

CARDIFF
UNIVERSITY

PRIFYSGOL
CAERDYDD

FITNESS TO PRACTICE PROCEDURE

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1. Introduction

- 1.1. This procedure applies to programmes that lead to a professional qualification which permits registration with a professional, statutory and regulatory body such as the General Medical Council, General Dental Council, Nursing and Midwifery Council, Health and Care Professions Council, or General Pharmaceutical Council.
- 1.2. If you are registered on a programme that leads to a professional qualification or registration, the University is required to ensure that you are fit to practise during your studies and when the degree is awarded. This requirement is part of the admission process and an ongoing responsibility throughout your programme, including when you are on placement. As part of accepting your offer on a programme you agree to act in accordance with the requirements of the University and the relevant professional, statutory and regulatory body.
- 1.3. Your Head of School is responsible for informing you of the fitness to practise requirements of your programme and for investigating concerns and taking appropriate action as detailed in this procedure.
- 1.4. It is your responsibility to bring to the School's attention any circumstances which may adversely impact your fitness to study. These might be health issues, any police involvement resulting from your behaviour or alleged behaviour, other statutory body investigation or other issues of probity or breach of professional body standards. The Head of School, in consultation with the Head of Registry, may decide that the issues should be considered under another policy as well as or instead of Fitness to Practise, for example, the [Student Conduct](#) or [Academic Integrity Procedures](#).
- 1.5. If you raise a concern about yourself or are reported for an issue that may impact on your fitness to practise, you will be treated fairly and transparently under this procedure. Any decision will be made on the balance of probabilities taking into account all relevant information that is available to the decision maker. University staff involved in investigating and processing concerns under this procedure will have received training for their role.
- 1.6. If there is a risk identified to your own safety or that of others, including patients, you may be suspended from the placement and/or academic studies until the investigation is completed and a decision made. This procedure sets out the process for suspension.
- 1.7. The University may choose to wait to investigate an issue if you are also subject to an investigation by the police or another organisation, until the outcome of that investigation. Each case will be considered on the available facts and risks to patients, colleagues, or staff or other members of the University identified at the time of the issue being raised.
- 1.8. The University will only disclose the information relating to the fitness to practise proceedings to a professional, statutory and regulatory body once proceedings are completed, unless the body guidance expressly states otherwise, or where there is a legal requirement to disclose.

2. Expected Conduct

- 2.1. It is expected that all students on a programme leading to professional qualification or registration will act with integrity, honesty, with respect for

others and their property, and in compliance with the relevant code of professional standards.

2.2. The following are examples of allegations that may result in an investigation of fitness to practise:

- Failure to meet the expectations of the University's Student Conduct Procedure or Professional, Statutory and Regulatory body including:
 - Substance, alcohol, or drug misuse;
 - A criminal offence including any caution, reprimand, or ongoing investigation by the police or relevant statutory body;
 - Failure to inform the University of a criminal offence, reprimand, or investigation by the police or a relevant professional or statutory body;
 - Any physical, verbal, racial or sexual abuse, discrimination, harassment or bullying of any other student, member of the public, or member of the University community;
 - Falsification of documents or clinical information, personal or academic-related information;
 - Publication of inappropriate information, comments, or images, including on social media platforms;
- Repeated unprofessional behaviour which has not been addressed by the student in accordance with the outcome of any informal action;
- Physical or mental health conditions which cause a concern regarding fitness to practise, for example where there has been a failure to follow medical or support service advice, including where reasonable adjustments have been provided;
- Breaching confidentiality;
- Breaching the expected conduct and behaviour specified by the relevant professional body;
- Any other circumstances which may have an impact on fitness to practise.

3. Reporting a Concern

- 3.1. You are required to report any issues that might be considered to be a fitness to practise concern, either about yourself or another student, to your Head of School. You should provide any relevant documentation or evidence to the Head of School at the time of the allegation.
- 3.2. The Head of School will take advice from the Head of Student Cases and decide whether to initiate an investigation or whether no action will be taken.
- 3.3. The University takes action only where the complainant has identified themselves to the Head of School or Academic Registrar. Anonymous concerns will only be followed up in exceptional circumstances, and if it is in relation to a serious issue where there is independent corroborative evidence.

