

Health and Wellbeing Faculty: Fitness to Practise Policy and Process

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UNIVERSITY OF
WINCHESTER

Fitness to Practise Policy and Process

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Approving Body:	Faculty Management Team, Health and Wellbeing
Date of Approval:	24 th January 2022
Date Effective From:	24 th January 2022
Review Date:	Annually, when new programmes are validated, or if a change of national legislation or guidance is implemented.
Indicate whether the document is for public access or internal access only Indicate whether the document applies to collaborative provision? (Strikethrough text, as appropriate)	Public Access Internal Access Applies to Collaborative Provision
Summary:	This document defines the process for investigating allegations that relate to any form of Fitness to Practice, 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 Approved by Senate
N/A	

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Terminology & Definitions

Term	Definition
Duty of Candour	A professional responsibility to be honest when things go wrong.
Employer Partner	Students 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 students 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 writing	Via an agreed online student 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 student).
Practice Placements	A practice placement is where a Student 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 Students programme is paused temporarily until such a time as the risk can be assessed appropriately i.e., whilst Occupational Health check is completed.
Terms of Reference	A written outline detailing the required expectations.
Without prejudice	Impartial and unbiased action

1. Introduction

- 1.0** The definition of Fitness to Practise, is “the ability to meet professional standards; it’s about character, professional competence and health”, NMC (2021) & HCPC (2021).
- 1.1** This Fitness to Practise [FtP] Policy/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. To ensure robust, fair, impartial, and lawful fitness to practise procedures to address concerns about the conduct of students that might compromise public safety and protection. The University of Winchester and Faculty of Health and Wellbeing, prioritises the safety of people, including carers, students, and educators
- 1.2** This FtP Policy/Process is *not* a substitute for a criminal investigation and/or convictions. The Police must be notified if the learner has committed a possible criminal offence. Any Police investigation takes precedence, over any internal FtP investigation. Any internal FtP investigation will be suspended until the Police Investigation has been completed.
- 1.3** 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 PRSBs, who mandate that Approved Education Institutions [AEI] set out a robust process by which FtP is demonstrated and suspected lapses are investigated.
- 1.4** The following professional bodies and guidance have been consulted in producing this document.
- i.** The Nursing and Midwifery Council [NMC] (2018)
 - ii.** Health & Care Professions Council [HCPC] (2016)
 - iii.** Social Work England FTP Rules [SWE] (2020a)
 - iv.** General Medical Council [GMC] (2015)
 - v.** Medical Schools Council [MSC] (2018)
 - vi.** Office of the Independent Adjudicator [OIA] (2021)
 - vii.** Care Quality Commission [CQC] (2021)
 - viii.** Council of Deans of Health: Student Fitness to Practise Principles (2021)
 - ix.** Equality Act (2010)
 - x.** Rehabilitation of Offenders Act (1974)
 - xi.** Office of the Independent Adjudicator for Higher Education (2022)

See Reference List for full listings

2. Background and Scope

- 2.1** This policy sets out the Process the University may use to manage situations where a learner's Fitness to Practise is a concern. The policy considers equal opportunities legislation which ensures that the rights of learners are protected, and judgments are free from prejudice based on race, disability, gender, sexual orientation, religion and belief or age.
- 2.2** The purpose of this policy/procedure is to outline the standards that need to be met where there is cause for concern regarding 'Fitness to Practise', and the process to be taken in responding to and managing the situation
- 2.3** The objective of the FtP Policy/Procedure is not punitive; it has been designed to primarily support the student and allow them to reflect upon their 'duty of candour' (see Terminology and Definitions on Page 4), and the issue(s) that have been alleged.

3. Professional Behaviour

- 3.1** The University of Winchester expects all learners, enrolled on programmes that lead to a professional registration, 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.
- 3.2** This level of behaviour must be maintained within a learner's personal, professional, and University life. The policy be initiated at any point if the learner's behaviour falls below the expected standard.
- 3.3** 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 nonetheless follow the process where it is reasonable to do so. However, a learner may permit the University to proceed in their absence by submitting a written report / statement and/ or by identifying a representative.

4. Health, Equality and Diversity

- 4.1** To ensure that a learner's health and/or disability is considered systematically and fairly, the Equality Act (2010) must be adhered to, thus ensuring reasonable adjustments have been made for learners with additional needs.
- 4.2** The University of Winchester's Equality and Diversity Policy (2019) must always be referenced to ensure that the FtP process fosters an inclusive culture that promotes equality and diversity.
- 4.3** Learners should be aware of their health and safety, making every reasonable effort not to put themselves or others at risk.
- 4.4** Should a learner's physical or mental health give cause for concern such that their ability to practise is impaired, an Occupational Health assessment or

other medical opinion may be requested by the learner, their personal tutor/member of academic staff, or employer (if on an apprenticeship programme).

