

## **Fitness to Practise Procedure**

Department: Psychology

Course/s: Doctorate in Clinical Psychology & MSc Clinical Associate Psychology

This Fitness to Practise Procedure will also adhere to the Health & Care Professions Council (HCPC) & British Psychological Society (BPS) requirements and guidelines.

### **Advice and Support**

We understand that involvement in a Fitness to Practise procedure can be difficult. There are several services that can support you before, during and after this process, and we strongly recommend you access one or more of these services.

The University's [Student Support Service](#) offers a range of support services that students can access if they need support and guidance, including emotional or wellbeing support, counselling and mental health, disability support, money management and international student advice. Student Support Advisors will be able to provide practical support and advice, and can help students access a range of services.

All students can contact an [SU Advisor](#) in confidence who is separate to the University ([suadvice@bath.ac.uk](mailto:suadvice@bath.ac.uk)). An SU Advisor will listen non-judgementally to your situation, explain the process and offer impartial advice on your options. They will support you by providing 1:1 advice on written statements, joining you in Fitness to Practise meetings and helping you to understand an outcome.

Postgraduate Research students can contact the [PGR Independent Advisors](#), who are able to provide independent support to PGRs and assistance in navigating University processes.

Students will be offered the opportunity to bring a friend, family member or other support person, who may be a legal representative, to Fitness to Practise meetings. The support person will be there to provide emotional support to the student and/or to help ensure the student correctly understands the content of the meeting but will not respond on the student's behalf.

Students with a disability, long term condition or any specific needs that require adjustments to this process are encouraged to email the Student Casework Team ([fitnesstopractise@bath.ac.uk](mailto:fitnesstopractise@bath.ac.uk)) in order for arrangements to be made. Students with a disability can also request to be accompanied to Fitness to Practise meetings by an adviser (or relevant disability support worker, e.g. BSL interpreter) if required.

### **Notification of a Fitness to Practise issue**

There are several ways the University may become aware of a possible issue regarding a student's fitness to practise.

The University will check on admission and at other points during the course that a student is demonstrating fitness to practise in line with statutory and regulatory requirements. This may include requiring DBS checks, occupational health assessments and/or self-declarations of fitness to practise. Any potential issues identified through these activities will be referred for assessment through this Procedure.

Where a student receives a conviction, police caution, or becomes listed on any of the barring lists, the student must disclose this immediately to both their Director of Studies and Programme Director. They may also be required to report this to their employer.

A student may be referred to the Fitness to Practise Procedure from, or as a result of, another University procedure such as Student Discipline, Health Wellbeing and Support for Study, Academic Misconduct, or Individual Mitigating Circumstances (IMCs).

Any student, member of staff, or member of the public can raise a concern or complaint relating to a student's fitness to practise.

Any concerns, referrals or self-disclosures should be sent to both the Director of Studies and Programme Director of the relevant course.

## Establishing significance of the concern and order of procedures

On receipt of a formal complaint, an emerging or significant concern about a student, or a self-disclosure from the student themselves, the Director of Studies or Programme Director will gather some initial information to determine whether the matter should be addressed under the Fitness to Practise Policy and Procedure.

This may include speaking to any relevant parties. Where necessary, they may consult with the Director of Studies/Programme Director, other appropriately qualified professionals, the employer NHS Trust, or the British Psychological Society (BPS) or the Health and Care Professions Council (HCPC).

The Director of Studies or Programme Director will also notify the Student Casework Team ([fitnesstopractise@bath.ac.uk](mailto:fitnesstopractise@bath.ac.uk)) of the matter under consideration to determine whether any other student policies need to be applied simultaneously.

Based on the information gathered the Director of Studies or Programme Director will determine one of the following:

- To apply the Fitness to Practise Policy and Procedure, and at which stage
- To dismiss the referral
- To refer the matter for consideration under an alternative procedure

If the issue needs to be considered under both the Fitness to Practise Policy and Student Discipline Policy the Director of Studies or Programme Director and Deputy Director of Student Policy and Safeguarding will jointly decide how to run the procedures alongside one another.

Where a referral is dismissed at this stage the student will still normally be made aware of any concerns that have been raised about them, and the rationale for the decision.

## Stage 1 – preliminary stage

If there are preliminary causes for concern over a student's fitness to practise or competency the department and the student will agree supportive improvement measures, set out in an action plan along with associated timescales for improvement.

Where applicable, the student should also be supported to access any additional Student Support services that may assist them in addressing the concerns that have been raised.

It should be made clear to the student what the next steps are in the Fitness to Practise Procedure if they do not meet the improvements outlined in the action plan.

## Outcomes of Stage 1

The outcomes of Stage 1 are:

- The concerns are resolved and the case is closed
- The case is referred on the Stage 2

A record will be made of the student's involvement in Stage 1 and the outcome at this stage. This may be taken into consideration if any future concerns are raised regarding their fitness to practise.

## Stage 2 – formal stage

The formal stage will be instigated if concerns are not addressed by actions taken at Stage 1, or if the concerns raised are too serious to be considered under Stage 1.

