

## STUDENT FITNESS TO PRACTISE REGULATIONS

### SECTION ONE – INTRODUCTION AND GENERAL PRINCIPLES

#### Introduction

1. In this document, "we", "our" and "us" refer to Sheffield Hallam University. "You" and "your" refer to students at Sheffield Hallam University. These regulations apply to enrolled students studying on courses which lead to a professional qualification where there are statutory or professional or regulatory body requirements relating to health or behaviour or attitudes. They also apply to students who are already a registered member of the profession. Although these regulations do not apply to applicants, issues regarding applications may be considered under these regulations. A list of the courses these regulations apply to is available in Annex A. Courses may be added or removed from Annex A on application to the Deputy Vice Chancellor for Strategy and Operations (or nominee).
2. Fitness to Practise is the ability to meet professional standards; it is about character, professional competence and health. Issues considered under these regulations include those relating to your health, behaviour or attitude which may affect your fitness to practise in the relevant profession. These concerns may arise inside or outside the University and may be brought to our attention by any person or organisation.
3. We are committed to ensuring that you are fit to practise in the relevant profession and that you meet the professional standards of the relevant professional, statutory, or regulatory body. We also ensure that you are made aware of any concerns about your fitness to practise and that any decisions about your fitness to practise are arrived at through a fair and transparent process. The purpose of a fitness to practise process is to be supportive and ensure the safety of you and those around you, including members of the public. We are committed to the maintenance of public confidence in professions and upholding proper standards of conduct and behaviour.
4. Where issues may be considered under another University regulation or policy as well as this one, eg. [Academic Conduct Regulation](#), [Disciplinary Regulations and Procedures](#), we will use the most appropriate procedure. We take account of fairness to you, the scope and purpose of the regulations and our responsibility to professional, statutory and regulatory bodies. A disciplinary matter might lead to fitness to practise proceedings if the behaviour reported calls into question your fitness to practise.
5. The impact of any concerns about your fitness to practise will be decided in the context of the professional standards of the relevant professional, statutory, or regulatory body applying to your programme of study. We are responsible for making you aware of the relevant professional standards. You are responsible for familiarising yourself with the relevant professional standards and meeting the requirements. Links to professional body standards can be found in Annex A.
6. You are required to self-report to the University on matters relating to your health, behaviour or attitude, eg. if you are the subject of criminal justice processes or employee/student disciplinary processes. Such requirements may be profession specific, and you will be made aware of these in course-specific documentation. Failure to self-report may lead to action under these regulations.

7. If you are already a registered member of a profession, and/or employed then you have a responsibility to report any potential breaches of professional standards of behaviour to the relevant professional body, and/or to your employer as necessary. Failure to provide evidence that you have self-reported may lead to action under these Regulations.

## **General Principles**

8. We aim to deal with issues raised under these regulations as quickly as possible whilst recognising the need for thorough investigation. We aim to complete the initial investigation and any formal stage of the process within 45 working days of the concern being raised. It may be reasonable for the process to take longer than 45 working days. In those cases, we will keep you informed about the progress of the investigation, and when it is likely to conclude.
9. Those investigating or adjudicating under these Regulations will do so impartially. All staff involved in a case will respect the confidentiality and information arising from it, and only disclose information as is necessary, for example for the proper investigation of case, for safeguarding reasons, as required by law, or as is required by the relevant professional, regulatory, or statutory body.
10. If you leave the University or take a break in your studies, we reserve the right to complete action under these Regulations if we have already started your break. We reserve the right to pause investigations under this process if you are on a break in study. We also reserve the right to act on allegations which occurred when you were a student for up to six months after you cease to be a student with the University.
11. Where the placement provider informs us that they are no longer prepared to accept you for training because of concerns about fitness to practise, we will confirm to you that you should no longer attend the placement. A decision will be made whether investigation is required under these regulations. If appropriate we may seek to place you back with the placement provider or seek to find you an alternative placement. Delays to attendance on placement may occur pending investigation and conclusion of Fitness to Practise cases. This means the length of time taken to complete your award could increase and there may be implications of this including fees, funding and visa implications.
12. These regulations and procedures do not replace or replicate a criminal process and do not seek to establish whether you have committed a criminal offence. Instead, the process seeks to address any concerns in relation to your fitness to practise. Where an allegation is a criminal offence that is being dealt with by the police and criminal justice system, we will normally wait for the outcome of the police investigation or proceedings before conducting a fitness to practise investigation. If you are convicted of a criminal offence, the role of the fitness to practise panel is to determine whether what you have done impairs your fitness to practise.
13. At all stages of this procedure, you can bring someone with you to any meetings held to support you in presenting your case. This may be a friend, a family member, a support worker or a member of staff from the [Advice Centre at the Students' Union](#). This process does not seek to imitate the legal justice system and should not be adversarial or overly legalistic. You must inform us of the name and position of any accompanying person in advance of a meeting in line with the timescales stipulated in your meeting request. We reserve the right to refuse to permit attendance of the person you choose where there is good reason.
14. At all points of the process, we will consider any relevant reasonable adjustments and additional support as indicated in a Learning contract.