- 4.5** Where a health assessment has been sought, a temporary suspension of study may be required, without prejudice, to maintain personal safety and the safety of others.
- 4.6** The GMC and MSC (2016) state; "*Most cases related to health conditions and disabilities do not affect student's FtP, as long as the student*";
- Demonstrates appropriate '*insight*'
 - Seeks appropriate medical *advice*; and
 - *Complies* with treatment

5. Professional Suitability and Fitness to Practise on Admission

- 5.1** Professional suitability and FtP issues are tested by a variety of mechanisms as part of the initial recruitment and selection process, for example, scrutiny of qualifications, personal statements, and personal references. In addition, three specific areas are checked: history of criminal offences, evidence of achieving academic qualifications, and confirmation of health status from the Occupational Health Provider.
- 5.2** At the initial application stage, all applicants must submit a declaration form listing any current 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 [DBS], 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.
- 5.3** All learners' educational qualifications are usually confirmed by the Admissions Team prior to enrolment (although in exceptional circumstances, partial enrolment can be permitted pending receipt of certificates during Semester 1 of the first year).
- 5.4** All learners accepted for admission to a programme are subject to an Occupational Health [OH] check, either through the University's contracted OH service provider, or employer OH provider (for apprenticeship programmes) to confirm level 2 clearance. Prospective learners must always provide honest answers regarding their current and historical health status when completing OH forms. Where a health condition is disclosed, OH, in consultation with the faculty, will decide whether the student is fit to practise, and whether '*reasonable adjustments*' could be made.

- 5.5** Students 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 student's programme has commenced. It is the student's responsibility to engage with University processes to ensure they meet minimum immunisation requirements (for example, providing proof of vaccination when asked to do so). Those who fail to meet the minimum immunisation requirements will be prevented from attending practice placements and will therefore receive an automatic failure grade for that practice placement. Continued failure to meet immunisation requirements will lead to the student being withdrawn from the programme and/or instigation of professional suitability proceedings. The University will not be responsible for a student's failure to complete their registered programme because a student has;
- a. Failed to comply with their legislative obligations in a timely manner so as to comply with the legislative obligation and requirements of their placement or
 - b. Failed to access communications and information from the University in respect of their legislative obligations
- 5.6** Students who fail to meet the minimum requirements for Cardiopulmonary Resuscitation [CPR] and Manual Handling will be prevented from attending practice placements and will therefore receive an automatic failure grade for that practice placement. Continued failure to meet the requirements cited within this Policy will lead to the student being withdrawn from the programme or instigation of professional suitability proceedings.
- 5.7** If the prospective learner cannot fulfil the entry requirements, illustrated above, or it transpires that the learner was dishonest, the offer of a place on the programme will be withdrawn, even if the prospective learner is fully or partially enrolled.
- 5.8** Where apprentice learners have undertaken DBS and OH checks and been cleared with an Employer Partner, confirmatory evidence must be provided to the University.
- 5.9** If DBS and OH checks have not been completed or the Employer Partner will not share this information, prior to commencement of the programme, this may result in the learner being withdrawn from the programme

6. Professional Suitability and Fitness to Practice Once Enrolled on Programme

- 6.1** Where it is considered that a learner is in breach of the FtP requirements, in line with sections 3, 4 and 5 then the FtP procedure may be initiated.

- 6.2** As discussed in **3.2** this policy and procedure is 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.
- 6.3** This policy applies to learners throughout the period of their registration with the University irrespective of the mode or place of study.
- 6.4** Fitness to practice concerns that are raised about behaviours or issues alleged to have occurred while a student is registered as a student of the University will be investigated under this policy even if the student 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 that co-operation.

7. Examples of FtP Concerns

7.1 Minor Concerns

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

- Poor time keeping and attendance
- Minor breaches of local policy
- Professional appearance
- Minor lapses in attitude and behaviour (university, private life, practice placement areas)
- Lack of initiative and insight (relevant to the learner's stage of education and training)
- Lack of engagement with their chosen professional programme
- Isolated or accidental incidents of academic misconduct

7.2 Major Concerns

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

- Any behaviour that puts others at risk
- Undertaking practice tasks without appropriate supervision, training or insight.
- Serious academic misconduct; including and not limited to; plagiarism, cheating, forging practice assessment documents.
- 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, 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, use of mobile phones, poor attendance, showing a lack of insight and breaching confidentiality.

7.3 Criminal Behaviour and Convictions

All learners are expected to complete a statement of 'Good Character' at the start of each academic year of the programme. Within this they are expected to disclose any criminal behaviour or convictions. Failure to disclose this information or any behaviours that cause concern will initiate the Fitness to Practise process.

