



FITNESS TO PRACTISE PROCEDURE

2022-2023

Issued by Standards and Enhancement Office

Approved by Senate May 2017

1. Introduction

1.1. In order to discharge its responsibilities the University has adopted these procedures which apply to all students following Programmes accredited by professional, statutory or equivalent declaration; where a student subject to a professional code of conduct is undertaking a relevant programme of continuing professional development; or where a student, as part of their programme of study, is involved with activities which would be adversely impacted upon in the event of conduct or competency concerns of the student being evident.

1.2.

Standards and Enhancement Office will determine if other relevant Univers

Protect individuals the student has contact with during professional training;
Ensure students are appropriately prepared for entry to the profession, have developed professional attitudes and clearly understand and demonstrate professional and competent behaviour;

3.2 It should be noted that academic staff and work-based tutors or mentors have a responsibility (and may have a professional duty) to report causes for concern about a
o practise.

3.3 In the event that

5. Principles relating to Student Conduct and Behaviour

- 5.1 Students on a programme leading to a professional qualification should refer to the professional standards of that profession examples of which are shown in Appendix 2. The following is intended as an indicative guide.
- 5.2 Students are required to act at all times in the best interests of their patients, clients, service users, students, work placement supervisors, mentors and colleagues, or any other individual or group they can reasonably be expected to come into contact with through the requirements and expectations of their programme and in accordance with its nature and the profession it relates to.
- 5.3 Students are required to conduct themselves in a professional manner consistent with reasonable expectations of conduct and behaviour within the profession associated with their programme at the University. Examples of some professional codes of conduct are provided in Appendix 2. Students will be informed by the programme team of the specific codes of conduct relevant to their professional body as determined by their programme of study.
- 5.4 The following is a non-exhaustive list of alleged behaviours which are likely to lead to the Fitness to Practise Procedures being invoked:

Academic Misconduct;

Health and safety breaches;

Failure to disclose convictions or other information that the student is required to disclose;

Unsafe practice, incompetence or requiring significant additional supervision;

Poor communication or language skills;

Exploiting the vulnerability of others;

x Physical, sexual or emotional abuse;

Inappropriate relationships with patients, clients, studentith pət

Failure to respect the rights and dignity of patients, clients, service users, students, work placement supervisors, mentors and colleagues, irrespective of age, gender, race, ethnic origins, disability, sexual orientation, religion and belief, socio-economic background.

A chronic health or medical condition which cannot be alleviated sufficiently by appropriate treatment or reasonable adjustment;

Failure to rectify behaviour that has been subject to any disciplinary actions under

Repeated inappropriate behaviour towards others;

applicant for specialist medical advice and for the resulting report to be made available to the University.

- 6.3 Students are required to inform the University prior to admission about any conditions for which reasonable adjustments within the meaning of the Equality Act 2010 may need to be made to programme arrangements.
- 6.4 A student whose physical or mental health conditions change while registered on the programme should seek advice in the first instance from their programme leader about the implications for their continuation on the programme or their entry to the profession. Students are required to inform their School via their Personal Tutor of any changes in their physical or mental health which could affect their fitness to practise.
- 6.5 A student whose physical or mental health deteriorates while registered on the programme, should seek advice from their programme leader, the relevant professional body and, where appropriate, their employer about the implications for their continuation on the programme or their entry to the profession. Students are required to inform their School via their Personal Tutor of any deterioration in their physical or mental health which could affect their fitness to practise.

8. Variations to the Procedure

8.1

- 9.5 Normally when a cause for concern is brought to the attention of the Lead Person the informal procedure will give students the opportunity to improve their practice of approach. In the event that the student disputes the allegations the Lead Person may refer the matter to a Fitness to Practise Panel so that the student has an opportunity to present their case.
- 9.6 , and the informal cause for concern procedure has proven not to have been successful, the issue will initially be considered under the University Student Non Academic Conduct and Disciplinary Policy and Procedure.
- 9.7 Following the case being considered under the Student Non Academic Conduct and Disciplinary Policy and Procedure, the Lead Person (with advice from the Standards and Enhancement Office) will determine if there continues to be Fitness to Practise issues to be considered and therefore progress the concern under the Fitness to Practise Procedure.
- 9.8 Where findings of fact are made under the Student Non Academic Conduct and Disciplinary Procedure, those facts may be relied upon under this Fitness to Practise Procedure.
- 9.9 On occasion the behaviour and/or conduct of a student does not invoke the Student Non Academic Conduct and Disciplinary Policy and Procedure but it is deemed that their fitness to practise may be impaired or compromised and is a cause for concern. On these occasions the Fitness to Practise Procedure may be invoked without prior consideration under the Student Non Academic Conduct and Disciplinary Policy and Procedure.
- 9.10 Where it is decided by the Lead Person (with advice from the Standards and Enhancement Office) that the concern does not fall under the University Student Non Academic Conduct and Discipline Policy and Procedure and is one of competence, the standards of the professional body. On occasion the competency issues may be considered by the Chair of the relevant Assessment Board to determine if the studentPr the student