15. We expect all students to act reasonably, honestly, and fairly, and to cooperate and treat the process with respect.
16. We recognise the possibility that an allegation or concern raised relating to fitness to practise may be malicious. Any allegations raised by either a student or member of University staff found to be malicious will be referred to the appropriate University procedure for further consideration in relation to the behaviour and actions of the individual making the allegation.

## **SECTION TWO - PROCEDURES FOR DEALING WITH FITNESS TO PRACTISE ISSUES AND OUTCOMES**

### **How a concern is raised**

17. Concerns can be raised by members of staff, placement providers, another student, employers, Criminal Record Consultative Panel (social work and social care), members of the public, local authorities, and the police.
18. Concerns regarding students can be raised by emailing FTPcasework@shu.ac.uk.

### **Initial Review**

19. When a concern is raised, it will be reviewed at the relevant Fitness to Practise / Professional Issues Operational Group. The Group will come to its conclusion based on an evaluation of appropriate factors such as professional or regulatory guidance about standards and fitness to practise, extent, impact, intent, repetition, mitigation, the training the student has already experienced, the likely impact of future training, any reasonable adjustments that have been made for a student with a disability, and any reasonable adjustments that may be made for a student with a disability in the future. One of the following options will be decided
  - a) there is no case to answer
  - b) issue advisory information regarding appropriate behaviours and standards allowing students the opportunity to improve their practice and approach
  - c) require engagement with other University Support Services or external organisations e.g. Occupational Health, Student Wellbeing, Disabled Student Support etc.
  - d) the case should be progressed to a Fitness to Practise investigation
20. On the basis of a risk assessment, where concerns are raised that if substantiated could mean there is a potential risk to the wellbeing of other students and staff, or the clients or staff of a placement provider, or to your own wellbeing, or to those you care for, we may suspend/temporarily exclude you on a precautionary basis, pending investigation under this procedure. This is not a determination of guilt; it is a way of managing risk until the facts are clear. This suspension may be from placement, from teaching, from the campus, or from all those activities. Wellbeing support will remain available to students who are under suspension. Further details of the suspension process are given in Annex D of the Disciplinary Regulations for Students.

### **Investigation Stage**

21. You will be invited to an investigation meeting with an appointed investigator to discuss the alleged concern. The investigator will not be a member of staff from within your subject area.