7.4 Criminal Behaviour that may initiate FtP processes include but are not limited to;

- Cyber/Online Crime
- Domestic abuse
- Driving offences that carry more than a 3-point penalty
- Fraud and economic crime
- Hate crime
- Sexual offences
- Verbal and harassment in Public
- Violent crime against person or persons

8. Key Roles

8.1 Faculty;

- Faculty Fitness to Practise Lead – person with overall responsibility for the FtP process.
- Programme Fitness to Practise Link (one each for each programme/discipline) – persons with responsibility to provide programme support for wider process
- Investigating Officer – member of staff who will undertake an impartial investigation regarding the complain/concern raised.

- Programme Leader – person who has responsibility for the learner's programme.
- Personal Tutor or Student Support and Success Advisor (SSSA) - person who supports the student's welfare and best interests

8.2 Employer Partners;

- 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 PVI providers may use a different title for this role).
- Employer Partner (EL) (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. Stage 1: Responding to a Concern and Convening the Primary Panel

- 9.1** Initial concerns regarding FtP will normally be dealt with under Stage 1
- 9.2** 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.
- 9.3** Initially concerns should be shared with the relevant Programme Lead who will then seek advice from the Programme FtP Link or the Faculty FtP Lead (depending on availability and perceived severity of concern). If the learner is an apprentice, the EPL would be contacted at the earliest possible opportunity. At this point an appointment would be made with the FtP Lead and/or FtP Link and the learner to discuss concerns. This may lead to support arrangements and/or reasonable adjustments being put in place.
- 9.4** If the concern 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 with the Programme Lead to withdraw the learner from study/practice setting without prejudice. This would be before the Primary Panel is convened (see Section 10)
- 9.5** With apprentice employees, 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.

- 9.6** 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.
- 9.6** The Faculty FtP Lead and/or FtP Programme Link, Programme Leader, Personal Tutor and the EPL/LEL (if appropriate) will form a Primary Panel within 5 working days of the concern being raised to decide whether the concern falls into one of the following;
- 9.6.1** There is no evidence of concern and no further action needs to be taken. No requirement to record on the learner's record.
 - 9.6.2** There is evidence that the concerning behaviour can be addressed via a formal action plan, devised, and monitored by either the Programme Leader or delegated other (such as Personal Tutor). The plan should contain SMART goals and be time limited. Failure to achieve the actions may prompt referral to a Stage 2 FtP investigation. A note will be made on the learner's record, but this does not have to be disclosed when completing future employment references.
 - 9.6.3** There is enough evidence of concern to warrant a full Fitness to Practise Investigation (Stage 2) and re-convening of the Primary Panel to discuss the report.
- 9.7** All severe concerns (please refer to the non-exhaustive list with sections 7.2, 7.3, & 7.4) will automatically proceed to a full FtP investigation (Stage 2). Until completed all actions above are taken with without prejudice, but in the best interests of the learner and the wider public.
- 9.8** If the concern is deemed severe, an interim decision may be made to withdraw/suspend a learner from practice or study, with the learner being informed within 1 working day. This should be a proportionate response to the level of risk posed by the learner's behaviour. The Primary Panel is responsible for communicating this to the learner and other relevant parties (including employer partners).
- 9.9** If the learner remains in placement or on programme pending an investigation, conditions may be placed upon them by the Primary Panel.
- 9.10** Employer partners have the right to undertake their own investigation / employment processes as they feel appropriate.
- 9.11** To progress to Stage 2, the Panel will appoint a lead investigator who can be the Faculty FtP Lead or Programme Fitness to Practise Link from outside the learner's programme. Any conflict of interests must be declared at this point.

10. Stage 2 – Fitness to Practice Investigation

- 10.1** The investigating officer must be aware of, understand and work within this policy and will be given Terms of Reference for the investigation by the Primary Panel.
- 10.2** The investigator will normally have up to 15 working days to complete enquiries with third party informants (if applicable), formally meet with the learner and produce a full report of their findings. If timescales exceed 15 working days (for example, if a key witness is on holiday) the Faculty FtP Lead should be informed.
- 10.3** The Faculty FtP lead is responsible for updating the learner and/or their representatives, of progression and or delays.
- 10.4** 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).
- 10.6** All persons approached for information by the investigator, has a right to refuse to be interviewed, or request a representative to support them.
- 10.7** All interviewees should be able to review their statement and sign that it is correct before it is included in the Investigating Officers report.
- 10.8** The investigating Officer will return their report to the Faculty FtP Lead or FtP Programme Link, who will convene the Primary Panel to discuss next steps. The Primary Panel has two choices once the evidence has been considered;
- 1.** There is strong enough evidence to proceed to a full Fitness to Practise Panel hearing (Stage 3)
 - 2.** The evidence does not warrant proceeding to Stage 3 - the concerning behaviour can be addressed via a formal action plan, devised, and monitored by either the Programme Leader or delegated other (such as Personal Tutor). The plan should contain SMART goals and be time limited. Failure to achieve the actions may prompt referral to a Stage 3 FtP hearing.

