

University of Winchester Faculty of Health & Wellbeing: Professional, Statutory & Regulatory Bodies Fitness to Practise Policy and Process.

Fitness to Practise Policy and Process

Document Title:	Faculty of Health & Wellbeing: Professional, Statutory & Regulatory Bodies Fitness to Practise Policy and Process
Document Author:	Wayne Arnett: Senior Nurse Lecturer & Faculty Fitness to Practise Lead Sophie Gay: Faculty Director of Practise Learning & Fitness to Practise Lead
Responsible Person and Department:	Simon Jobson, Dean of Faculty of Health, and Wellbeing
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Summary
This document defines the process for investigating allegations that relate to any form of Fitness to Practise, as defined in this document, and the penalties that may be imposed for proven cases.

Summary of Changes

The list summarises the changes since 2020. The date confirms when the changes were implemented.

Implementation date	Changes
2023/4	<p>Changes include:</p> <ul style="list-style-type: none"> • The reduction in the number of fitness to practise stages from 3 to 2 to streamline the process. • Clearer definition of roles and responsibilities of the panel members. • The change in the Chair's responsibilities: they now have no say in the panel's decision. • Inclusion of clearer deciding factors that allow the panel to make an informed decision. • Guidance on potential sanction orders to facilitate the decision-making process of the panel and maintain a level of parity within all cases. • Updated definitions and terminology. • Inclusion of post-graduate learners into the policy guidance. • Clear guidance on the Completion of Programme letter following an appeal. <p>To be completed:</p> <ul style="list-style-type: none"> • The new policy will include a learner friendly version, but this will be created via a learner working party. • Additional templated letters will be produced to facilitate the process and maintain a level of parity. • Inclusion of a fixed agenda for the chair in facilitating the Panel hearings.

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Terminology & Definitions

Term	Definition
Duty of Candour	A professional responsibility to be honest when things go wrong.
Employer Partner	Learners on programmes such as the Nursing Associate or apprenticeship routes are often employed and released to study at the University of Winchester. Employing organisations of these learners are known as Employer Partners
Learner	A student; Nurse, Nursing Associate, Nurse Apprentice, Social Worker, Dietician and Nutritionist, Physiotherapist, Occupational Therapist, Sports & Exercise NB: To be reviewed when a new programme is validated
In absentia	Whilst not present and/or absent from the proceedings.
In writing	Via an agreed online learner account [namely their university email address] and via recorded delivery to their designated home and/or term time address (which ever has been nominated by the learner).
Practice Placements	A practice placement is where a learner applies their knowledge to practice, learns key skills and achieves the required competencies for registration. Adapted RCN (2010)
Professional Regulatory Statutory Body	Professional bodies, regulators, and those with statutory authority over a profession or a group of professionals
Temporary Suspension of Study	The learners programme is paused temporarily until such a time as the risk can be assessed appropriately i.e., whilst Occupational Health check is completed.
Initial Concerns	Issues raised that could relate to a learner's fitness to practise. These can be raised by anyone
Allegations	A claim or assertion that someone has done something illegal or wrong, typically one made without proof.
Terms of Reference	A written outline detailing the required expectations.
Without prejudice	Impartial and unbiased action
Investigating officer	An individual who has been appointed by the Faculty Fitness to Practise Lead to conduct an investigation
Panel	A group of academic and clinical persons, chose to give advice, share an opinion and/or decide on the outcome of the case
Chair of panel	The Faculty Dean, or designate, responsible for presiding over the panel, and to ensure that process is followed, and that the individual is treated justly
Work/practise-based learning/practise learning	Educational strategy that provided learners with 'real-life' experiences where they can apply academic technical skills and develop employability.
Expert Witness	An individual whose level of specialised knowledge or skill in a particular field qualifies them to present their opinion about the facts of a case.
Specialist	An individual who concentrates primarily on a particular subject or activity and/or highly skilled in a specific and restricted field.
Right-Touch Regulation	Understanding the problem before jumping to the solution. It makes sure that the level of regulation is proportionate to the level of risk to the public.
Proportionality	An action should not be more or less severe than is necessary and that competing interests in this regard should be carefully balanced.

1.0 Introduction

- 1.1 The definition of Fitness to Practise [FtP], is “the ability to meet professional standards; it’s about character, professional competence and health”, NMC (2021) & HCPC (2021). This policy and process has been designed to protect the public from those who are not fit to practice.
- 1.2 This FtP policy links with the Disciplinary Procedures for Students. Where a learner contravenes the Student Disciplinary (or equivalent) Policy, then a joint investigation will take place between the Director of Equalities, Conduct & Complaints (or designated other) and the Fitness to Practice Lead. A joint panel will be held to hear the case.
- 1.3 Any infringements of University of Winchester policies and procedures may also result in the initiation of the Fitness to Practise Policy and/or the Disciplinary Procedures for Students. These include but are not limited to:

- [Student Complaints Policy](#)
- [Data Protection Policy](#)
- [Drugs and Alcohol Policy \(Students\)](#)
- [ICT Acceptable Use Policy](#)
- [Social Media - Policy on student use and misuse of social media](#)
- [Supported Study Approved Procedures](#)
- [Race Harassment Guidance](#)
- [Supporting Student to Succeed](#)
- [Applicants with Criminal Convictions Policy](#)
- [Sexual Harassment, Misconduct & Violence Guidance](#)
- [Sexual Misconduct & Harassment Guidance](#)

[For a comprehensive up to date list of university policies click here](#)

- 1.4 This FtP Policy is *not* a substitute for a criminal investigation and/or convictions. The Police, Disclosing and Barring Service [DBS] and other relevant agencies/organisations, may be notified if the learner has committed a possible criminal offence. Any Police and/or agency investigation takes precedence over any internal FtP or Disciplinary investigation. Any internal FtP/Disciplinary investigation will be suspended until the Police and/or agency Investigation has been completed. However, any decision by the police and/or agency to discontinue an investigation, or even an eventual 'not guilty' verdict, does not prevent the University from recommencing its Disciplinary or FtP processes. The University may, without prejudice, take actions such as suspensions from studies, placement, or exclusion from university accommodation while a police investigation is ongoing.

- 1.5 Behaviour, health and /or professional conduct that adversely impacts on a learner's fitness to practise, may result in their Professional Regulatory Statutory Body (PRSB) refusing to record the award and entitlement to practice. Standards of education and proficiency are published by PRSB's, who mandate that Approved Education Institutions (AEI) set out a robust process by which FtP is demonstrated and suspected lapses are investigated.
- 1.6 This FtP policy and process has been written with our employer partners to ensure we work collaboratively in all health and social care programmes leading to professional registration and maintain involvement with our partners (employer and placement providers) to share information. The policy/process also facilitates a robust, fair, impartial, and lawful fitness to practise procedure that aims to address all concerns about the conduct of learners that might compromise public safety and protection. The University of Winchester and Faculty of Health and Wellbeing, priorities the safety of people, including carers, learners, and educators.
- 1.7 The purpose of this policy is to outline the standards that need to be addressed where there is cause for concern regarding 'Fitness to Practise', and the process to be taken in responding to and managing the situation.
- 1.8 The FtP policy has been designed to primarily support the learner and allow them to reflect upon their 'duty of candour' (see Terminology and Definitions Page 4), and the issue(s) that have been alleged. As a consequence of the process, there may be actions required by the learner, and/or sanctions placed upon the learner.
- 1.9 The FtP Policy is a standalone policy, however if a learner displays behaviours through their engagement with other policies, such as 'Support to Study' and the 'Student Conduct Policy', that calls into question their fitness to practise, then an FtP investigation will be considered.
- 1.10 Learners who are subject to the FtP process may request to have legal representation. However, approval will be at the discretion of the Dean of Faculty (or designate) and requested in writing. Alternatively, learners can seek independent advice from the [Winchester Student Union](#). However, the role of the legal representative is purely one of support, they cannot talk during the hearing. If they wish to speak with the learner, permission must be sought from the Chair to have a timed break.
- 1.11 The FtP policy and process are applicable to a learner's behaviour in the personal, professional and university spheres of life, and any behaviour that brings their profession, the University, placement provider or employer into disrepute, or presents a risk to themselves or other parties, is subject to FtP proceedings and concerns should be reported immediately.
- 1.12 The FtP policy applies to learners throughout the period of their registration with the University irrespective of the mode or place of study. FtP concerns that come to the attention of the University once a learner has left the university will also be investigated, with or without the learner's involvement.
- 1.13 FtP concerns raised about behaviours and/or issues alleged to have occurred whilst registered as a learner at Winchester University, will be investigated under this policy even if the learner is not registered with the University when the allegations are made. The individual concerned will be invited to co-operate with the investigation, which will proceed with or without the learner's co-operation.