22. You will be notified of the alleged concern, how it relates to the relevant professional standards and what evidence there is. At the meeting you will be able to give your account of events and provide any evidence relating to the allegation. The meeting notes may be used in a Fitness to Practise Panel meeting. You will be given five working days' notice of the meeting, be given a written specification of the allegations, and be told that you have a right to be accompanied at the meeting. If the matter is urgent and must be expedited, we reserve the right to schedule a meeting in less than two working days. You will be notified of the reasons for this in writing.
23. The investigator can decide to involve other members of staff or members of external bodies (eg. representatives of placement providers) in the investigation and in meetings with you as is reasonable and appropriate. You will be kept informed of the extent and progress of the investigation.
24. The investigator can also, as is reasonable and appropriate, request an occupational health assessment or a check from the Disclosure and Barring Service.
25. Upon reviewing all information, the investigator may decide to make one or more of the following recommendations to the Fitness to Practise / Professional Issues Operational Group:
  - a) take no further action under these regulations
  - b) refer issues for consideration under other regulations
  - c) allow you to continue fully as a student on the programme but issue some advice as to future conduct / behaviour / professional standards
  - d) allow you to continue fully as a student with the requirement to complete a written reflective piece of work to reflect on practice and demonstrate insight (Information relating to reflective work provided in annex B)
  - e) allow you to continue fully as a student but issue supportive improvement measures in the form of an action plan
  - f) allow you to continue fully as a student with the requirement to access other services such as Occupational Health, Student Wellbeing, Disabled Student Support etc.
  - g) allow you to continue fully as a student with the requirement to attend an alternative placement.
  - h) refer the case to a Fitness to Practise Panel.
26. Failure to meet any conditions set as part of the outcome will lead to the case being considered for referral to a Fitness to Practise Panel.
27. You will be notified of the outcome on conclusion of the investigation.

### **Fitness to Practise Panel**

28. Where the Fitness to Practise / Professional Issues Operational Group agree with recommendation to refer a case to a Fitness to Practise Panel then a Panel meeting will be convened comprising of:
  - a senior academic member of the student's college or department (Chair)
  - one academic member of staff who is professionally qualified from the subject/ professional area in which the student is enrolled
  - one member of staff who is not from the subject/ professional area in which the student is enrolled

- where necessary according to specific professional body requirements, one external member with a relevant professional qualification from another institution or body

Professional bodies may have their own requirements for Fitness to Panels in which case the above membership may be varied to meet those requirements.

29. The panel members will have had no previous involvement with the fitness to practise concerns.
30. In attendance at the meeting will be a Case Presenter who will present the case. A Secretary will also be present to take notes of the proceedings and advice on regulations. Neither the Case Presenter nor the Secretary will be members of the Student Disciplinary Panel and will not have any involvement in the Panel's decision making.
31. The meeting will be arranged as promptly as possible. You will be sent:
  - the fitness to practise investigation report including any supporting documents
  - a meeting schedule which will include the format of the meeting and the names of Panel members.
32. We will normally send this information so that you receive it 10 working days before the Panel, unless the matter is urgent and must be expedited, the reasons for which will be explained to you in writing.
33. At least 5 working days before the Panel you must inform the Secretary to the Panel of the following
  - whether you will be attending the Panel
  - provide names of who will be in attendance supporting you at the meeting
  - provide copies of any documents or written statements you wish to submit to the Panel.
34. You have the right to attend the Panel, but you do not have to attend. If you choose not to attend, or do not attend after giving notice of attendance, the Chair of the Panel can decide whether the meeting will go ahead as planned in your absence. You can submit a statement to present to the Panel in your absence which must be submitted at least 5 working days before the Panel.
35. The Fitness to Practice Panel will operate in accordance with the procedure outlined in Annex B.
36. The Fitness to Practise Panel will only consider written evidence presented before the meeting and oral evidence presented during the meeting.
37. The Panel can decide to consider the following actions:
  - a) defer a decision pending the receipt of further information or advice;
  - b) decide there is no case to answer and no further action will be taken
  - c) permit the student to continue on the programme, either unconditionally, or subject to one or more of the requirements listed in Point 26
  - d) require the student to repeat a specified part or parts of the programme

- e) exclude the student from all, or particular aspects of, study on the programme for a specified period of time, not exceeding 12 months
  - f) exclude the student from further study on the course - any further application for study at the University will be considered in accordance with the University's Admissions Policy;
  - g) exclude the student from further study on the course and not permitted re-entry to this course or any course with professional requirements within the College or University - any further application for study at the University will be considered in accordance with the University's [Admissions Policy](#);
  - h) recommendation to the Vice Chancellor for expulsion from the University - no further application for study at the University will be considered.
  - i) the non-conferment of an award or the withdrawal of an award already made
38. The Panel will come to conclusions about facts on the balance of probabilities, ie, that based on the evidence available, it is more likely than not that you have breached the relevant professional code, standards competences or guidance.
39. The panel will be balanced and proportionate when coming to decisions ensuring mitigating factors are considered. The Panel may consider as appropriate factors such as their findings of fact in relation to statutory or professional or regulatory guidance about standards and fitness to practise, extent, impact, intent, repetition, mitigation, the training the student has already experienced, the likely impact of future training, any reasonable adjustments that have been made for a student with a disability, and any reasonable adjustments that may be made for a student with a disability in the future.
40. You will be informed of the outcome within 5 working days of the Panel including the reasons for the Panel findings and any action imposed.