11. Stage 3 Fitness to Practice Panel Hearing

- 11.1** The Faculty Fitness to Practice Lead (or nominated deputy) will arrange a Stage 3 FtP Panel hearing within 15 working days of the decision to proceed to Stage 3. This includes convening the panel, managing the process, communicating with the learner and/or their representative and completing the final report.

11.2 The FtP Panel will consist of the following members;

- The Dean of the Faculty (Chair) or designated nominee (e.g., a Head of Department)
- Senior professional from a relevant practice partner organisation (not from the area that has hosted the incident)
- A representative of the employer partner (if appropriate).
- An academic member of staff from the student's programme or a designated professional representative from the Faculty of Health & Wellbeing
- An independent academic member of staff
- A member from Student Support Services
- An allocated administrator to record minutes of the hearing

11.3 The panel will follow a fixed agenda 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.

11.4 The learner will have the opportunity to respond to the concern with the support of their representative. They may present evidence to support their claim.

11.5 The panel may make one of the following decisions.

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

11.5.2 There is some indication of behaviour compromising the integrity of the healthcare profession, but it is not enough to recommend the termination of 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.

11.5.3 Recommendation to the Deputy Vice-Chancellor 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).

- 11.6** Following the Panel, notes of the meeting and the hearing outcome must be sent to the student, within 5 working days.
- 11.7** Copies of the Panel notes and outcome(s) should also be sent to the Programme Leader, Faculty FtP Lead and Personal Tutor.
- 11.9** The entire FtP Process, from the initial convening of the Primary Panel to the learner receiving their written outcome, should take 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.