2.0 Professional Behaviour

- 2.1 The University of Winchester expects all learners, enrolled on programmes that lead to a professional registration and/or qualification, to demonstrate behaviour that reflects the values and high standards set by the University and relevant professional bodies as outlined in their respective codes of conduct and/or standards.
- 2.2 This level of behaviour must be maintained within a learner's personal, professional, and University life. The policy will be initiated at any point if the learners' behaviour falls below the expected standard.
- 2.3 Should a learner be unwilling or unable to co-operate with any part of the FtP process, or to attend a scheduled meeting, the university may continue to follow the process where reasonable. When conducted in absentia, a learner may submit a written report/statement to the university that would be presented at the panel hearing (Statement template/guidance in Appendix III).

3.0 Health, Equality and Diversity

- 3.1 Learners have access to the University of Winchester Student Support and Success Services Advisors [SSSA's] during the FtP process, these include SSSA's, Mental Wellbeing Advisors, Faith Leaders, and Students Union, as well as their personal tutor or a nominated member of the programme team.
- 3.2 To ensure that a learner's health and/or disability is considered systematically and fairly, the [Equality Act \(2010\)](#) is adhered to, ensuring reasonable adjustments have been implemented during the process for learners with additional needs where appropriate.
- 3.3 Should a learner's physical or mental health give cause for concern during the FtP process, such that their ability to practice is impaired, an Occupational Health [OH] assessment or other medical opinion may be requested by the learner, their personal tutor, member of academic staff, FtP Lead or employer (if on a post-graduate/apprenticeship programme/module or course).

- 3.4 Where a health assessment has been sought, a temporary suspension of FtP investigation or study may be required, without prejudice, to maintain personal safety and the safety of others.
- 3.5 Where necessary, the Supporting Student to Succeed: Extenuating Circumstances & Support to Study (2022) Policy, must be adhered to where the learners physical and mental health is impacting upon their academic and practise ability.

4.0 Professional Suitability and Fitness to Practise on Admission

- 4.1 Eligibility criteria are used to screen for professional suitability as part of the recruitment process. Candidates must comply with the following:
- 4.1.1 A clear Enhanced Disclosure and Barring Service [DBS] check
 - 4.1.2 Evidence of achieving academic qualifications and
 - 4.1.3 Appropriate occupational health clearance
- 4.2 At the initial application stage, all applicants must submit a Declaration Form listing any current or pending criminal cases or historical criminal offences (including those 'spent'). Those applicants accepting an offer of a place on a programme are subject to an enhanced check via the Disclosure Barring Service, with clearance required before they engage in practice-based learning. For employees on an apprenticeship programme, confirmatory evidence of satisfactory DBS clearance is a requirement for enrolment on the programme and is the responsibility of the employer and learner to provide.
- 4.3 All learners accepted for admission to a programme are subject to an OH check. Prospective learners must always provide honest answers when completing OH forms. Failure to disclose a health condition that could put the learner, peers, colleagues, or patients at risk may be investigation under the FtP policy and may have placements suspended without prejudice.
- 4.4 Learner's must meet the minimum immunisation requirements of the University, placement providers and/or employer partners, as legislated by the UK Government and within legislative timeframes. This includes legislation passed once the learner's programme has commenced. It is the learner's responsibility to engage with university processes to ensure they meet minimum immunisation requirements (for example, providing proof of vaccination when ask to do so). Action will be taken if the leaner:

- 4.4.1 Fails to comply with their legislative obligations in a timely manner.
- 4.4.1.1 Fails to comply with the legislative obligation and requirements of their placement and/or...
- 4.4.2 Failed to access communications and information from the University in respect of their legislative obligations.

4.5 Learners who fail to meet the minimum requirements for basic statutory and mandatory skills, as detailed in the [UK Core Skills Training Framework 1.3 \(Skills for Health 2016\)](#) will be prevented from attending practise placements and will receive an automatic failure. Failure to complete statutory and mandatory training and/or remain up to date throughout the programme, will result in the learner being unable to undertake the placement element of the programme and may lead to FtP proceedings being instigated.

5.0 **Apprentice Learners**

5.1 Where apprentice learners have undertaken DBS and OH checks and been cleared with an Employer Partner, confirmatory evidence must be provided to the University. Failure to do so may result in an FtP investigation.

6.0 **Professional Suitability and Fitness to Practise Once Enrolled on Programme**

6.1 A FtP concern can arise at any point during a learner's studies.

6.2 As per the [Applicants with Criminal Convictions policy](#):

*"Learners re-enroll at the start of each academic year, at which point learners are **required** to sign a declaration verifying that there has been no change to the information previously supplied in their Disclosing & Barring Service (DBS) application". Failure to disclose of any changes may lead to FtP procedures.*

7.0 **Examples of FtP Concerns**

7.1 **Minor Concerns**

Minor concerns may not normally lead to the FtP procedure being initiated, unless a persistent disregard is shown despite discussions with the Practice/Academic Assessor, Personal Tutor and/or Module/Course lead. The following are non-exhaustive examples of minor concerns:

- o Poor time keeping and attendance.

- Minor breaches of local policy.
- Professional appearance.
- Minor lapses in professional attitude and behaviour.
- Lack of initiative and insight (relevant to the learner's stage of education and training).
- Lack of engagement with their chosen professional programme/module and/or course.
- Isolated or accidental incidents of academic misconduct.
- Disruptive behaviour during taught sessions.
- Inadequate/inappropriate email etiquette.

NB: Minor concerns relate to; university and private life, as well as clinical practice.