- a. To dismiss the case or concern that has been raised;
- b. record,
 future misconduct within 12 months will take such warning into account;
- c. Where appropriate and following advice from an Occupation Health Provider (OHP) permit the student to continue on the programme with appropriate treatment and support in place and as informed by the Health, Wellbeing and Supported Study Policy (as appropriate). A period of monitoring may also be stipulated;
- d. Require the student to re-sit a ~~specified part or~~ parts of the Programme where permitted;
- e. Require any other action considered appropriate by the Panel to enable the
- f. leading to a professional
 qualification be terminated but that the student be permitted to apply to transfer his/her registration to an alternative academic qualification; and/ or
- g. Where the recommendation from the Fitness to Practise Panel is that the student
 Programme be terminated and that the student be expelled from the University, the recommendation will be considered by the Vice Chancellor for affirmation.

13.17 The Chair of the Fitness to Practise Panel will confirm to the student in writing, usually within five working days of the hearing, the outcome of the Fitness to Practise hearing of exclusion or expulsion.

14. Right of Appeal

14.1 In the letter confirming the outcome of the Fitness to Practise hearing, the student will be notified of his/her right to appeal.

14.2

14.3 When an appeal is against any sanction other than expulsion, the Appeal Officer will be a Dean of Faculty who has experience of the Fitness to Practise Procedure but has not had any previous involvement with the case, as far as is reasonably possible.

14.4 When an appeal is against expulsion, the Appeal Officer will be the Chair of the Governing Body (or their nominee in the event of their unavailability).

14.5 A request for a hearing shall be made by the student to the Chair of the Fitness to Practise Panel within 14 days of the date of the hearing. The Chair of the Fitness to Practise Panel shall determine whether a hearing should be held. If a hearing is held, the student shall be permitted to attend and to be represented by a legal representative. The Chair of the Fitness to Practise Panel shall determine the outcome of the hearing. The Chair of the Fitness to Practise Panel shall have the power to suspend or terminate a hearing. The Chair of the Fitness to Practise Panel shall have the power to refer a case to the Vice Chancellor for consideration. The Chair of the Fitness to Practise Panel shall have the power to refer a case to the Vice Chancellor for consideration. The Chair of the Fitness to Practise Panel shall have the power to refer a case to the Vice Chancellor for consideration.

- b. New material evidence is available which the student was unable, for valid reasons, to provide earlier in the process and which may have resulted in a different outcome;
 - c. The outcome (whether the decision or sanction) was unreasonable.
- 14.6 The Standards and Enhancement Office will determine if the request for an appeal is to be permitted or is to be rejected based on the grounds that the student has identified and the student will be informed of that decision in writing.
- 14.7 If the appeal is rejected the letter explaining the reasons why will also be the Completion of Procedures Letter which indicates that the internal procedures have now been completed.
- 14.8 If the appeal is permitted, the student will be notified in writing of the arrangements for the appeal, whether

- 14.15 There is no further right to appeal and the procedure is exhausted at this stage.
- 14.16 In circumstances where the Appeal Officer determines to up

FITNESS TO PRACTISE PROCEDURE	
Procedure Ref:	
Version Number	1.5
Version Date	v1.1 July 2011 updated September 2014 v1.2 Rewritten and updated December 2015 v1.3 Updated May 2017 v1.4 Updated August 2019 v1.5 Updated August 2020
Role of Reviewer	Head, Quality Systems
Procedure Owner (School/Centre/Unit)	Standards and Enhancement Office
Person responsible for implementation (postholder)	Heads of School
Approving Committee/Board	Senate
Date approved	22 May 2017
Effective from	August 2017
Dissemination methods (eg website)	Website to current and perspective students
Review Frequency	3 years
Reviewing Committee	Education Committee
Consulting History	Academic Standards and Quality Committee (now known as Education Committee): 4 July 2013, 13 October 2010 Senate: 18 October 2011, 20 June 2011 October/November consultation with SU/HoS/SEO/AVC(A)/AEDSE Union August 2020 Consultation with members of Senior Management Team, Students Union and approval of changes by Education Committee. <u>May 2017</u> To update related policies (5.1) and published documents (2.3); Clarify that hearings will take place under the 3(a)-3(30(h)9(e)-3(a)-3((l)-4(d)9(Q q 531
Document History (eg rationale for and dates of previous amendments)	

Appendix 1

Programmes subject to Fitness to Practise Policy and Procedures

Available on University of Bolton Policy Zone

<https://www.bolton.ac.uk/studyzone/>

Appendix 2

Examples of Professional Body Codes of Conduct (non-exhaustive list)

GMC and MSC Professional behaviour and fitness to practise: guidance for medical schools and their students:

https://www.gmc.org.uk/media/documents/professionalbehaviourandfitness-to-practise-0816_pdf66085925.pdf

HCPC Health & Care Professional Conduct fitness to practise:

<https://www.hcpc.org/concerns/what-we-investigate/fitness-to-practise/>

NMC Aims and principles for fitness to practise Reference: This guidance shows the aims and principles of fitness to practise:

<https://www.nmc.org.uk/library/understanding-fitness-to-practise/using-fitness-to-practise/>