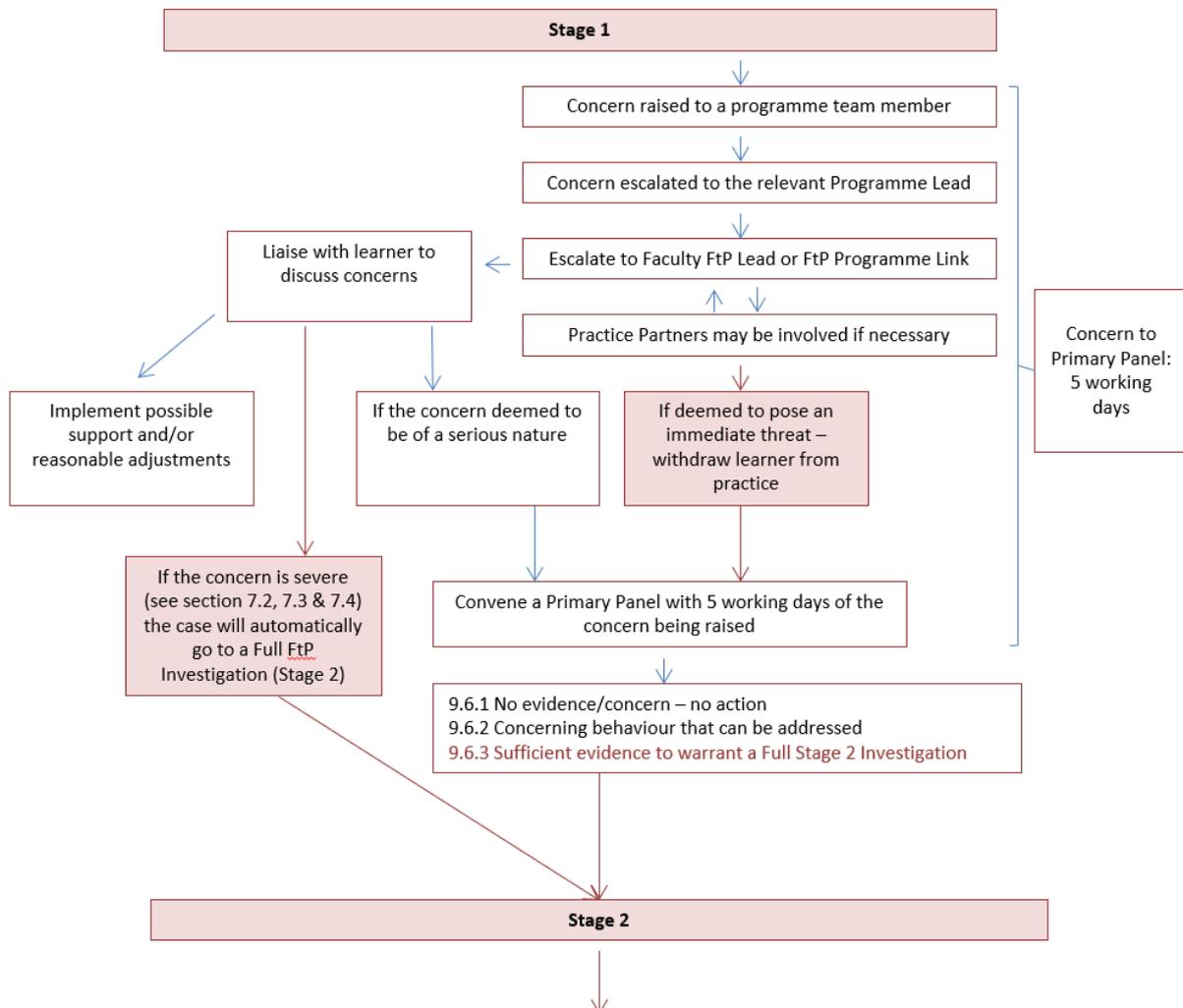
12. Appeal

- 12.1** Students have a right to appeal against the decision only if they believe that the University 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 student must put their case in writing to the Dean of Faculty. 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 the Deputy Vice Chancellor.
- 12.2** A student 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.