7.2 Major Concerns

Major concerns may include, but are not limited to, the following examples:

- Where the learner's mental health is at risk or raises serious safeguarding concerns.
- Any behaviour that puts the learner and/or others at risk of serious harm.
- Gross misconduct/serious incidences of unprofessional behaviour.
- Dishonesty.
- Undertaking practice tasks without appropriate supervision, training, or insight
- Health and Safety breaches.
- Serious academic misconduct; including and not limited to; using AI generators (or alternatives), plagiarism, cheating, forging practice assessment documents. In such cases, The Academic Integrity procedures will be completed before starting a FtP procedure.
- Antisocial behaviour (violence, bullying & harassment), verbally or physically threatening behaviour (including online), physical/emotional/financial/sexual abuse or misconduct, neglect, inappropriate and/or criminal use of the internet, and significant substance/alcohol misuse.
- Unsafe practise, incompetence or requiring extensive supervision beyond the expectation at that level in the programme.
- Failure to disclose in a timely way convictions, physical and mental illnesses, disabilities, or other information that they are required to disclose.
- Failure to attend or respond to personal illness or disability which compromises ability to undertake professional practice. For example, continuing to practice when clearly unwell, failing to adhere to treatment regimes, disclosing health condition to patients / service users / clients.
- Persistent lower-level unprofessional behaviour such as rudeness to colleagues, failure to follow dress code, persistent lateness, lying, use of mobile phones, poor attendance, showing a lack of insight and poor absence reporting.
- Breaching confidentiality.



- Failure to seek help or engage with appropriate services in relation to health issues; including failure to engage with the 'Support to Study' Process.
- Poor communication or language skills.
- Falsifying attendance.

NB: Major concerns relate to; university and private life, as well as clinical practice.

7.3 Criminal Behaviour and Convictions

All learners, where their programme dictates, are required, at the end of each academic year (Part) of the programme (including completion), to submit a written Declaration of Good Health & Character, confirming any changes or no changes to your health criminal record status (this includes any pending legal proceedings). You are also obliged to contact the Programme Team, as soon as possible, if there is any change to your health or criminal status in between this time.

7.4 Criminal Behaviour that may initiate Student Disciplinary Procedures and/or FtP processes include but are not limited to;

- Cyber/Online Crime.
- Creating and using fake email accounts (with or without the intent to deceive)
- New account fraud and/or account creation fraud
- Theft.
- Domestic abuse.
- Safeguarding concerns.
- Driving offences that carry more than a 3-point penalty.
- Fraud and economic crime.
- Hate crime.
- Sexual offences.
- Terrorism.
- Unlawful supply of controlled drugs.
- Verbal and harassment in Public.
- Violent crime against person or persons (e.g., common assault to murder).

8.0 Key Roles and Responsibilities within the FTP Process

8.1 Faculty Roles:

- 8.1.1 **Faculty Fitness to Practise Leads:** Persons with oversight of the FtP Policy and Procedures. This role will be undertaken by the Lead Midwife for Education [LME] if the learner is a midwifery student.
- 8.1.2 **Programme Fitness to Practise Link** (One each for every programme/discipline): Persons with responsibility to provide specific programme support for wider process.
- 8.1.3 **Investigating Officer:** Member of academic staff who will undertake an impartial investigation regarding the complaint/concern raised.
- 8.2.4 **Programme Leader:** Person who has responsibility for the learner's programme.
- 8.1.5 **Module/Course Lead:** Person who has responsibility for the learner's module/course.
- 8.1.6 **Personal Tutor or Student Support and Success Advisor [SSSA]:** Person who supports the learner's welfare and best interests throughout the FtP process.

8.2 Employer Partners:

- 8.2.1 **Learning Environment Team:** Often led by a Learning Environment Lead [LEL] and based within a practice learning partner organisation. They work with the university to oversee the quality of the learner experience whilst on placement (some organisations, especially Private, Voluntary, and Independent [PVI] providers may use a different title for this role).
- 8.2.2 **Employer Partner Lead [EPL] (Apprentices):** Person(s) within the employing organisation who have joint responsibility and oversight with the University for the learner through their programme experience. This may be a senior member of staff within the employing organisation and/or the learner's direct line manager.

9.0 Responding to a Concern

Anyone who is concerned about the health and/or professional behaviour of a learner can raise a concern to a member of the Programme Team. This should ideally be in writing but may initially be verbal if the issue(s) is sensitive (e.g., sexual harassment).

9.1 Triage

- 9.1.1 Initial concern(s), raised by an individual, should be shared with the FtP Lead immediately. The FtP Lead will consult with the relevant programme lead to establish whether the concern requires further investigation. If no further investigation is indicated the learner will receive a letter informing them of the nature of the concern and outcome. This will not be recorded on the central SITS system but will be kept on file within the faculty, should a similar occurrence happen in the future.
- 9.1.2 If the initial concern(s) are raised via another university procedure, such as Student Disciplinary Procedure or the Academic Misconduct process, this report can be escalated straight to a stage 2 FtP panel, once a thorough investigation has been undertaken by university colleagues.

- 9.1.3 If the learner is an apprentice, the EPL would be contacted at the earliest possible opportunity by the FtP Lead and/or FtP Link. At this point an appointment would be made with the FtP Lead and/or FtP Link and the learner to discuss concerns.
- 9.1.4 If the concern(s) is deemed to pose an immediate threat to the safety and welfare of the learner or others, a decision can be made by the Faculty FtP Lead, Link Lecturer and/or Programme Lead to withdraw the learner from study/practice setting without prejudice. This may be undertaken before any further investigation is undertaken. In this instance, the learner will be offered support.
- 9.1.5 All major concerns will automatically proceed to a full FtP investigation. Until completed, all actions above are taken with without prejudice, but in the best interests of the learner and the wider public. If the learner remains in placement or on programme pending an investigation, conditions may be placed upon them by the FtP Lead and/or Programme Lead.
- 9.1.6 With apprentices, an incident within their work base may trigger a decision by the employer to suspend them from duty. This would be reciprocated by the University, without prejudice, whilst enquiries are conducted, even if the learner is currently placed in a setting different from their usual work base. Clear and timely communication is required between the university and the employer in such cases.
- 9.1.7 The Employer Partner Link or Learning Environment Lead (if appropriate) will be engaged at all stages of the university process, so that parallel processes may be instigated as required.

10.0 **Anonymity**

10.1 Normal Procedures

- 10.1.1 If an individual makes an anonymous complaint about a learner, for example under Concern/Reporting/Whistleblowing procedures, extra care will be taken to ensure that the investigation is carefully considered.
- 10.1.2 The lead investigator will routinely need to know the identity of the person making the complaint to rule out the possibility of maliciousness.
- 10.1.3 Witnesses who are giving their professional opinion are not expected to be anonymous. If the witness does not agree to the learner knowing their identity it may not be appropriate to rely on their evidence.

10.2 Service User

- 10.2.1 If the evidence comes from a service user, it is imperative that confidentiality is maintained, and the patient's identity remains anonymised. This is particularly significant where those service users are children or vulnerable adults.
- 10.2.2 In these cases, the investigator should obtain as much information and evidence from the placement provider as possible. This may include a summary of allegations made by service users, or anonymised witness statements. In every case the learner needs to have enough information about the concerns raised to be able to respond to them.

