

## A Student Guide to Fitness to Practise

The University has a responsibility to the public for its students on professionally-qualifying programmes to be able to demonstrate high standards of conduct and behaviour at all times, and to ensure that those students are both physically and mentally fit to undertake their profession safely.

This is what is known as Fitness to Practise, and the University has a set of regulations which govern what happens if your fitness to practise is called into question. Those Regulations can be found [here](#). This document is guidance as to what the process means and how it works to explain what might happen and help you deal with it if it does, but you should note that the Regulations are definitive as to the process of dealing with fitness to practise and you should make sure you read and understand them.

### EXPECTATIONS OF STUDENTS

Students on professional programmes are expected to be aware of the codes of conduct related to their profession, to behave in a professional manner and in line with those codes, whether that be in the University, in the workplace or outside of both. This does mean that what you do in your private life can have a bearing on fitness to practise, even if it occurs outside the university and workplace setting. In many cases, it is best to resolve any fitness to practise concerns at any early stage, and so it's important that you be aware of the need to come forward and declare and discuss any concerns yourself. Although understandably you might have reservations about doing this, being willing to recognise and try to resolve concerns is an example of good professional behaviour. Not bringing concerns or issues forward can become a fitness to practise issue in its own right.

### EXAMPLES OF FITNESS TO PRACTISE ISSUES

Each course will have its own professional standards, which you need to make sure you know and understand. Examples of behavioural fitness to practise issues might include:

- Criminal convictions, cautions, reprimands
- Workplace or university disciplinary proceedings
- Violent, threatening or harassing behaviour (in person, or online)
- Inappropriate use of social media
- Dishonesty – which includes fraud and theft but also deliberate plagiarism and cheating in assessment
- Unsafe practice
- Unprofessional attitudes and behaviour – being persistently late, inappropriate attitude to staff, students, or patients/clients, failure to follow proper advice or established procedures, inappropriate relationships (e.g. with clients or patients), breaches of confidentiality.

Fitness to practise may also arise where there are health concerns which may affect your fitness to practise safely and appropriately, or where you show a lack of insight in dealing with and managing those concerns. For example, if you don't seek proper treatment or support, or don't recognise the impact of any health issues on your fitness to practise, that can become more of an issue than the health concerns themselves.

## **HOW THE FITNESS TO PRACTISE PROCESS WORKS**

Often, minor concerns about fitness to practise can be dealt with at programme level, sometimes by informal advice and counselling. Where the concerns are more serious, where there is repeated concern, or where there is evidence that you are not managing those issues in accordance with that advice, a more formal process may then take place.

An investigating officer may be appointed by the Dean of your Faculty, and following that investigation, the Dean may decide to refer you to a Fitness to Practise Panel. A Panel is not a court of law or a professional body hearing. It is a Panel set up by the University to consider all of the evidence and make a decision about whether you are fit to practise and whether any actions are needed to guide and support you or to safeguard the public interest.

If there are concerns about the immediate safety of others, you may be suspended from any placement or even from the University itself, while the matter is investigated and resolved. This is not a punishment, and does not assume any particular outcome of the fitness to practise process: it is precautionary.

If your case is taken to a Fitness to Practise Panel, you will be given notification of this and a period of between 15 and 25 working days to take advice and prepare your response to the Panel. A balance has to be struck between having the Panel take place as soon as possible, so matters can be resolved, and ensuring that all the proper evidence is assembled. Sometimes, especially in complex cases, a delay might be needed. You'll be informed of this, and of the reason why. If there is anything that you need to do in this period (for example, undertake a health assessment) then it is important for you to keep appointments and not delay the process.

You'll be told when the Panel will be, and who will be on it, and you will see all evidence that the Panel will see. The membership of a Fitness to Practise Panel will vary depending upon which course you are on, as different professional bodies have different requirements. You can find all of these in the Appendix to the Fitness to Practise regulations. It is important that no member of the Panel should have a conflict of interest, that is, significant previous involvement with your case.

## **PREPARATION FOR THE PANEL**

You are expected to attend, it is very important that you do so, and if you don't the Panel may still go ahead in your absence. You have the right to be accompanied to the Panel by someone, and call your own witnesses, and it's strongly recommended that you take independent advice in preparing your case, for example from the Students' Union or an appropriate professional defence body.

If you have been referred to a Fitness to Practise Panel, do not put off any preparations for it, but start making your plans immediately. If you wish to have anyone accompany you or

act as witness then you should contact them straightaway, as this can take time for you to sort out – and for them to make arrangements to be there.