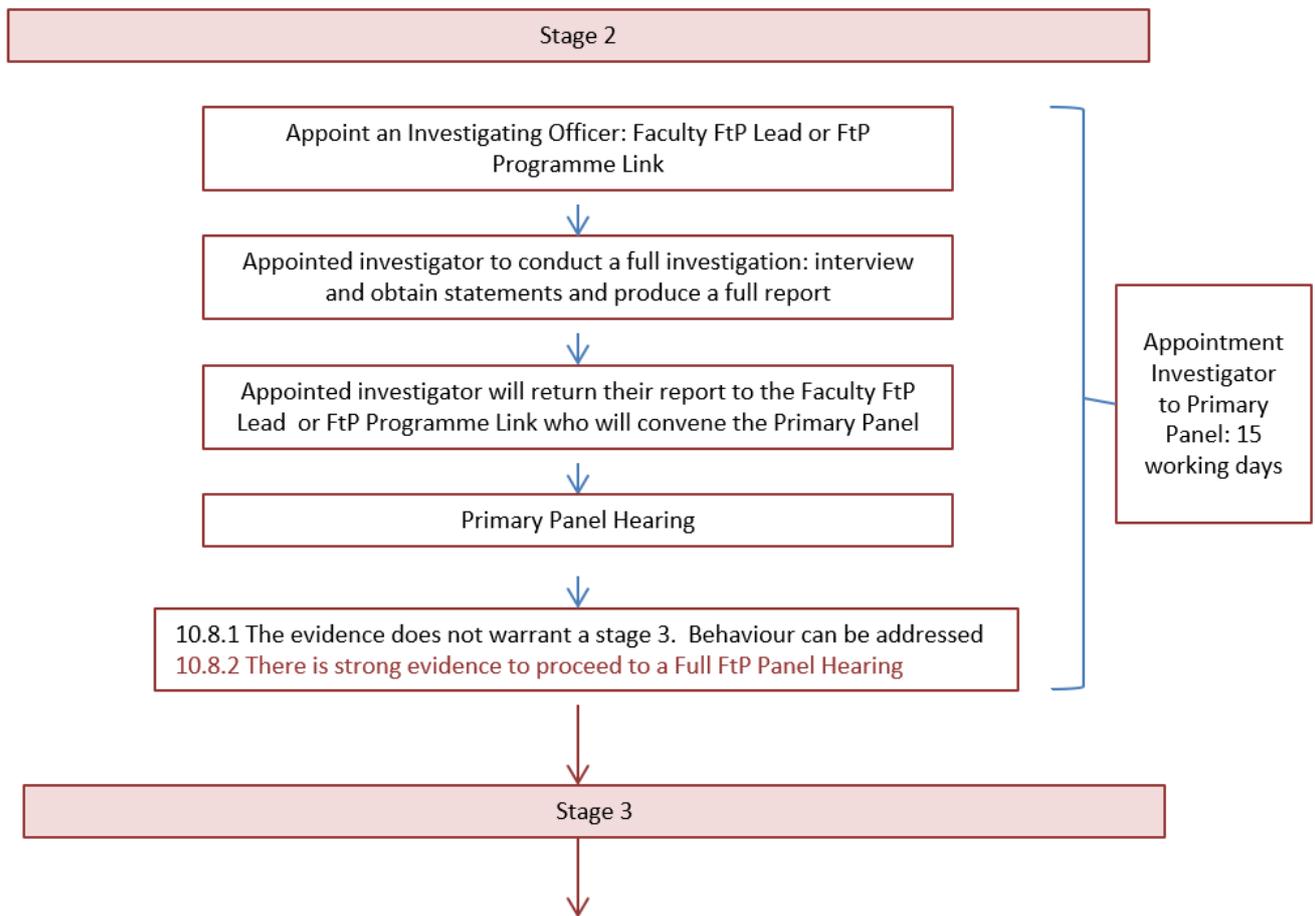
13. Confidentiality

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

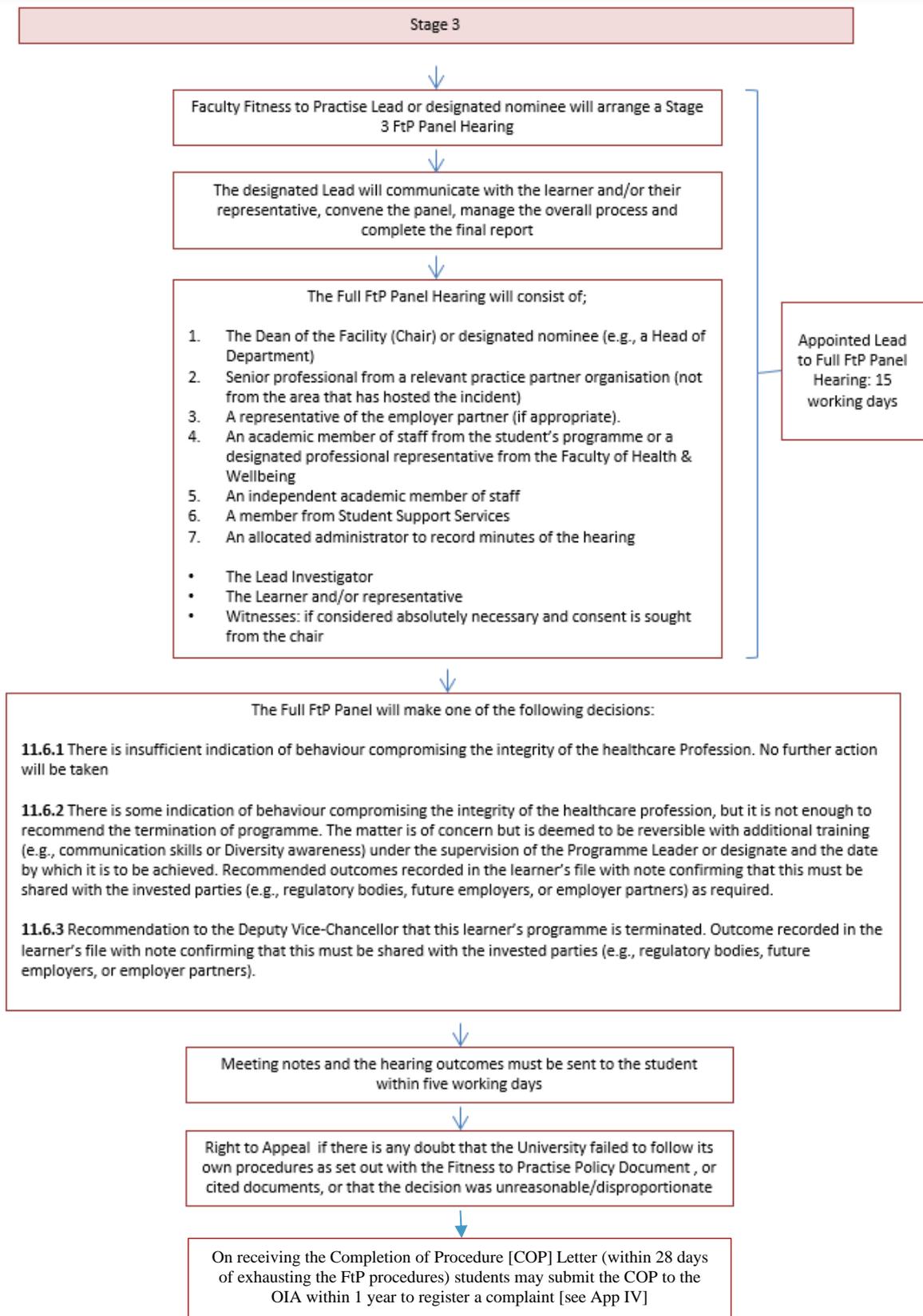
Fitness to Practise Flowchart: Stage 1



Fitness to Practise Flowchart: Stage 2



Fitness to Practise Flowchart: Stage 3



APPENDICES

Appendix I

Terms of Reference for Investigating Officer

The report will be submitted to the Faculty Fitness to Practise Lead who will then consult with the Primary Panel to decide if further action is required.