11.0 **Investigation**

- 11.1 The Faculty FtP Lead/Lead Midwife for Education [LME] (if the learner is a midwifery student) and/or FtP Link and Programme Lead, will decide whether further investigation is required, and the extent of this investigation. If a thorough investigation is required, an appropriately trained Investigating Officer will be nominated by the FtP lead. This may be a member of a programme team or an FtP Lead.
- 11.2 The Investigating Officer will work within the FtP Policy and Terms of Reference for the Investigation, as set out by the Faculty FtP Leads.
- 11.3 An investigation will be undertaken that is proportionate to the scale of the concern. The investigation will vary in length depending on the severity and complexity of the concern.
- 11.3.1 However, the entire process, from hearing of the FtP concern, including any appeals, must not exceed 90 working days.
- 11.3.2 It may be reasonable for the process to take more than the 90 days, if complex and/or witnesses are unavailable etc. or proceedings are put on hold due to criminal investigations. However, the learner will be appropriately communicated with throughout this process.
- 11.4 An investigation is likely to include the gathering of statements from those involved (both learner's, practice colleagues and potentially patients/family/carers etc.), collating timelines and evidence.
- 11.5 All persons approached for information by the investigator, have a right to refuse to be interviewed, or request a representative to support them, this will not prevent the investigation from continuing.
- 11.6 All interviewees will be able to review, sign and date, their statement to indicate that it is correct before it is included in the Investigating Officers report.
- 11.7 The Investigating Officer will observe requirements for confidentiality as set down within the relevant University of Winchester Policies. However, information will be shared where there is good reason and urgent cause to do so (i.e., with employer partners).
- 11.8 Following an investigation, a report will be produced by the Investigating Officer. The length and depth of this report will be proportionate to the scale of the concern. The report will be categorised by the FtP Lead/s or LME as 'Level 1, or 2' depending on the severity:
- 11.8.1 **Level 1** – minor concern that can be addressed via a robust action plan with measurable goals (e.g., SMART) and support from employers, SSSA and/or personal tutor.
- 11.8.2 **Level 2** – major concern that requires a panel decision.
- 11.9 Those investigations that are categorised as 'Level 2' will go to a FtP Panel hearing for decision.

12.0 Level 2

Decision

12.1 The FtP Lead (or nominated other) will arrange a Fitness to Practise Panel hearing within 20 working days of the decision to proceed to Level 2. This includes convening the panel, managing the process, communicating with the learner and/or their representative and completing the final report.

- 12.1.1 Every effort should be made to have the meeting face-to-face, however, the meeting may proceed via video call at the Chairs discretion,
- 12.1.2 If the learner does not attend the meeting, after confirming attendance, the meeting may proceed at the Chairs discretion.
- 12.1.3 If written evidence is provided to the Chair, by the learner, the Chair may reschedule the meeting.

13.0 Notifying the Learner

13.1 The learner will be notified of the panel hearing in the following methods and sequence:

- 13.1.1 ONE email to their university email address: **if no response within 2 working days...**
- 13.1.2 ONE Call on their recorded mobile and/or landline (a contact number must be left if on voice mail): **if no response within 1 working day...**
- 13.1.3 ONE recorded letter to their recorded home address.
- 13.1.4 If no response within 5 working days, the Chair will be notified, and the panel will commence in the learner's absence.

NB: Learner's allocated holidays/vacations will not inhibit the notification process. This is due to the set timeframes within this policy.

13.2 A '*learner's bundle*', including a detailed report, all evidence and relevant documentation will be submitted to the panel members, and learner, a minimum of 5 days before the panel hearing.

- 13.2.1 Evidence which needs to be submitted to the panel and learner after the completion of the written report, must be sanctioned by the Chair before it can be considered.
- 13.2.2 At the Chairs discretion, a period may be awarded for the investigator and/or learner to respond to the new evidence.

14.0 A Fitness to Practise Panel will be made up of the following:

- 14.1 **Chair:** Dean of Faculty or Designate **[excluded from decision making process]**

- 14.1.1 To facilitate the FtP agenda
- 14.1.2 To ensure that due process is always followed.
- 14.1.3 To ensure that each case is considered on its own merits.
- 14.1.4 To ensure that the decisions are based solely upon the facts presented as evidence.
- 14.1.5 Enables all panel members to contribute efficiently.
- 14.1.6 Ensures that all parties are provided with fair opportunities to present evidence.
- 14.1.7 To eradicate, as reasonably possible, unconscious bias, discrimination, and unprofessional behaviours.
- 14.1.8 Recognise and manage any actual and/or potential conflict of interest.

<https://www.hcpc-uk.org/globalassets/about-us/who-we-are/partners/panel-member-and-chair-competency-framework.pdf>

- 14.2 **Programme Lead:** Relevant to the learner's programme/module/field.
- 14.3 **Independent Academic:** An academic from the learner's specialism who is ***not*** linked to the investigation.
- 14.4 **Independent Academic:** An academic ***not*** from the learner's specialism, and ***not*** linked to the investigation.
- 14.5 **Independent Practice Partner:** Senior professional from a relevant organisation (***not*** linked to the investigation and/or incident). If the learner is a midwifery student, this role must be undertaken by a suitably qualified Midwife.
 - 14.5.1 If the programme/module/field does not link with a Practise Partner, another Independent Academic, not associated with their specialism can be assigned
- **Minute Taker** (not a decision-making member of the panel)
- **Representative of the Student Union and/or SSSA** (not a decision-making member of the panel)
- 14.6 **If the learner has requested legal representation (see 1.10), the university 'must' also arrange to have legal representation on the panel. The panel hearing must not commence without this representation, even if this delays the panel date.**

The panel **must** contain an odd number of voting panelists to support majority decisions. A second independent academic, or member of the learner's programme may be included to create an odd number on the panel if the FtP lead/investigator is unable to adhere to the official Panel recommendation, as cited above. In such a case, prior notice must be submitted to the Dean of Faculty (or designate) in advance of the panel, for approval.

- 14.7 The panel's cultural mix and/or diversity may be considered relevant in some cases in reducing the risk of unconscious bias. All panel members will be trained, resourced, and supported in reaching outcomes in such cases where a cultural mix or diversity cannot be arranged.
- 14.8 If a joint panel with Student Disciplinary, the additional panel members are required:
 - 14.8.1 Director of Student Conduct and Complaints or designate.
- 14.9 Panel Preparation.



14.9.1 Information shared with panel: The panel shall receive all relevant information, including report and all evidence. This should be sent 5 working days in advance of the panel.

14.9.2 The panel will be adequately trained/prepared to undertake fitness to practise duties.

14.10 The panel will follow a fixed agenda (see Appendix **) which will include an introduction by the Chair, a review of the investigation with the opportunity to seek clarification from the investigating officer, witnesses as required (arranged before the meeting) and a chance to discuss allegations with the learner.

14.11 The learner will have the opportunity to respond to the concern with the support of their representative. If they wish to, learners may present evidence to support their claim and/or present a statement, this can be verbally presented or submitted in writing.

15.0 Factors to Consider Before Deciding upon Sanctions

15.1 The panel chair must be mindful of the "Right-touch Regulation ¹" and "Proportionality ²" to ensure that the panel understand the issue/problem, before jumping to the solution. This ensures that the right amount of 'regulatory force' is applied to deal with the target risk, but no more. The FtP panel must be proportionate when deciding upon a sanction and be able to rationalise their decision based upon its individual merits.

15.2 Areas to consider prior to determining an appropriate sanction (The following are non-exhaustive examples):

15.2.1 Proportionality

15.2.1.1 The Fitness to Practise panel has to be proportionate when making decisions about sanctions.

15.2.1.2 What actions do the panel needs to take to tackle the reasons why the learner is not currently fit to practise.

15.2.1.3 Consider whether the sanction with the least impact on the learner's practise would be sufficient.

15.2.1.4 Consider the reasons as to why the learner isn't currently fit to practise and any aggravating or mitigating features.