### **Right of Appeal**

41. You have the right to appeal a decision of the Fitness to Practise Panel within the grounds and timescales set out in the University's [Appeals Policy and Procedure](#)

### **The Office of the Independent Adjudicator**

42. You have the right to take your case to the Office of the Independent Adjudicator for Higher Education (the OIA). The OIA is the independent body appointed in the higher education sector to review complaints by students against higher education providers. The OIA will not normally consider a case until the internal procedures of the University have been exhausted and a Completion of Procedures statement is issued.
43. Details of how to make a complaint and the deadlines by which such a complaint must be made can be found on the [OIA's website](#).

### **Monitoring and Reporting**

44. You have a responsibility to advise the appropriate professional body on the outcome of any Fitness to Practise investigation when registering with the professional body if required. Where appropriate, the outcome of the Fitness to Practise investigation will be reported to the relevant

professional or statutory or regulatory body after an appeal has been heard or after the period for making an appeal has elapsed. You will normally be informed in advance of the intention to report, the scope of the report and the body or bodies to whom the report will be made.

45. Any action the University takes in relation to Fitness to Practise procedures will not normally be mentioned in student references unless it is relevant to the job / course you have applied for. If the job / course assumes a high level of responsibility (e.g. caring for vulnerable adults or children) and/or a high level of personal integrity, then there may be a duty of care to refer to action taken under these regulations.
46. The University will retain a record of all Fitness to Practise cases in accordance with the provisions outlined in the University's records management policy. An annual report of fitness to practise cases will be prepared and submitted for the consideration of the key governance committees of the institution and ultimately for the Board of Governors. This report will be anonymous and will primarily focus on a statistical analysis of fitness to practise cases against protected characteristics to provide assurance that the procedures have been fairly applied.

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**ANNEX A – PROGRAMMES AND PROFESSIONAL BODY REGULATIONS, GUIDANCE AND STANDARDS**

The Fitness to Practise Regulations are specific to the following programmes of study:

**College of Health, Wellbeing and Life Sciences**

<b>Department of Social Work and Social Care</b>	
BA (Hons) Social Work Studies BA (Hons) Working with Children, Young People & Families Foundation Degree in Working with Children, Young People and Families MA Social Work	<a href="https://socialworkengland.org.uk">https://socialworkengland.org.uk</a>
<b>Department of Nursing and Midwifery</b>	
BSc Community Specialist Practice (District Nursing) BSc (Hons) Midwifery BSc (Hons) Nursing (All fields) BSc (Hons) Nursing (Learning Disability) and Social Work BSc Specialist Community Public Health Nursing (Health visiting and School Nursing) MSc Community Specialist Practice (District Nursing) MSc Midwifery (pre-registration) MSc Nursing (All fields) MSc Specialist Community Public Health Nursing (Health visiting and School Nursing) Non-Medical Prescribing Pharmacist Independent Prescribing PgDip Physician Associates Return to Practice (Nursing & Health Visiting)	NMCs Standards for good health and good character: <a href="https://www.nmc.org.uk/health-and-character">https://www.nmc.org.uk/health-and-character</a>  NMCs Guidance for Students <a href="https://www.nmc.org.uk/education/becoming-a-nurse-midwife-nursing-associate/guidance-forstudents/">https://www.nmc.org.uk/education/becoming-a-nurse-midwife-nursing-associate/guidance-forstudents/</a>  NMCs Online Fitness to Practise Library <a href="https://www.nmc.org.uk/">https://www.nmc.org.uk/</a>  General Pharmaceutical Council Guidance <a href="https://www.pharmacyregulation.org/standards/guidance">https://www.pharmacyregulation.org/standards/guidance</a>  Physicians Associates – <a href="https://www.gmc-uk.org/">PA and AA regulation - GMC (gmc-uk.org)</a>