PRIVATE & CONFIDENTIAL

***PLEASE NOTE** - all sections highlighted in Red must be completed and the Italics removed prior to finalising

TERMS OF REFERENCE Name of Learner: <i>(insert name of learner under investigation)</i> Date: <i>(insert date TOR passed to Investigating Officer)</i>

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:	<i>Name</i>	<i>Title</i>

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] [student 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 [student 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 [student 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:

- *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:

Student Name:	
Programme/Field	
Lead Investigator:	
Panel Members:	<ol style="list-style-type: none">1.2.3.4.5.6.

Contents of report:

1. Introduction & background
2. Summary of investigation
3. Evidence
4. Discussion
5. Stage 1: Outcome and/or Decision (please tick).
 - **9.6.1**
 - **9.6.2**
 - **9.6.3**
6. Stage 2: Outcome and/or Decision.
 - **11.7.1**
 - **11.7.2**
 - **11.7.3**

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

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

Appendix III

Statement of Event, Incident & Accident

Name:

Programme, Cohort and
Year of Study:

Email Address [Designated
University Email]:

Address [Term]:

Telephone Number:

Subject of Statement:

Location of event/issue:

1. Introduction to event/issue

I am responding to a request for a written statement made by *[insert name of individual requesting the statement]*. This statement is based on *[insert i.e. personal recollection, review of records/documents, witness or combination]*

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)]*

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:

- Use the first person
- Avoid jargon or official language
- Be as brief as possible while covering all the essential points needed to address the allegations.
- Relate the facts from the beginning and keep them in chronological order, giving precise dates and times.
- Be consistent in using 'am' or 'pm' or the 24-hour clock.
- State the times you were on and off duty on the days in question.
- 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.
- Be clear about what you did, saw and heard. Include your professional involvement, as appropriate, based on clinical records.
- Where known, please use full names and job titles of colleagues
- 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.
- Always write the subject of an abbreviation or acronym in full at first mention.

Relevant:

- It is acceptable to form a view based on your professional judgement.
- Document the facts or evidence on which you based your conclusion.
- Relate how these impacts on patient care or service levels.
- 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.
- 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.
- Avoid giving opinions or making judgements that you cannot support by factual evidence or corroboration.
- You can reflect on what you have observed to be usual Practise or experience.
- 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.
- Only relate what you were told by another/ others - you have no way of verifying the accuracy of others' accounts.

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3. Summary or closing statement

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

4. Signature and Date

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

Name:

Title: *[i.e., Student Nurse (Adult/Mental Health/Child/Learning Disability)]*

Signature:

Date:

5. References and Appendices

List all documents referenced in your statement, and, if possible, where to find them, examples:

- If you are referring to patient records, notes, and departmental documents, please seek University advise before accessing.
- Emails
- Screen shots of social media/messages etc.
- local policies or procedures
- national standards or evidenced based information
- professional codes and guides.

Appendix IV

External Review Stage: Office of the Independent Adjudicator

The Office of the Independent Adjudicator [OIA] for Higher Education is an independent body established by Government to review student complaints (including former students). Information about the OIA and the procedure for submitting complaints can be obtained from the Director of Complaints or from the OIA website:

www.oiahe.org.uk

The guidance below is not exhaustive and may not always be up to date. It must not be relied upon by students and former students to inform their decisions who should instead directly contact the OIA or seek advice from its website.

Only complaints by current or former students may be considered by the OIA and only then once the University's internal Fitness to Practise procedures have been exhausted and usually only after a Completion of Procedures letter has been issued.

The University's internal procedures are exhausted once a student or former student is informed in writing of the decision of any appeal process undertaken. The Completion of Procedures letter is issued automatically if the appeal is not upheld. If the appeal is upheld in whole or in part, the student or former student can ask for a Completion of Procedures letter if they remain dissatisfied.

A Completion of Procedures letter will be issued within 28 days from the final decision letter from the Appeals Investigator (The Dean of the Faculty of Health and Wellbeing or the Deputy Vice Chancellor).

For their request for a review to be considered by the OIA, students must normally complain to the OIA within 12 months of the date their complaint was determined by the University and, normally, the complaint must mainly concern issues that arose not more than three years previously. It is advisable to seek a review by the OIA as soon as possible as the passage of time may make any remedy more difficult to achieve.