- 3.4. If you have questions or if you are worried about raising a concern, you can talk informally to your personal tutor to discuss the process and support available.
- 3.5. You can talk to staff in the [Students' Union Student Advice team](#) or a professional body/union representative for independent advice about your concern and the University's procedures.

4. Immediate Suspension of Studies

- 4.1 The University has a duty of care to students, staff, and the wider community including patients, clients, and members of the public. In serious cases where there is substantial risk, the University will take action to suspend a student from study.
- 4.2 You can be suspended at any point in this procedure from the University and/or from your programme. Where the risk is only in relation to patients, clients, or members of the public, you can be suspended from placement or clinical settings only.
- 4.3 The Vice-Chancellor is empowered to suspend you with immediate effect for a period of up to 12 months. In exceptional circumstances, this period may be extended. The Vice-Chancellor may delegate this role to the Academic Registrar where appropriate.
- 4.4 The purpose of the suspension is to protect you, University members, the public, or your colleagues pending the investigation or completion of the Fitness to Practise Procedure. The Vice-Chancellor, or their nominee, will consider the risk that the student poses to the University community, placement providers, patients and/or members of the public. Written reasons for the decision shall be recorded and made available to you.
- 4.5 Where there is considered to be an immediate risk, a Head of School is empowered to suspend you with immediate effect from a placement or clinical setting for up to **7 days** in order to protect the safety of patients, clients, and members of the public. Any suspension must be reviewed by the Vice-Chancellor, or nominee, within **7 days**.
- 4.6 Prior to the start of a period of suspension from a programme, placement, or clinical setting, you will be informed of the extent of access to the University facilities allowed during the suspension, if any, taking account of the nature of the circumstances and/or of any alleged offence.
- 4.7 An order of suspension may include a requirement that you should have no contact of any kind with a named person or persons.
- 4.8 The Vice-Chancellor shall review any suspension at least **every 60 days** and where new information becomes available, with the intention of bringing the case to a conclusion as soon as is reasonably practicable. You should be notified in writing of the outcome of any review within **7 days**.
- 4.9 If you are suspended, you may request a review of the decision of the Vice-Chancellor, or nominee, within **14 days** of the decision. You may also request a review of the suspension, where there is a change of circumstances, for example, where court action is concluded, or you are

acquitted in the case of a criminal offence, or police bring a case to an early resolution by way of caution or warning.

- 4.10 The review will be considered by the Deputy Vice-Chancellor, a Pro Vice-Chancellor, College Dean or Academic Registrar who has not previously considered the case. You shall be given an opportunity to provide evidence to the reviewer, who shall be empowered to lift or confirm the suspension on the basis of appropriate expert advice and the risks identified.

5. Investigation

- 5.1. If the Head of School decides an investigation will take place, an Investigation Officer will be appointed. You will be informed **within 14 days** of the appointment of the Investigating Officer being appointed.
- 5.2. You will be shown the evidence submitted with the report of concern.
- 5.3. The Investigating Officer will assess the available facts, and will decide how to proceed:
- If the concern is related to a criminal matter, the University may not investigate until the criminal case is concluded, and the University may use the police and/or court outcome to inform its investigation. Concerns relating to conduct that the police choose not to investigate or following acquittal will be investigated by the University.
 - If the concern is related to a health matter, a referral to the Occupational Health Service will usually be made. A referral may also be made to an external medical practitioner. In all referrals, medical evidence may be sought from your GP or treating physician. If the referral is made by the University, the cost of the referral/report will be covered by the University and the report received will be made available to you within **14 days** of receipt.
 - If the concern is related to conduct and health a referral to the Occupational Health Service will be made and a meeting separately arranged with you and other relevant parties as part of the investigation process. The Occupational Health report will be disclosed to you.
- 5.4. If the investigation proceeds, the Investigating Officer will meet separately with you and any other relevant parties. Meetings will be arranged with a minimum of **7 days' notice**.
- 5.5. Prior to attending the meeting, you will be notified of:
- the purpose of the meeting;
 - the reported concern and any evidence submitted;
 - the Fitness to Practise Procedure;
 - details of the staff who will be present;
 - the right to be accompanied either by a friend or representative;
 - the contact information of the [Students' Union Student Advice](#).
- 5.6. If you are asked to attend a meeting you may request to rearrange the meeting or attend via video link or telephone. You have the right to challenge the evidence and produce evidence in response to the allegation under investigation and in support of your representations.