15.2.2 Aggravating Features are aspects of the case that make it more serious

15.2.2.1 Any previous regulatory or disciplinary findings.

15.2.2.2 Abuse of a position of trust.

15.2.2.3 Lack of insight into failings.

15.2.2.4 A pattern of misconduct over a period of time.

15.2.2.5 Conduct which put patients at risk of suffering harm.

15.2.3 **Mitigating Features** are aspects of the case that show it is less serious, and point towards a sanction with less impact:

15.2.3.1 Evidence of the learner's insight and understanding of the problem, and their attempts to address it. This may include early admission of the facts, apologies to anyone affected, any efforts to prevent similar things happening again, or any efforts to put problems right.

15.2.3.2 Evidence that the learner has followed the principles of good practice. This may include them showing they have kept up to date with their area of practice.

15.2.3.3 Personal mitigation, such as periods of stress or illness, personal and financial hardship, level of experience at the time in question, and the level of support in the workplace.

15.2.4 **Previous Interim Orders and their Effects on Sanctions**

15.2.4.1 Interim orders have a separate and different purpose from final sanctions.

15.2.4.2 The purpose of interim orders is to tackle risks while a case is being investigated and prepared, and before the Committee decides whether the nurse, midwife or nursing associate is fit to practise

15.2.4.3 When making their decision on sanction, the Fitness to Practise Committee may be told that the nurse, midwife or nursing associate was under an interim order before they started deciding the case.

15.2.4.4 The panel should consider the effect this might have.

15.2.4.5 **Effects on which sanctions to impose:**

15.2.4.5.1 Has the learner had sufficient time to address the issue(s)?

15.2.4.5.2 Has the learner, during this time, demonstrated insight and made good progress?

15.2.4.5.3 Has the learner not fully complied, nor demonstrated insight and/or professional and therefore unlikely to comply with the FtP sanctions?

15.2.4.6 **Effects on length of sanctions:**

15.2.4.6.1 Length and background to previous interim order may influence the proportionate length of sanction.

15.2.4.6.2 If the length of interim order is to be deducted from the final sanction, has the learner demonstrated sufficient learning/insight?

15.2.4.6.3 Is there a continued risk to patients if a reduction is made?

15.2.5 Previous Fitness to Practise History

15.2.5.1 Is this the learner's first FtP and a minor issue?

15.2.5.2 Is this the learner's first FtP, but a major issue?

15.2.5.3 Does the learner have repeated issues that have been addressed in previous FtP panel hearings?

15.2.5.4 Should different sanctions be imposed, if the learner is not demonstrating learning?

15.2.5.5 Is the learner demonstrating fundamentally incompatible conduct for their profession and patient safety?

15.3 The panel will make one of the following decisions: **This may be linked to the indicative sanctions (Appendix IV).**

15.3.1 There is insufficient indication of behaviour compromising the integrity of the healthcare profession. No further action will be taken.

15.3.2 There is some indication of behaviour compromising the integrity of the healthcare profession, but it is not enough to recommend the termination of the programme. The matter is of concern but is deemed to be reversible with additional training (e.g., communication skills or Diversity awareness) under the supervision of the Programme Leader or designate and the date by which it is to be achieved. **Recommended outcomes recorded in the learner's file with note confirming that this must be shared with the invested parties (e.g., regulatory bodies, future employers, or employer partners) as required.**

15.3.3 Recommendation to a member /representative of the Executive Leadership Team [ELT] that this learner's programme is terminated. **Outcome recorded in the learner's file with note confirming that this must be shared with the invested parties (e.g., regulatory bodies, future employers, or employer partners where appropriate).**

NB: It is reasonable to consider a learner's previous disciplinary and/or FtP record and, if relevant, their health record when making their decision.

15.4 Proportionality is fundamental.

15.5 The FtP Panel should attempt to reach a unanimous decision regarding whether the learner's fitness to practise is impaired and what action should be taken. Where this is not possible, a majority decision may be accepted.

15.6 The panel chair can adjourn the panel for a fixed period if necessary. The following are non-exhaustive examples, but this may occur for the following reasons:

- 15.6.1 Additional allegations need to be added to the case being investigated.
 - 15.6.2 Additional papers or information need to be sought.
 - 15.6.3 The learner's health and wellbeing are of concern.

 - 15.6.4 Reasons for the adjournment must be provided and considerations given to the purpose. The Chair, at their own discretion, and/or under advisement of the Panel, may adjourn to seek the advice/involvement of Specialists and/or Expert Witnesses [to advise or join the panel].
- 15.7 Following the hearing, a templated decision letter will be emailed to the learners recorded university address and sent as a recorded letter to the learners preferred address. The decision letter must be sent to the learner within 5 working days of the panel's decision, and contain the following information in straightforward language:
- 15.7.1 The panel's decision clearly citing the outcome(s).
 - 15.7.2 The panels must explain why they have chosen a particular sanction and say why they have rejected other sanctions.
 - 15.7.3 The learner's right to appeal including the grounds on which they can appeal, the appeals procedure, timeframe, and where to access support [**see section 15.0 Appeal**].
- 15.8 In the case of outcome **14.15.3** the decision letter will be shared with the learner once the ELT have endorsed the decision. The notes and outcome must be sent via their assigned learner email address and to their registered address via recorded delivery.
- 15.9 Copies of the Panel notes and outcome(s) should also be sent to the Faculty FtP Lead, Programme Lead and Personal Tutor where appropriate.
- 15.10 The entire FtP Process, from the initial concern of the to the learner receiving their written outcome, should not exceed more than 35 working days. Dispensation may be granted by the designated FtP Panel Chair, if the gathering of evidence or convening the appropriate panel members dictates additional time.
- 16.0 Appeal**
- 16.1** Learners have a right to appeal against the decision only if they believe that the University of Winchester has failed to follow its own procedures as set out in this document, or cited documents, or that the decision was unreasonable and/or a disproportionate sanction was imposed. To appeal, the learner must put their case in writing to the Dean of Faculty within 15 working days of receiving the Decision Letter [**See section 14.15**] and include the ground by which they are appealing:
- 16.2** Grounds might include:
- 16.2.1 That the procedures were not followed properly.
 - 16.2.2 That the decision maker(s) reached an unreasonable decision.

- 16.2.3 That the learner has new evidence that they were unable, for 'valid' reasons, to provide earlier in the process.
- 16.2.4 That there was bias or reasonable perception of bias during the procedure; or
- 16.2.5 That the action the panel has decided to take is disproportionate, or not permitted under this policy.

16.3 The Dean will conduct or assign the appeal investigation to a neutral party as appropriate. If the Dean has been involved in the FtP process the appeal will be heard by a member of the Executive Leadership Team or nominated other.

16.4 A learner who is dissatisfied with the University's internal processes or its conduct has the right to apply to the Office of the Independent Adjudicator [OIA], an independent review body. Please see Appendix IV for guidance regarding this.

16.5 If a learner does not appeal within the 90 working days, the Dean of the Faculty (or designate) should close the matter and tell the learner in writing.

16.6 If requested by the learner, a **Completion of Procedures [CoP]** letter may be issued. This COP letter must clearly explain that the learner has not completed the University internal processes.

16.7 Additional Guidance for Appeals

16.7.1 Academic Appeals Regulations: [Academic Appeals Regulations \(sharepoint.com\)](#)

16.7.2 Academic Appeals Guidance Leaflet: [Academic Appeals Guidance Leaflet \(sharepoint.com\)](#)

16.7.3 Email: appeals@winchester.ac.uk

16.8 Learner Support

16.8.1 Student Support Main Page: [Student support \(sharepoint.com\)](#)

16.8.2 SSSA email: sssa.hwb@winchester.ac.uk

16.9 Rejection of an Appeal

16.9.1 The faculty may reject an appeal without convening an appeals panel if the learners appeal submission does not fall within one of the grounds set within this policy.