Reference List

Care Quality Commission (2021) Accessed via: [Regulation 19: Fit and proper persons employed | Care Quality Commission \(cqc.org.uk\)](#)

Council of Deans of Health. (2021) Student Fitness to Practise Principles. Accessed via: [120221-Student-FtP-Principles-JN-FN.pdf \(councilofdeans.org.uk\)](#)

Equality Act 2010. (2015) Government Equalities Office & Equality & Human Right Commission. Accessed via: [Equality Act 2010: guidance - GOV.UK \(www.gov.uk\)](#)

Griffith, R. & Dowie, I. (2019) Dimond's Legal Aspects of Nursing: A definitive guide to law for nurses. 8th Ed. London: Pearson Publishers

General Dentist Council (2016) Student Professionalism and Fitness to Practise. Accessed via: [https://www.gdc-uk.org/docs/default-source/guidance-for-students/guidance-for-training-providers.pdf?sfvrsn=dee70721_2](#)

General Medical Council (2015) The Professional Duty of Candour. Accessed via: [https://www.gmc-uk.org/ethical-guidance/ethical-guidance-for-doctors/candour---openness-and-honesty-when-things-go-wrong/the-professional-duty-of-candour](#)

Health & Care Professions Council (2016) Standards of Conduct, Performance and Ethics. Accessed via: [https://www.hcpc-uk.org/standards/standards-of-conduct-performance-and-ethics/](#)

Legal Services Commission (2018) Qualified Privilege. Accessed via: [https://www.oxfordreference.com/view/10.1093/oi/authority.20110803100357427](#)

Leng, J. (2019) HCPC's Summary of the Professional Standards Authority's Report "Telling patients the truth when something goes wrong". Accessed via: [https://www.hcpc-uk.org/globalassets/meetings-attachments3/council-meeting/2019/03.-22.05.2019/enc-07---summary-of-the-psas-report-telling-patients-the-truth-when-something-goes-wrong.pdf](#)

Medical School Council (2018) Accessed via: [Student fitness to practise | Medical Schools Council \(medschools.ac.uk\)](#)

NMC (2020a) Professional Duty of Candour. Accessed via: [https://www.nmc.org.uk/standards/guidance/the-professional-duty-of-candour/read-the-professional-duty-of-candour](#)

NMC (2020b) What is Fitness to Practise. Accessed via: [What is fitness to practise? - The Nursing and Midwifery Council \(nmc.org.uk\)](#)

NMC (2018) Ensuring public safety, enabling professionalism: New strategic direction. Accessed via: [https://www.nmc.org.uk/globalassets/sitedocuments/consultations/2018/FtP/ensuringpublicsafety_v6.pdf](#)

Office of the Independent Adjudicator (2019) Accessed via: [OIA Completion of Procedures Letters Guidance Note | January 2019 \(oiahe.org.uk\)](#)

Office of the Independent Adjudicator (2021) Accessed via: [What is fitness to practise? - OIAHE](#)

Office of the Independent Adjudicator (2022) Accessed via: [Good Practice Framework - OIAHE](#)

Oxford Reference (2020) Qualified Privilege. Accessed via: <https://www.oxfordreference.com/view/10.1093/oi/authority.20110803100357427>

Rehabilitation of Offenders Act (1974) Guidance of the Rehabilitation of Offenders Act 1974 and the Exceptions Order 1975. Accessed via: [Guidance on the Rehabilitation of Offenders Act 1974 and the Exceptions Order 1975 - GOV.UK \(www.gov.uk\)](#)

Social Work England (2020a) Professional Standards Guidance. Accessed via: https://www.socialworkengland.org.uk/media/3074/professional-standards-guidance-designed_april-final.pdf

Social Work England 2020b The first steps to building an efficient and proportionate fitness to Practise process. Accessed via: <https://www.socialworkengland.org.uk/news/the-first-steps-to-building-an-efficient-and-proportionate-fitness-to-practise-process/>

Teesside University (2018) Fitness to Practise Regulations: Accessed via: <https://www.tees.ac.uk/docs/DocRepo/student%20regulations/Academic%20Regulations/Fitness%20to%20Practise%20Regulations.pdf>

University of Worcester (2019) Academic Regulations and Procedures: Fitness to Practise Procedures; Accessed via: <https://www2.worc.ac.uk/registryservices/documents/FitnesstoPractiseProcedures.pdf>

University of Winchester (2018) Conduct Policy for Students. Accessed via: [Conduct Policy for Students \(winchester.ac.uk\)](#)

University of Winchester (2021) Mental Wellbeing Service: Information for Students. Accessed via: <https://unimailwinchesterac.sharepoint.com/sites/intranet/publishing-mental-wellbeing/Documents/Information%20for%20students%2020-21.pdf#search=confidentiality>

University of Winchester (2018) Safeguarding Children and Vulnerable Adults Policy. Accessed via: <https://unimailwinchesterac.sharepoint.com/sites/intranet/publishing-document-store/Published/Safeguarding%20Children%20and%20Vulnerable%20Adults%20Policy.pdf#search=confidentiality%20policy>