<b>Department of Allied Health Professions</b>	
BSc (Hons) Diagnostic Radiography BSc (Hons) Diagnostic Radiography (Degree Apprenticeship) BSc (Hons) Operating Department Practice BSc (Hons) Occupational Therapy BSc (Hons) Occupational Therapy (Degree Apprenticeship) BSc (Hons) Paramedic Science BSc (Hons) Physiotherapy BSc (Hons) Physiotherapy (Degree Apprenticeship) BSc (Hons) Radiotherapy and Oncology BSc (Hons) Therapeutic Radiography (Degree Apprenticeship) MSc Occupational Therapy (Pre-registration) MSc Dietetics (Pre-registration) MSc Physiotherapy (Pre-registration) MSc Radiotherapy and Oncology (pre-registration) MSc Radiotherapy and Oncology in Practice (pre-registration) MA Art Psychotherapy Practice (Pre-registration)	HCPC Health & Care Professional Council  <a href="https://www.hcpc-uk.org/concerns/what-we-investigate/fitness-to-practise">https://www.hcpc-uk.org/concerns/what-we-investigate/fitness-to-practise</a>

### **College of Social Sciences and Arts**

<b>Institute of Education</b>	
All courses leading to the award of QTS All SKE schemes All courses leading to the award of Early Years Professional Status Post 16 & Further Education	Teachers' Standards: <a href="https://www.gov.uk/government/publications/teachers-standards">https://www.gov.uk/government/publications/teachers-standards</a>

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

## **ANNEX B – REFLECTIVE WRITTEN PIECE**

- a) Standard brief: Write a statement (1500 words) reflecting on the incident and your behaviour. Consider the incident in the context of the relevant professional body codes of practise, standards, and guidance. Describe what you have learnt from this experience and how you will manage your behaviour in future.
- b) Your piece of reflective work will be considered against the following criteria:-
- Appropriate self-reflection
  - Shows good understanding of the incident in the context of relevant professional body standards of conduct and performance
  - Provides reassurance regarding future conduct
- c) It will normally be expected that you complete the work in 3 weeks.
- d) If the reflective piece of work is given following an investigation meeting, then the investigator will report to the Fitness to Practise Operational Group whether the brief has been met. If the reflective piece of work has been given following a Fitness to Practise Panel meeting, then the Fitness to Practise Panel Members will report to the Fitness to Practise Operational Group whether the brief has been met.
- e) If you fail to meet the requirements of the brief you will be given one further opportunity, with the benefit of feedback, to complete the work. Normally you will be given an additional 5 working days to resubmit this work.

## **ANNEX C – FITNESS TO PRACTISE PANEL PROCEDURE**

1. The Fitness to Practise Panel has discretion over the proceedings, subject to the provisions of this Annex.
2. The Fitness to Practise Panel may:
  - Adjourn a Panel as it thinks fit, from a short break in the proceedings to reconvening on another date.
  - Ask for additional enquiries to be undertaken and may call for additional witnesses to attend.
  - Ask questions of the Case Presenter, you and/or your representative and any witness.
  - Impose time limits on oral addresses and submissions.
  - Refuse to admit evidence on the grounds that it is irrelevant to the issues raised.
  - Recall witnesses to give further evidence.
  - Dismiss the case at any stage during the meeting.
3. Meeting procedure:
  - The Panel will meet without you or the Case Presenter present to consider matters of process.
  - You, your supporter and the Case Presenter will then join the meeting.
  - The fitness to practise concern will be put to the Panel by the Case Presenter.
  - The Case Presenter will call witnesses in turn and question them.
  - The Panel may question the Case Presenter and witnesses.
  - You or your representative may question those witnesses.
  - You or your representative may address the Panel.
  - The Panel may question you.
  - You or your representative may call witnesses in turn and question them.
  - The Case Presenter may question those witnesses and question you if you have given evidence.
  - The witnesses will withdraw.
  - The Case Presenter may make concluding remarks to the Panel.
  - You or your representative may make concluding remarks to the Panel.
  - The Case Presenter, you and your representative will withdraw and the Panel will consider its decision.