

CONDUCT, COMPETENCE AND FITNESS TO PRACTISE PROCEDURE

INTRODUCTION

- 1 The University of the West of Scotland provides a number of programmes which lead to entry into a profession or additional professional qualification for which academic criteria alone are not sufficient. The University, in conjunction with other professional bodies, has a duty of care to ensure that the student is fit to practise in their chosen profession.
- 2 Being fit to practise means having the skills, knowledge, good character and good health to do the job safely and effectively.
- 3 This Procedure sets out the way in which cases involving professional issues, which affect competence, conduct and fitness to practise will be dealt with by the University.
- 4 All students are expected to abide by the University's **Code of Discipline for Students**.

SCOPE OF PROCEDURE

- 5 This Procedure applies to programmes which are accredited by professional or regulatory bodies and are subject to conduct, competence or fitness to practise codes or standards. Schools and programme leaders will ensure that students are aware of the relevant codes via the student programme handbook and other means of communication.
- 6 The **student programme handbook** should provide more detail on the role, function and requirements of the relevant professional, statutory or regulatory body.
- 7 All students undertaking programmes listed above are required to sign the Undertaking at Appendix 1 of this Procedure before starting their programme of study.
- 8 All Schools with programmes which are covered by this procedure will appoint a designated member (**designated person**) of staff to co-ordinate and be responsible for the implementation of this procedure.

Concerns, Complaints and Referrals

- 9 The University has a responsibility to investigate complaints, allegations and potentially adverse information about students enrolled on any of the above programmes. This Procedure shall apply to any complaints, allegations or information, from whatever source, which relates to the following matters (note: this list is not exhaustive):
 - **Behaviour** that could put the student or others at risk.

- **Conduct** that is incompatible with the desired characteristics of a professional practitioner, ranging from minor misdemeanours to serious misconduct.
- **Conduct** which is considered to be 'misconduct' under the University's Code of Discipline for Students.
- **Any criminal charges or convictions.**
- **Competence issues** including a lack of capability, which could prevent the student from performing their chosen profession safely and effectively.

Code of Discipline for Students (Chapter 5, Regulatory Framework)

- 10 The **Code of Discipline** applies to all students. Students in breach of the Code of Discipline will be subject to the **Disciplinary procedure** or the **Fitness to Practice procedure**. (See paragraph 5). The designated person in the School (see paragraph 8) will be responsible for liaising with the Dean and Secretary/Chair of the Disciplinary procedure to confirm which procedure will be followed.

Communication with professional and regulatory bodies

- 11 Schools will ensure that students are aware that proceedings under this procedure may be reported to the relevant professional or regulatory bodies. Making such a referral will not prevent the University from dealing with the matter under this procedure.

Suspension from studies or practise

- 12 Where the complaint, allegation or information is sufficiently serious to call into question the student remaining on the programme, a student may be suspended from placement and/or the programme (partial suspension) whilst an investigation is carried out. Suspension is made without prejudice and is not an indication of assumed guilt or a form of punishment.
- 13 Only a Dean of School or their nominee may suspend a student. The student should be informed their suspension in writing (by email and post). The University's Suspension Procedure should be followed.
- 14 Any suspension will be kept under review by the Dean of School or their nominee whilst any proceedings under this Procedure takes place.

PROTOCOL – STAGE 1

Investigation

- 15 Complaints, allegations and information (of the type set out in paragraph 9 of this Procedure) about students enrolled on a professional programme should be brought to the attention of the relevant School's programme leader and designated person by the School for the purposes of this Fitness to Practise Procedure.

The initial outcomes are:

- No further investigation or action required
The programme leader and the designated person may agree that the matter can be dealt with informally and does not merit further investigation.
- Further investigation required
Where it is agreed that further investigation is required, the designated person will inform the student of this in writing and invite them to attend a **Stage 1 meeting**.