16.9.2 The faculty may reject an appeal without convening an appeals panel if the learners appeal submission does not fall within the 15 working days from receiving the decision letter (without good reason: holidays/vacations are not classified as a reason).

- 16.10 The person deciding not to assemble an appeal panel should not have had any previous involvement in deciding the learner's fitness to practise process (or, if relevant, in any related disciplinary proceedings).
- 16.11 This person must be designated by the Dean of the Faculty and have experience of the Fitness to Practise Policy and Procedures. Their field of expertise is irrelevant to this part of the FtP process.
- 16.12 It is important that the decision maker understands the parameters of their role and maintains the distinction between deciding whether the learner may have grounds for an appeal, and establishing whether the appeal the learner is making should be upheld.
- 16.13 If the appeal is rejected without being put to an appeal panel, the Dean of the Faculty must issue a **CoP** letter.

This CoP letter must:

- 16.13.1 Be written in straightforward language.
- 16.13.2 Include, or be accompanied by, an explanation of the decision reached and the rationale, explaining its decision.
- 16.13.3 The learners right to submit a complaint to the Office of the Independent Adjudicator [OIA] for review.
- 16.13.3.1 Web address: <https://www.oiahe.org.uk/>
- 16.13.3.2 Complaints address: <https://www.oiahe.org.uk/students/how-to-complain-to-us/>
- 16.13.3.3 Check if you can complain: <https://www.oiahe.org.uk/students/can-you-complain-to-us/>
- 16.13.4 Clearly cite that the OIA, must receive the learners complaint within 12 months of the date of this CoP letter.
- 16.13.5 Clearly inform the learner that they must attach the CoP letter to the OIA complaint.
- 16.14 This **CoP** letter must be sent to the learner within 28 working days from receiving the learner's appeal.

17.0 Confidentiality

- 17.1 Confidentiality will always be maintained. However, information will be shared where there is a risk to the individual learner, patients and colleagues, or the public (e.g. with employer partners).

Appendices

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Appendix I

Terms of Reference [TOR] for Investigating Officer

The report will be submitted to the Faculty Fitness to Practise Lead and/or a member of the Programme Team, who will then consult with the Programme/Module/Course Lead to decide if further action is required.

PRIVATE & CONFIDENTIAL

NB: all highlighted sections must be completed, and the Italics removed prior to finalising

TERMS OF REFERENCE

Name of Learner: *(insert name of learner under investigation)*

Date: *(insert date TOR passed to Investigating Officer)*

Faculty Fitness to Practise Lead/Link	<i>Name</i>	<i>Title</i>
Programme Leader	<i>Name</i>	<i>Title</i>
Employer Partner / Learning Environment Lead	<i>Name</i>	<i>Title</i>
Investigating Officer:	<i>Name</i>	<i>Title</i>



Other Colleague:	Name	Title
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TERMS OF REFERENCE

PURPOSE OF INVESTIGATION

This investigation is being requested to investigate the **concern** raised by **name, title**, under the University of Winchester's Fitness to Practise Policy

The investigation will be conducted by **name of Investigating Officer, and job title**

On completion of the investigation, a report will be compiled documenting the findings and conclusions.

ALLEGED ISSUE OF CONCERN / COMPLAINT

The **concern** to be investigated **is/are** as follows: -

List the specific concern(s) including dates, times and locations being made against the individual and ensure this is then mirrored on all further documents sent in relation to this case.

For example:

1. **On the [insert date] [learners name] failed to respond to....**

SCOPE OF INVESTIGATION

The Investigation will seek to establish facts related to the raised concern by investigation and establishing the following:

List all elements you are asking the investigating officer to explore as part of their investigation and detail within their report.

For example:

1. **To ascertain whether [learners name] was in date with all statutory and mandatory training requirements.**
2. **To establish whether there were any witnesses to the incident reported to have taken place on [x date].**
3. **To establish the sequence of events that took place on [x date] and the patient care delivered by [learners name].**

The Investigating Officer will consider any relevant issues that emerge as part of the investigation process.

The Investigating Officer must ensure regular communication and updates are provided to the Faculty Fitness to Practise Lead.

Interviews will be held with individuals considered to have information relevant to the investigation. All parties will be advised of their right to be accompanied by a Representative or workplace colleague unconnected with the complaint/allegation.

All parties will be reminded of the strict requirement for confidentiality regarding the investigation.

PROPOSED TIMETABLE FOR COMPLETION OF INVESTIGATION

It Investigations should aim to be completed within 15 working days of the Terms of Reference being agreed. Any extension to this should be discussed and agreed with the Faculty Fitness to Practice Lead.

In agreement with the Faculty Fitness to Practice Lead and Investigating Officer, the proposed target date for completion is enter date – please take into consideration any known periods of unavailability

POTENTIAL WITNESSES

The names of all potential witnesses are listed below; however please note that others may be identified throughout the course of the investigation:

1. Insert witness names – including job title and contact details

DELIVERABLE

A report, supplemented by evidence, will need to be drafted and presented to the Faculty Fitness to Practise Lead who has authorised the investigation.

Appendix II

Fitness to Practise & Procedures: Investigation and Panel Report (to be placed as a front cover to report)

Confidential Report

Title:

Date:

Learners Name:		
Programme/Field		
Lead Investigator:		
Panel Members:	<p>Chair</p> <p>Member of the learners team</p> <p>Senior Profession from Practise</p> <p>Academic (not from learners' field)</p> <p>Academic (from learners' field)</p> <p>Administrator:</p> <p>SSSA/Student Union etc.:</p>	<p>1.</p> <p>2.</p> <p>3.</p> <p>4.</p> <p>5.</p> <p>6.</p> <p>7.</p>

Contents of report:

1. Introduction and Background
2. Summary of the Investigation
3. Evidence
4. Discussion
5. Panel Outcome/Decision (please tick one box):

11.6.1

11.6.2

11.6.3

Signed (Investigator): _____ Name (Block Capitals) _____ Date _____

Signed (Panel Chair): _____ Name (Block Capitals) _____ Date _____

Appendix III

Statement of Event, Incident or Accident

Please Note: Please delete **highlighted** text: this is only to support your writing
Please see guidance attached before writing this statement

Name:	
Programme of Study and Cohort:	
Year of Study:	
Email Address [Designated University Email]:	
Subject of Statement (i.e., FTP or Incident in Practice):	
Location of event/issue (i.e., hospital/ward etc):	

1. Introduction to event/issue (see guidance as to appropriate introduction)

The introduction should include general information involved with the incident



<p>2. Narrative</p> <p>Here you will need to describe the event/incident/accident in chronological order in as much detail as possible. Ensure the narrative is Clear and Relevant, examples:</p>
<p>3. Summary or closing statement</p> <p>Summary should be comprehensive, concise, coherent, and independent</p>
<p>4. Signed and Date</p> <p>This statement is true to the best of my knowledge and belief</p> <p>Name:</p> <p>Title:</p> <p>Signature:</p> <p>Date:</p>
<p>5. References and Appendices</p> <p>List all documents referenced in your statement. Please give them clear and identical names so it is clear to the reader</p>

Guidance on How to Structure your Statement

The Blue text are examples to support your writing:

Name:	Forename name and Surname
Programme of Study and Cohort:	Field of nursing and year and month you started
Part/Year of Study:	The Part or Year in which the incident occurred
Email Address:	J.Smith.22@Unimail.Winchester.ac.uk
Subject of Statement (FTP or Incident from Practice):	Witness to poor practice
Location of event/issue:	Placement 3 - (name trust/placement provider etc. ward/unit etc.)