Key things for you to do:

- Make sure that you read and thoroughly understand the full Fitness to Practise Regulations
- Make sure that you understand what the allegation and case against you is
- Make sure that you understand how the Panel is going to work
- Make sure that you understand the deadlines for calling witnesses and submitting evidence
- If you disagree with the case against you, assemble a clear argument in writing
- Accompany that argument with evidence
- Seek support where necessary, whether procedural (you can ask Academic Registry if you are unsure how the process works) or advocacy (the Students' Union for example, on advice on how to build and present your case), or wellbeing – this can be a stressful time and we advise very strongly that you seek the support of the University's Wellbeing services.
- If you have any disability that the Panel needs to take account of in the process, inform the University of that straight away.

Your submission to the Panel should show whether:

- Whether you accept any of the concerns raised
- What explanations you have for any concerns
- If you accept any of the concerns, how you might plan to change your behaviour or address health concerns
- Any extenuating circumstances that might exist – and what evidence there is for those
- Any information that would be helpful to your case – for example, that you have now engaged with medical treatment. Again, evidence is important.

## **AT THE PANEL**

At the Panel, the Chair will check that everyone has the required documentation, confirm important things like your right to be accompanied, check conflicts of interest, and will then ask the Presenting Officer and any witnesses to set out the case and evidence. You will have the right to ask questions of those people. You will then be asked to respond, and the Panel may ask questions of you, as the Presenting Officer. When all of this is finished, the Presenting Officer will summarise the case, and you will then be asked to do the same.

The Panel will then reach a decision and recommendations based on all the evidence. That decision is on the basis of balance of probability. The Panel may choose to take no action, to warn you, to refer you to other University procedures such as Student Disciplinary Procedure, to set an action plan for you, to mandate specific engagement with support, to make a formal warning, or to suspend or expel you from the University, or any appropriate combination. The Panel will be guided by professional body codes in reaching their decision.

Things to bear in mind when attending a Panel:

- Arrive on time, and fully prepared. Have everything with you that you need. Bring your copy of any papers supplied to you.
- Make sure you can stay as long as you need to.

- When the Chair explains how the Panel is going to work, please ask any questions if you are not sure.
- Observe the rules of the Panel, for example not interrupting until it is your turn to make your case or ask questions.
- If you are finding things very difficult, you can ask for a short break to compose yourself.
- Be honest, both in what you say, and in making sure you do not leave anything important out.

## AFTER THE PANEL

You will be informed in writing of the outcome, which will also be reported to the appropriate professional body in line with its expectations. You have the right to make a formal appeal against any decision of the Panel. If you remain dissatisfied following that, you also have the right to then take your case to the Office of the Independent Adjudicator for Higher Education.

## HELP AND SUPPORT

Procedural advice: the Academic Registry Casework Team (NB – this team can only advise on how procedure works, they cannot help you construct your case).

[studentcasework@sunderland.ac.uk](mailto:studentcasework@sunderland.ac.uk) 0191 515 2941

Wellbeing support and health advice: the University's Wellbeing Service.

health.wellbeing@sunderland.ac.uk 0191 515 2933

University of Sunderland Students' Union

[su.studentadvice@sunderland.ac.uk](mailto:su.studentadvice@sunderland.ac.uk) [www.sunderlandsu.co.uk](http://www.sunderlandsu.co.uk) 0191 515 3030

Your programme leader or personal tutor

The University does not provide or advise on legal representation. However, **if you are a member** you may be able to have advice and representation from the relevant defence body (see below), or a trade union or seek advice from your programme leader. If you are planning to seek such advice, then it's important to do so right away. Please note that the University will not be able to discuss your case with any third party without your explicit written consent.

Royal College of Nursing [www.rcn.org.uk](http://www.rcn.org.uk)

Medical Protection Society [www.medicalprotection.org](http://www.medicalprotection.org)

Medical Defence Union [www.themdu.com](http://www.themdu.com)

Pharmacists' Defence Association [www.the-pda.org](http://www.the-pda.org)

British Association of Social Workers [www.basw.co.uk](http://www.basw.co.uk)

Community and Youthwork [www.cywu.org.uk](http://www.cywu.org.uk)

Teaching [www.teachers.org.uk](http://www.teachers.org.uk) or [www.nasuwt.org.uk](http://www.nasuwt.org.uk) (the list is not exhaustive).