STAGE 1 meeting – notification and procedure

- 16 The **Stage 1** meeting should be scheduled as soon as practicable following the investigation, and not more than ten working days since the matter first identified. This meeting should take place on the student's home campus wherever possible.
- 17 This letter inviting the student to the Stage 1 meeting should include:
- The **nature of the concern**;
 - The **date, time and location** of this meeting (note: the student should normally be given at least five working days' notice of this meeting);
 - The **meeting attendees**. Normally the meeting will be chaired by the designated person and observed by another member of University staff;
 - Confirmation of the **student's right to be accompanied** at this meeting by a friend, relative, a sabbatical officer or a student representative from the Students' Association (not a legal representative);
 - The **student's right to provide a written or oral statement** at the meeting;
 - The student's **right to review documents in advance** of the meeting;
 - The student's **right to submit documents in advance** of the meeting;
 - The **potential outcomes** of the Stage 1 meeting;
 - A copy of this **Procedure**.

- 18 Students with additional support requirements should arrange additional representation for the meeting (i.e. a signer if they have a hearing impairment).
- 19 If the proposed date or time of the meeting are not suitable for the student or their companion, the re-arranged meeting will take place no later than 5 working days after the original date. **Failure to attend by the student, without advance notification, will not prevent the designated person from considering the matter and reaching a decision.**

Repeat professional issue

- 20 Matters which concern repeat professional issues may be referred directly to Stage 2 of this Procedure. This approach may be taken where a student has previously had a sanction imposed at Stage 1 of this Procedure and a further referral is made for a similar repeat professional issue.

Stage 1 Conduct of meeting

- 21 At the Stage 1 meeting, the designated senior academic shall set out the nature of the allegation complaint or information. The student should be made aware of the potential outcomes of the meeting. These are:
- (1) That no further action or remedial action may be taken;
 - (2) That a sanction as set out at paragraph 23 may be imposed;
 - (3) That the case may be referred to Stage 2 of this Procedure.

Stage 1 Report

- 22 The details and outcome of the meeting shall be recorded (Stage 1 Report) and signed by the designated person. A copy of this Report will normally be sent by email and hard copy to the student within five working days of the meeting. A copy of the report will be retained in the student's personal file for the duration of the programme.

Stage 1 Outcomes

- 23 The outcomes of the Stage 1 meeting are:
- (1) No further action
Where the designated person determines that the matter does not:
 - Breach the relevant professional code;
 - Demonstrate behaviour that poses a threat to the reputation of the profession;
 - Represent an ongoing behavioural concern;
 - Contravene health and safety regulations or present a potential risk to others;
 - (2) Sanctions may be imposed
Where the designated person determines that the matter:
 - Breaches the relevant professional code;

- Demonstrates behaviour that poses a threat to the reputation of the profession;
- Represents an ongoing behavioural concern;
- Contravenes health and safety regulations or presents a risk to others;

One or both of the following sanctions may be imposed:

- A period of close monitoring of the student's performance and/or conduct as detailed within the report;
- A formal reprimand to remain on the student's record for the duration of their study at the University.

(3) Referral to Stage 2 of this Procedure

The designated person may decide not to impose a sanction and instead to refer the case to Stage 2 of this Procedure if the matter is sufficiently serious to call into question the student's fitness to practise or if it is a repeat of the same professional issue (see paragraph 20).

Right to review outcome of Stage 1

- 24 The student will have the right to request a second review against the decision of the Stage 1 Meeting by referring their case to Stage 2 of this Procedure. Any application to review must be made in writing to the student's Dean of School within 14 days of the decision of the Stage 1 Meeting, or 5 days in the case of a repeat professional issue (see paragraph 20).

PROTOCOL – STAGE 2 (INCLUDING IMMEDIATE REFERRAL TO STAGE 2 MEETING)

- 25 The Stage 2 Meeting will normally be convened as soon as reasonably practicable after completion of Stage 1 of this Procedure. This meeting should take place on the student's home campus wherever possible. An invite should normally be sent to the student within 15 working days following the date of the Stage 1 Report.
- 26 The Stage 2 letter should include:
- The **nature of the concern** and set out information contained within the Stage 1 Report;
 - The **date, time and location** of this meeting (note: the student should normally be given at least five working days' notice of this meeting);
 - The **members of the Fitness to Practise Committee** and other Stage 2 meeting attendees (see below);
 - Confirmation of the **student's right to be accompanied** at this meeting by a friend, relative, a sabbatical officer or a student representative from the Students' Association (not a legal representative);
 - The **student's right to provide a written or oral statement** at the meeting;

- The student's **right to review documents in advance** of the meeting;
- The student's **right to submit documents in advance** of the meeting;
- The University's and the student's right to **call and question witnesses**;
- **How the meeting will be conducted** – case laid out, questioning of witnesses, consideration of evidence, deliberations in private;
- The **potential outcomes** of the Stage 2 meeting;
- A copy of this **Procedure**.