NMC's online Fitness to Practise Library:

<https://www.nmc.org.uk/library/>

Fitness to Practise Procedure Appendix 1

Faculty of Arts and Creative Technologies

BA (Hons) Theatre and Performance

BA(Hons) Theatre

MA Applied and Community Arts (specialism)

Faculty of Professional Studies

BA(Hons) Accountancy with Foundation

BA(Hons) Accountancy

BA (Hons) Accountancy (Top Up) Institute of Development Management Botswana

BA(Hons) Accountancy Western International College, Ras'al Khaimah

BA(Hons) Accountancy with Foundation Regents College London

BA(Hons) Accountancy Regents College London

LLB (Hons) Law with Foundation with foundation year

LLB (Hons) Law

BA (Hons) Crime and Criminal Justice

BA (Hons) Education and Learning

BSc (Hons) Secondary Education and Mathematics with QTS

Certificate of Education '14+ English and ESOL

Certificate in Education '14+

Cert in Education '14+ English (Lit/ESOL)

Certificate in Education '14+ Maths

Certificate in Education '14+ TLAN

Professional Graduate Certificate Education '14+

Professional Graduate Certificate in Education '14+ Maths

Professional Graduate Certificate in Education '14+ TLAN

Postgraduate Graduate Certificate Education '14+ (M)

Professional Graduate Certificate in Education '14+ English

Professional Graduate Certificate in Education '14+ (Art, Creative Practice and Performance)

Postgraduate Certificate in Education (M) '14+ English

Postgraduate Certificate in Education (M) '14+ Mathematics

Postgraduate Certificate in Education (M) '14+ TLAN

Postgraduate Certificate in Education '14+ (M) (Art, Creative Practice and Performance)

Postgraduate Certificate in Education '14+ (M) Sport

Postgraduate Certificate in Education '14+ (M)(Sports Coaching)

Postgraduate Certificate In Education '14+ (M) (Science, Technology, Engineering, Mathematics)

Postgraduate Certificate in Education (M) (Secondary '11 - '16) Computing with QTS

Postgraduate Certificate in Education (M) (Secondary '11 - '16) Maths with QTS

Postgraduate Certificate in Education (M) (Secondary '11 - '16) Modern Foreign Languages with

Professional Graduate Certificate Education '14+ Bolton College
Diploma Level HE5 Promoting Positive Behaviour Bolton College
Certificate in Education '14+ Burnley College
Cert in Education '14+ English (Lit/ESOL) Burnley College
Certificate in Education '14+ Maths Burnley College
Professional Graduate Certificate Education '14+ Burnley College
Postgraduate Certificate Education '14+ (M) Burnley College
Postgraduate Certificate in Education (M) '14+ English Burnley College
Postgraduate Certificate in Education (M) '14+ Mathematics Burnley College
Diploma Level HE5 Diploma in Teaching in Mathematics (Numeracy) Burnley College
Diploma Level HE5 Teaching English (Literacy and ESOL) Burnley College
Diploma Level HE5 Integrating English and Maths Burnley College
Diploma Level HE5 Promoting Positive Behaviour Burnley College
Certificate Level HE4 Preparation for Education and Training Burnley College
Certificate in Education '14+ Salford City College
Professional Graduate Certificate Education '14+ Salford City College
Certificate in Education '14+ The Growth Company
Professional Graduate Certificate Education '14+ The Growth Company
Certificate Level HE4 Preparing to Teach in the Lifelong Learning Sector The Growth Company
Professional Graduate Certificate in Education '14+ (Dance) Shockout Arts
Postgraduate Certificate in Education '14+ (M) Dance Shockout Arts
Professional

BSc Nursing (Adult) [Manchester Foundation Trust Wythenshaw]
BSc Nursing (Adult) [Wrightington, Wigan and Leigh NHS Foundation Trust]
BSc Nursing (Adult) [Manchester University NHS Foundation Trust]
BSc (Hons) Nursing (Adult) (Degree Apprenticeship)
BSc (Hons) Nursing (Adult) [Petroc College Satellite Nursing Centre]
BSc (Hons) Nursing (Adult) [Bradford Satellite Nursing Centre]
BSc Nursing (Children) [Bolton NHS Foundation Trust]
BSc (Hons) Nursing (Children) [Wrightington, Wigan and Leigh NHS Foundation Trust]
BSc (Hons) Nursing (Mental Health) (Degree Apprenticeship)
BSc (Hons) Nursing (Mental Health)
BSc (Hons) Midwifery (Pre reg)
Graduate Certificate in Nursing Studies for Nurses Trained Outside the UK
BSc (Hons) Sport and Exercise Science with foundation year
BSc (Hons) Sport and Exercise Science
BSc (Hons) Sport & Exercise Science (Top Up)
BSc (Hons) Physiotherapy
BA (Hons) Sport Development and Coaching
BA (Hons) Sport Development & Coach (Top Up)
BSc (Hons) Sport Rehabilitation with foundation year
BSc (Hons) Sport Rehabilitation
MSc Physiotherapy (Pre Registration)
MSc Strength and Conditioning
MSc Sport Rehabilitation