- 5.7. You will be provided with a record of any meetings within **14 days** of the meeting taking place. You may submit a statement if you believe that the meeting record is inaccurate. Further meetings may be required if more information becomes available.
- 5.8. The Investigating Officer will produce a report of the facts of the investigation, including all information gathered, and make a recommendation for the Head of School to:
- Dismiss the concern/issue, **or**
 - Refer the concern/issue for consideration at a School Fitness to Practise Committee, **or**
 - Refer the concern/issue for consideration at a University Committee if the concern is very serious or if there are other factors which require consideration by the University.
- 5.9 You will be informed of the Head of School's decision within **14 days**.

6. **Considering the Concern: School Fitness to Practise Committee**

- 6.1. The purpose of the School Committee is to provide an independent panel to consider the evidence which has been identified by the Investigating Officer and to provide you with the opportunity to respond to that evidence, offer an alternative position, and provide additional evidence or mitigation.
- 6.2. A School Committee will be arranged within **35 days** of the decision of the Head of School. The membership of the committee will be:
- A senior member of School staff (Chair);
 - A member of staff from a different School which also has programmes where the Fitness to Practise Procedure applies;
 - A representative of the relevant professional body who is external to the University (where this is required by the professional body regulations).
- A member of the Student Cases team will attend to support the committee and to advise on procedure.
- 6.3. All members of the Committee will have no prior knowledge of the student, the concern about the student's conduct, nor the person who may have raised the concern. All members of the Committee will have received training in making fitness to practise decisions.
- 6.4. The Head of School will nominate a member of staff to act as a secretary to the Committee who will notify all parties of the date of the meeting. You will receive a minimum of **14 days'** notice of the meeting and all parties will receive a copy of the Committee papers.
- 6.5. You will be advised of your right to representation, to call witnesses, to submit evidence, and to provide a written submission. Any further evidence/statements should be submitted to the secretary **7 days** before the Committee meeting. The secretary will circulate the information to the committee members.
- 6.6. The Committee papers will include:

- The Investigating Officer's report and evidence gathered;
- Occupational health report, if applicable;
- Relevant professional body codes and regulations;
- The Fitness to Practise Procedure;
- Your statement, if provided.

6.7. Both you and the Investigating Officer may call relevant witnesses to attend the Committee hearing. An Occupational Health representative may attend for health-related concerns.

6.8. If you do not attend the meeting of the Committee, the Committee may proceed in your absence if the Committee members are satisfied that you have been given sufficient notice and that no good reason has been provided for your absence.

7. Procedure which will be followed during the School and University Committee:

7.1. The Chair may adjourn the meeting of the Committee, at your request or at the request of any member of the Committee, where there is good reason.

7.2. The Investigating Officer will present the fitness to practise concern to the Committee and call any witnesses deemed appropriate to the case.

7.3. Committee members, and you or your representative, may ask questions of the Investigating Officer.

7.4. You will be given the opportunity to present your response and evidence to the Committee and to call witnesses, if applicable.

7.5. Committee members and the Investigating Officer may ask you questions related to the fitness to practise concerns.

7.6. The Investigating Officer will give a summary of the case and you may give a final statement before you and the Investigating Officer leave the Committee so that the Committee may reach its decision.

8. School Committee Decisions

8.1. The School Committee's decision will be reached on the balance of probability and will be based on consideration of all the information available to the Committee, including any mitigating factors presented, and including remedial action, training, or treatment you have recently undertaken.