- 27 Students with additional support requirements should arrange appropriate representation for the meeting (i.e. a signer if they have a hearing impairment).
- 28 **Failure to attend by the student, without advance notification, will not prevent the designated person from considering the matter and reaching a decision.**

Fitness to Practise Committee composition

- 29 The Committee will normally comprise:
- The designated person (Chair);
 - A senior member of the School from the same professional group or practice setting. Senior member is defined as Senior Lecturer or above (in respect of midwifery this should be a Supervisor of Midwives);
 - A member of University staff, independent of the School and not directly connected to the student;
 - A representative from professional practice, and where appropriate and if feasible, a service user/carer.
- 30 At least one member of the Committee should have received disability equality training in order to advise other members of the panel on disability issues that may arise.
- 31 Members of staff who (a) have been involved in the Stage 1 Procedure or (b) reported the allegation, complaint or information being considered or c) is the student's personal tutor, cannot sit on the Committee at Stage 2.
- 32 A member of School Administration will be in attendance to take an accurate record of the meeting. A nominated representative of the University may attend the Committee as an observer.

Outcomes of Stage 2

- 33 The Committee must decide the following:
- (1) Considering the evidence put before it, has the allegation, complaint of information been proven on the balance of probabilities; and
 - (2) Whether the facts proven call into question the student's fitness to practise by reference to the relevant and current Code (insofar as they relate to the student's programme of study):
- 34 Reasons shall be given for the determination reached at both stages. Where the Committee decides that the student's fitness to practise is called into question, it shall hear evidence in mitigation and/or any testimonial evidence before deciding which sanction to impose.
- 35 The Committee may impose one or more of the following sanctions:
- Close monitoring of the student's performance and conduct;
 - A formal reprimand to remain on the student's record, for the duration of the programme;
 - A defined period of re-training;
 - Exclusion from the University for a period not exceeding one academic year (in this case the Chair will notify Student Administration immediately);
 - Removal from the programme.

Recording and communication of decisions

- 36 The decisions reached and reasons for these shall be recorded in a Stage 2 Report. A copy of this Report will normally be sent to the student by email and hard copy within five working days of the meeting. A copy of the report will be retained in the student's personal file. The student will be informed of how long this remain on their student file – this will normally be for the duration of the programme.

Right to appeal

- 37 The student will have the right to appeal the decision of the Committee using the Senate Appeals procedure. If the appeal relates to sanctions, rather than a procedural matter, it will be appropriate to include professional representatives on the Senate Appeal Committee.

Procedure Author – Dr James Taylor	Procedure Owner – Designated person in School of Health & Life Sciences
Parent Policy Statement - Student Success Policy Statement	Public Access or Staff Only Access – Public
Version 1 – June 2018	Changes and Reason for Changes – New Procedure

APPENDIX I

SCHOOL OF [INSERT NAME OF SCHOOL]

STUDENT'S UNDERTAKING

(This undertaking must be signed and returned to the School Office at the beginning of a programme of study or before the first placement is undertaken)

* I(name of student)

As a student undertaking (title of award)

.....

do hereby accept my responsibility to read and understand the (as appropriate)

School to add relevant Code.

and also the relevant University Regulation(s) and procedures including the Conduct, Competence and Fitness to Practise procedure, and to meet the required professional standards for the duration of my studies. I am fully aware that failure to comply with professional guidelines, to demonstrate appropriate behaviour and to meet the expected professional standards may result in my discontinuation on the programme.

Signed

Date

*This undertaking is to be signed by student at the point of enrolment. The original will be placed in student's file and a copy retained by the student.