **[brief summary etc]**.

Our final decision is* **[detail]** because **[reasons]**.

In conclusion the College will be taking the following actions in relation to the issues you have raised. **[Here you must add – actions to be taken, timescales and who is responsible.]**

I hope you will view this response as helpful in addressing your concerns. However, if you have any further concerns, require any information, or would like to attend a meeting to discuss your **appeal** further, please contact me to resolve any outstanding issues you may have.

I should also like to take this opportunity to thank you for contacting us about your concerns. The opinions of those who use our services give us valuable insight into the service that we provide and areas where improvements might be made.

Because you are studying on a programme validated by the University of Gloucestershire (UoG), you can request that UoG review this outcome if you are dissatisfied with the outcome reached, if certain conditions are met. Please visit the ‘Academic Appeals and Student Complaints’¹¹ section of the UoG website to review UoG’s procedures and understand if you would be eligible to request UoG review this outcome, and if so, the timeline and process you will need to follow. Do read the UoG documentation for full details, however, you should be aware that it is important that the UoG receives any complaints or appeals as soon as possible, and within their published timescales. A delay may mean that UoG are unable to investigate the matter fully.

Please note, that procedures will not be deemed officially ‘completed’, and therefore you would not be able to ask the Office of the Independent Adjudicator for Higher Education (OIA) to review this outcome until you had also exhausted the University of Gloucestershire’s processes. If you were to follow and complete UoG’s processes, you would then be issued a ‘Completion of Procedures’ letter and at that point would be entitled to request that the OIA review the complaint. Please be aware that there are time limits within which you would have to request the OIA review a complaint – typically students have 12 months to bring an appeal to the OIA, although please visit their website for the most up-to-date information.

Yours sincerely,
[Authorised signatory]

¹¹ <https://www.glos.ac.uk/information/knowledge-base/appeals-and-complaints/>

Template letter when ‘Formal Complaint: Appeal’ stage has been concluded internally for students studying on a higher education programme which does not have the right of appeal to a partner university.

Dear [Name of complainant],

Completion of Procedures Letter

This letter confirms that the internal procedures of Yeovil College in relation to your **appeal*** regarding **[please describe]** have been completed.

The issues that you raised in your **appeal etc*** were **[details]**. The issue(s) that were considered in relation to your **appeal was / were***: **[brief summary etc]**.

The **procedures / regulations** applied were: **[details and date as supplied to the OIA’s electronic Regulations Bank]**. Our final decision is* **[detail]** because **[reasons]**.

In conclusion the College will be taking the following actions in relation to the issues you have raised. **[Here you must add – actions to be taken, timescales and who is responsible.]**

I hope you will view this response as helpful in addressing your concerns. However, if you have any further concerns, require any information, or would like to attend a meeting to discuss your **appeal** further, please contact me to resolve any outstanding issues you may have.

I should also like to take this opportunity to thank you for contacting us about your concerns. The opinions of those who use our services give us valuable insight into the service that we provide and areas where improvements might be made.

Yeovil College subscribes to the independent scheme for the review of student complaints. If you are dissatisfied with the outcome you may be able to apply for a review of your **complaint / appeal etc*** to the Office of the Independent Adjudicator for Higher Education (OIA) provided that the complaint you take to the OIA is eligible under its Rules.

Should you decide to make a complaint to the OIA, your OIA Complaint Form must be received by the OIA within 12 months of the date of this letter, that is, it must be received by the OIA on or before **[insert date - e.g. if the Completion of Procedures Letter is dated 9 July 2015, this date should be 9 July 2016]**.

[Include here any factors of which the provider is aware which mean that it is particularly important for the student to bring the complaint promptly.]

You can fill in the OIA’s complaint form online or download a copy from the OIA website¹². The OIA also publishes An Introduction to the OIA Scheme for Students, which can be downloaded from the OIA website¹³. Alternatively, you can telephone or write to the OIA for a form. You should send a copy of this letter to the OIA with your OIA Complaint Form.

Guidance on submitting a complaint to the OIA and the OIA Complaint Form can also be found on the OIA’s website¹⁴. You may also wish to seek advice from the Students’ Union about taking your complaint to the OIA.

Please note that the OIA will normally only review issues that have been dealt with through the provider’s internal procedures.

Yours sincerely,

[Authorised signatory]

¹² <https://www.oiahe.org.uk/students/how-to-complain-to-us/>

¹³ <https://www.oiahe.org.uk/students/can-you-complain-to-us/>

¹⁴ <https://www.oiahe.org.uk/students/how-to-complain-to-us/>