<p>1. Introduction to event/issue</p> <p>Fitness to Practice Process/Investigation I am responding to a request for a written statement. This statement is based on insert i.e., personal recollection, review of records/documents, witness, or combination</p> <p>The incident/event took place insert location here at insert date/times.</p> <p>OR</p> <p>If an incident/accident/issue in practice.</p>
--



I was on placement in [insert the Practise experience location where the event/incident/accident occurred] from [insert allocated dates].

This was my [First/Second etc.] placement in my programme.

Delete as require:

- I. I have been involved in the care of patient [insert name] since [insert dates]
- II. I am responding to allegations [list them for ease of reference]
- III. A statement has been requested as I have witnessed [briefly cite event/incident/accident] on [insert date(s)]

If you have the reference number for a Datix/EPR or Safety Learning Event, please record it here [_____]

2. Narrative

Here you will need to describe the event/incident/accident in chronological order in as much detail as possible. Ensure the narrative is Clear and Relevant, examples:

Clear:

6. Use the first person
7. Avoid jargon or official language
8. Be as brief as possible while covering all the essential points needed to address the allegations.
9. Relate the facts from the beginning and keep them in chronological order, giving precise dates and times.
10. Be consistent in using 'am' or 'pm' or the 24-hour clock.
11. State what is personal recollection and what can be corroborated as fact i.e. with photos, screenshots, video, formal records (see below if your statement relates to placement/s)
12. Be clear about what you did, see, and hear. Include your involvement.
13. Where known, please start the statement with full names of those involved
14. Always write the subject of an abbreviation or acronym in full at first mention.

If an incident/accident or issue in practice also add

15. State the times you were on and off duty on the days in question.
16. State what is personal recollection and what can be corroborated as fact with reference to, for example, health care records, reports, clinical guidelines, or standards
17. Be clear about what you did, see, and hear. Include your professional involvement, as appropriate, based on clinical records
18. Explain clinical or health care procedures and avoid general statements such as 'routine observations were made'. If normal procedures were not followed, explain what is normal and why there was a departure from the accepted procedure.

Relevant:

19. Document the facts.
20. Do not assume that the reader knows anything of the facts of the case. Any lay person should be able to understand the content.
21. Do not speculate, elaborate, or exaggerate or use emotional language – you may be called as a witness to give oral evidence based on your statement.

22. Avoid giving opinions or making judgements that you cannot support by factual evidence or corroboration.
23. You can reflect on what you have observed to be 'usual' for example when an action or behaviour is out of the ordinary for that individual.
24. Hearsay is second-hand, rather than first-hand evidence, for example: 'I heard Chloe say that they had seen Nasir run outside'. It can be admissible, but it must be clear that it is hearsay evidence.

If an incident/accident or issue in practice also add.

25. It is acceptable to form a view based on your professional judgement.
26. Document the facts or evidence on which you based your conclusion.
27. Relate how these impacts on patient care or service levels.
28. Do not assume that the reader knows anything of the facts of the case, such as a patient's medical history, your environment or clinical routines and procedures. Any intelligent lay person should be able to understand the content.
29. You can reflect on what you have observed to be usual Practise or experience.
30. Hearsay is second-hand, rather than first-hand evidence, for example: 'I heard Susan say that she had seen Jill give the injection'. It can be admissible in certain legal proceedings, but it must be clear that it is hearsay evidence.
31. Only relate what you were told by another/ others - you have no way of verifying the accuracy of others' accounts.

3. Summary or closing statement

In any summary, recap the main points and avoid adding new information or comments.

4. Signed and Date



This statement is true to the best of my knowledge and belief

Name:

Title: [Student Nurse]

Signature:

Date:

5. References and Appendices

List all documents referenced in your statement. Please give them clear and identical names so it is clear to the reader. Examples of, but not limited to:

- Emails
- Screen shots of social media/messages etc.
- Videos or photos
- Scanned copies of formal documents

Additional supportive information:

Check it! Check it! And check it again!

Once you have written your statement, check the content for:

- **Accuracy** – can the facts be evidenced?
- **Relevance** – are the facts and details clearly and objectively explained?
- **Clarity** – avoid generalisations and always write the subject of an abbreviation or acronym in full at first mention.
- **Concise** – stick to the points raised but do not sacrifice essential detail for brevity. Always ensure you follow a logical sequence.
- **Clear language** – do not assume that the reader has any knowledge of the subject or environment of care; any intelligent lay person should be able to understand the content.
- **Compliance** – follow any professional codes, local policies, and confidentiality guidelines. It is always worth getting any statement you prepare checked by your personal supervisor before you submit it.

Check It

- Proofread carefully
- Review each paragraph carefully, checking your statement only communicates 'exactly' what was asked for or required.

Evidence

- Look carefully at whether the facts can be evidenced, otherwise state ensure it reflects the truth, i.e. "I saw", "I heard.." etc.
- Check that your facts are clearly and objectively explained

Keep A Copy

- Always keep a copy of your statement for future reference.

Appendix IV

Sanction Orders

Fitness to Practise panel will consider the full range of sanctions open to them.

The panel chair will start with the least severe sanction: the panel should then decide whether the outcome is right for the fitness to practise concern in question after they have considered any less severe sanction.

This means that panels must explain why they have chosen a particular sanction, and also say why they have rejected other sanctions. The following section summarises each of the sanctions in turn, starting with the least serious first. These are:

1. Taking no further action.

- the panel will use this discretion only in rare cases, and it will need to explain its decision very clearly.



- the panel will need to explain in detail why it is appropriate to do so, even though it has decided that the learner's fitness to practise is currently impaired.
2. **A caution order:** between 1 and 4 years (if the programme extends this period, Chairs action may be taken to extend)
- Least serious of the sanctions in that it is the least restrictive.
 - Appropriate if the Fitness to Practise panel has decided there's no risk to the public or to patients requiring the learner's practice to be restricted, meaning the case is at the lower end of the spectrum of impaired fitness to practise, however the Fitness to Practise panel wants to mark that the behaviour was unacceptable and must not happen again.
 - Because a caution order doesn't affect a learner's right to practise, the panel will always need to ask itself if its decision about the learner's fitness to practise indicated any risk to patient safety.
3. **A condition of practise order:** between 1 and 4 years (if the programme extends this period, Chairs action may be taken to extend)
- When a conditions of practice order is imposed on a learner, they have to comply with the conditions placed on their practice for the set period of time.
 - If conditions of practice are imposed as an *interim order*, rather than as a sanction, the order allows the learner to work while the allegations against them are being investigated.
 - Conditions may be appropriate when some or all of the following factors are apparent (this list is not exhaustive):
 1. No evidence of harmful deep-seated personality or attitudinal problems.
 2. Identifiable areas of the nurse, midwife or nursing associate's practice in need of assessment and/or retraining.
 3. No evidence of general incompetence.
 4. Potential and willingness to respond positively to retraining.
 5. The learner has insight into any health problems and is prepared to agree to abide by conditions on medical condition, treatment and supervision
 6. Patients will not be put in danger either directly or indirectly as a result of the conditions
 7. The conditions will protect patients during the period they are in force
 8. Conditions can be created that can be monitored and assessed.
 - To make sure conditions of practice achieve their aim of public protection, in a way that's fair to the learner, they should be:
 1. Relevant
 2. Proportionate
 3. Workable and
 4. Measurable.