8.2. The School Committee may take **1 or more** of the following decisions:

- Dismiss the concern;
- Issue an informal warning;
- Issue a formal warning for a specified length of time to be kept on your file and to be taken into account in any future proceedings;
- Require you to attend internal or external support sessions;
- Require you to write a reflective account supported by a member of staff;

- Require you to develop and complete an action plan supported by a member of staff;
 - Require you to be monitored by the Occupational Health Service and continue on the programme with support;
 - Require you to take an interruption of study for a specified period of time;
 - Refer to the University Committee.
- 8.3. The School Committee will only be informed about any previous fitness to practise or other conduct sanctions if the case is found against you. Information about any previous fitness to practise or other conduct sanction will be used to assist the Committee in deciding on an appropriate sanction.
- 8.4. Students will be notified of the School Committee's decision in writing within **7 days** of the meeting and will be informed of how to request a review of the decision under the University Review Procedure. No sanction will be applied until the review period has elapsed or completed, if a review request is received.
- 8.5. Any sanctions specified by the School Committee will be monitored and progress reported to the Head of School. If progress has not been made as expected, this will be reported to the Academic Registrar who may refer the matter back to the Chair of the Committee. The Chair will decide if the original decision is to be upheld or amended, or if the case should be referred to a University Committee.

9. The University Committee

- 9.1. The Head of School or Chair of the School Committee will refer the case to the University Committee if the concern is deemed serious and/or there are other factors such as allegations of persistent/repeated behaviour. A University Committee will consist of:
- A Pro Vice-Chancellor, College Dean, or Head of School (Chair);
 - 2 members of academic staff from a School that also have fitness to practise requirements;
 - A full-time elected officer of the Students' Union;
 - A representative of the relevant professional body who is external to the University (where this is required by the professional body regulations).
- A member of the Student Cases team will attend to support the committee and to advise on procedure.
- 9.2. The hearing will be arranged promptly, but this can take up to **9 weeks** due to panel members' other professional commitments. Committee papers will be sent to you and Committee members **14 days** in advance of the meeting.
- 9.3. You will be advised of your right to representation, to call witnesses, submit evidence and to provide a written submission. Any further evidence/statements should be submitted to the secretary **7 days** before the

Committee meeting. The secretary will circulate the information to the Committee members.

- 9.4. The University Committee will be conducted in accordance with section 7 above.

10. University Committee Decisions

- 10.1. The University Committee's decision will be reached on the balance of probability and will be based on consideration of all the information available to the Committee, including any mitigating factors presented, and including remedial action, training, or treatment recently undertaken by you.

- 10.2. The University Committee may take 1 or more of the following decisions:

- Any decision listed in paragraph 8.2 for the School committee;
- Suspend you for a specified period of time;
- Require you to resit part(s) of your programme of study, where this is possible within the regulations;
- Require you to engage with specified supportive measures for the remainder of your programme of study;
- Any action which the Committee considers to be appropriate to give you an opportunity to successfully complete the programme;
- Withdraw you from your programme of study and allow a transfer to a non-professional programme of study (subject to the admission requirements of that alternative programme of study);
- Exclude you from the programme and the University.

- 10.3. The Committee will only be informed about any previous fitness to practise or other conduct sanction if it decides the case is found against you. Information about any previous fitness to practise or other conduct sanction will be used to assist the Committee in deciding on an appropriate sanction.

- 10.4. Students will be notified of the Committee's decision in writing within **7 days** of the meeting and informed of how to request a review of the decision under the Review Procedure. No sanction will be applied until the review period has elapsed or completed, if a review request is received. Please note, however that, where relevant, you may not be permitted to continue with your programme pending the review outcome.

- 10.5. The Academic Registrar and Head of School will decide if any upheld decisions of the School or University Committee will be reported to the relevant professional body in accordance with its requirements.

11. Monitoring of Committee Decisions

- 11.1. Monitoring of committee decisions is for the purpose of supporting students to complete required actions.

- 11.2. Where you fail to comply with Committee conditions, a non-adherence report will be sent to the Academic Registrar from the Head of School.
- 11.3. You will be notified within **28 days** of the non-adherence report being sent to the Academic Registrar.
- 11.4. You will be offered **14 days** to provide a response to the non-adherence report and provide any evidence for consideration by the Academic Registrar.
- 11.5. The Academic Registrar will seek advice from the Chair of the Fitness to Practise Committee who will consider the report, your response, and the record of the original committee decision making and may either substitute a different decision, confirm the original decision, or make apply a further penalty.
- 11.6. The decision of the Chair will be final.

12. Request for Review

- 12.1. If a Committee has decided that a breach of fitness to practise conduct has occurred, you may request a review of the decision in accordance with the [University Review Procedure](#). Time limits apply to this procedure.