- A conditions of practice order should be easy to read and understand as a stand-alone document, without referring to any other document so with this in mind, when drafting conditions, panels should:
 1. Use plain English.
 2. Avoid jargon or technical terms.
 3. Use unambiguous language.
 4. Be consistent.
 5. Express times and dates clearly.
 6. Know when other orders take effect.
 - The panel needs to be confident that the conditions of an imposed order are workable, however, neither the learner, employer, nor anyone else who may be affected by a conditions of practice order, needs to expressly agree to the terms of the conditions for it to be imposed.
 - The panel may decide that it needs the input from an employer or other organisation to make sure the conditions it wants to impose will achieve public protection. This could be further information, advice, or support. If the panel decides it needs this input, it should give us, the learner, any employer, other organisation or person affected by the order, an opportunity to comment on whether the proposed conditions are workable.
4. **A suspension order: of up to 12 months:** An interim order may temporarily suspend and/or restrict a learner whilst their case is being investigated.

Potential risks that may dictate suspension orders include, but are not limited to, risks to patient, services or the public confidence in the profession.

Additional factors may include, but are not limited to:

- If the alleged actions have placed a member of the public at risk of harm
 - If the alleged concern relates to an isolated incident and/or pattern of behaviour over a time period.
 - If the alleged concern relates to dishonesty and/or breaches of the duty of candour,
 - Concerns where evidence of bullying, discrimination and/or harassment are evident.
 - If the alleged situation could seriously damage the public trust in the profession and/or undermine professional standards.
 - If the concern involves serious leadership and/or management failings related to their profession.
5. **Termination of Learners Programme:** A recommendation to a member /representative of the Executive Leadership Team (ELT) that this learner's programme is terminated.
- This sanction is likely to be appropriate when what the learner has done is fundamentally incompatible with being a professional. Before imposing this sanction, key considerations the panel will take into account include:
 1. Do the regulatory concerns about the learner raise fundamental questions about their professionalism?
 2. Can public confidence in the learner's profession be maintained if they are not removed from the register?



3. Is striking-off the only sanction which will be sufficient to protect patients, members of the public, or maintain professional standards?

When Termination of a Learners Programme Cannot Be Used.

A termination of programme can't be used if the learner's fitness to practise is impaired due to:

- their health,
- lack of competence or
- not having the necessary knowledge of English

until they have been on either a suspension order **or** a conditions of practice order.

Appendix V

Initial Email to Learner Raising Concern

NB: This email is not to be sent to the on a Friday, unless this has been verbally agreed with the learner, as accessing support over the weekend will be difficult.

Dear *[Insert Learners Name]*

Re: Fitness to Practise Concern

A fitness to practise concern has been raised by *[insert name of person raising the concern if possible]* (*insert title*) regarding:

1. *[list the areas of concern]*
- 2.
- 3.

I would like the opportunity to meet with you to discuss these initial concerns, as outlined, and provide you with the opportunity to hear your account. You are very welcome to bring a third party with you to the meeting for support, such as a peer, friend, student services etc.

For your information and understanding, I have attached the 2023/24 Fitness to Practise policy to this email for your reference.

Please note that at this stage, these are just concerns, however your engagement, transparency and honesty will be helpful in this process.

I understand and appreciate that this can be a daunting process, so I encourage you to reach out to student services for support, in particular the Faculty Student Support and Success Advisor (SSSA.HWB@Winchester.ac.uk).

If you have any questions regarding this, please do not hesitate to get in touch.

Kind regards

Follow-up Email after Initial Meeting: [No Case to Answer.](#)

Dear *[Insert Learners Name]*

Re: Fitness to Practise Concern

Thank you for meeting with me on *[insert date, time, and location and those present]*.

I have attached the notes from the meeting, for your verification and reminder, and a list of the concerns that were raised and discussed:

1. *[list the areas of concern]*
- 2.
- 3.

During the meeting you were provided with opportunity to discuss the concerns raised in greater depth, which provided me with the opportunity to identify where, within the Fitness to Practice Policy & Procedure, the concerns sat:

1. *[insert where the concern sits; minor, major, or criminal behaviour and convictions]*
- 2.
- 3.

The outcome of the meeting was discussed with your *[insert the name of the FtP link and/or Programme Lead]* and collaboratively, it was decided that on this occasion there is "no case to answer".

Therefore, there will be no further investigation, and the case is now closed. However, this correspondence will be kept confidentially, within the faculty, should a similar occurrence happen in the future.

This will not appear within any requested references.

I thank you for your cooperation and if you have any further questions that relate to this email/case, please do not hesitate to contact me directly.

Kindest regards

Follow-up Email after Initial Meeting: [Stage 1 Investigation is Required.](#)

Dear *[Insert Learners Name]*

Re: Fitness to Practise Concern

Thank you for meeting with me on *[insert date, time, and location and those present]*.

I have attached the notes from the meeting, for your verification and reminder, and a list of the concerns that were raised and discussed:

1. *[list the areas of concern]*
- 2.
- 3.

During the meeting you were provided with opportunity to discuss the concerns raised in greater depth, which provided me with the opportunity to identify where, within the Fitness to Practice Policy & Procedure, the concerns sat:

1. *[insert where the concern sits; minor, major, or criminal behaviour and convictions]*
- 2.

3.

The outcome of the meeting was discussed with your *[insert the name of the FtP link and/or Programme Lead]* and collaboratively, it was decided that on this occasion a thorough investigation is required. To do this an appropriately trained Investigating Officer, *[insert name]* has been nominated by the FtP Lead.

The Investigating Officer will work within the FtP Policy and Terms of Reference for the Investigation, as set out in the Fitness to Practise Policy and Procedure 2023/24.

An investigation will be undertaken that is proportionate to the scale of the concern. The investigation will vary in length depending on the severity and complexity of the concern.

This investigation may include the gathering of statements from those involved to collate timelines and evidence. Therefore, at this time, I would urge you to complete a statement and send to me by *[insert your deadline]*. The template and instructions can be located within the Fitness to Practise Policy: Appendix III. If you require support in writing this, please contact me for directions and identified support.

The Investigating Officer will observe requirements for confidentiality as set down within the relevant University of Winchester Policies. However, information will be shared where there is good reason and urgent cause to do so (i.e., with employer partners).

Following the investigation, I will produce a full report. The length and depth of this report will be proportionate to the scale of the concern. The report will be categorised by the FtP Lead/s as 'Level 1, or 2' depending on the severity:

- 11.8.1 **Level 1** – minor concern that can be addressed via a robust action plan with measurable goals (e.g., SMART) and support from employers, SSSA and/or personal tutor.
- 11.8.2 **Level 2** – major concern that requires a panel decision.

Those investigations that are categorised as 'Level 2' will go to a FtP Panel hearing for decision.

I understand and appreciate that this can be a daunting process, so I encourage you, if not done so already, to reach out to student services for support, in particular the Faculty Student Support and Success Advisor (SSSA.HWB@Winchester.ac.uk).

If you have any questions regarding this, please do not hesitate to get in touch.

Kind regards



Follow-up Email after Initial Meeting: [Outcome of Stage 1 Investigation.](#)

Follow-up Email after Initial Meeting: [Stage 2 Investigation is Required.](#)

Follow-up Email after Initial Meeting: [Outcome of Stage 2 Investigation](#)