### Investigation and report

If the Director of Studies or Programme Director considers that an investigation is warranted, they will nominate an Investigating Officer, who will be a member of university staff but will not be the student's Academic Advisor or involved in their pastoral care.

If a matter is being considered as both a potential fitness to practise and student discipline issue, one Investigating Officer will be agreed jointly by the Director of Studies or Programme Director and Deputy Director of Student Policy and Safeguarding to investigate on behalf of both processes.

Where a student's fitness to practise is being considered because of previous findings under a disciplinary procedure, or as a result of a criminal conviction, a formal investigation of the facts is normally not required.

The student will be notified of the concerns, how these relate to the relevant professional standards, and invited to attend an investigative interview with the Investigating Officer. Before the meeting, the student will be provided with sufficient information to allow them to respond to the concerns raised, be told how to access advice and support, and who can accompany them to the meeting. If the student chooses not to engage with the investigation, with appropriate notice, the process may continue without them including decision making.

To establish the facts of the matter the Investigating Officer may also interview other relevant parties including, but not limited to, university staff, staff at the student's placement, and other students. They will also consider any other evidence, including medical evidence, where relevant.

The Investigating Officer will conclude the investigation by producing an investigation report detailing the steps taken, the relevant information and evidence relating to the matter being considered and their conclusions. They will submit their report to the Director of Studies or Programme Director, normally within 10 working days of the start of the investigation.

Based on the report the Director of Studies or Programme Director will determine one of the following:

- To refer the case to a Fitness to Practise Panel, as the student's fitness to practise may be impaired

- To dismiss the case
- To refer the case to Stage 1 of this procedure, or for consideration under an alternative procedure

The student will be notified of the outcome within three working days of the decision.

### The Fitness to Practise Panel

When an investigation indicates that a student's fitness to practise may be impaired a Fitness to Practise Panel will be convened to determine the appropriate course of action.

If the matter is also being investigated under the Student Discipline Policy and Procedure, and is referred to a Student Discipline Panel, the Student Discipline Panel will happen first. The student will be given the opportunity to appeal the outcome of the Student Discipline Panel, if they wish to, before the matter is considered by a Fitness to Practise Panel.

The Fitness to Practise Panel will normally be made up of:

- The Dean of the Faculty or their designated Deputy (Chair)
- An HCPC approved clinical psychologist member of staff within the Department
- A senior academic from outside the department or NHS Clinical Psychologist from the training region

The student will receive at least 10 working days' notice of any Fitness to Practise Panel meeting. This notification will provide them with the investigation report (redacted for confidential or sensitive information) and the names and roles of the Panel members.

The student will have at least five working days after receiving notice of the Fitness to Practise Panel to submit any of the following:

- Any questions or queries regarding the investigation report
- Any additional evidence in response to the report
- Any perceived conflicts of interest in relation to Panel members

Before the meeting, the Panel will be provided with the investigation report and any further accepted evidence. They will also receive any relevant guidance relating to fitness to practise in the relevant profession such as copies of the HCPC and BPS codes of practice.

If the concerns raised relate to the health of the student or medical evidence is submitted, the student may be asked to undergo a medical examination/assessment by a medical practitioner nominated by the Panel. If the student does not consent to undergo a medical examination, this shall be reported to the Panel who may take this into account in their considerations.

Students are entitled to be accompanied by a family member, friend or advisor who may be a legal representative. The student is required to notify the Chair of the panel of the name and capacity of anyone accompanying them to the panel meeting, with at least three working days' notice. During the meeting, the Chair will be clear about the opportunities for when any representatives can speak.

The Panel shall conduct its proceedings at its discretion and in accordance with any requirements and guidance from professional regulatory bodies that apply.

Where necessary, the Panel and the student may call witnesses. However, where the facts of the case have already been established, either through a separate disciplinary procedure or criminal proceeding, the Panel will not normally need to hear evidence from witnesses.

The Panel has the right to ask a legal adviser to be in attendance. The Panel may also require attendance by a medical adviser at the proceedings and the University will meet any associated costs.

If the student fails to attend the Fitness to Practise Panel meeting without good cause, having had appropriate notice, the Panel may consider the case in their absence.

### Outcomes of a Fitness to Practise Panel:

The Panel will determine one of the following:

- that further information is required for consideration by the Panel, and the hearing shall be adjourned, normally for no longer than 10 working days
- that the student is fit to practise and the case is dismissed
- that the student's fitness to practise is impaired and one of the following sanctions should be applied

Sanctions that may be applied are:

- A warning is issued by the Panel. (Any subsequent incidents will be considered in the light of earlier warnings as patterns of poor behaviour may give rise to more serious concerns about a student's fitness to practise. A warning will normally remain on the student's record until graduation.)
- Conditions are issued by the Panel that the student is required to meet within a specified timeframe in order to continue or resume their course
- Withdrawal of the student from the regulated course. The student may then apply to transfer to a course offering an alternative award that is not subject to Fitness to Practise requirements.
- The panel recommends that the student is suspended from their course
- The panel recommends that the student is expelled from the University

If the Fitness to Practise Panel recommend the student is suspended or expelled, this recommendation will be considered by the Vice Chancellor.

In deciding the sanctions, the panel will consider mitigating factors and any previous offences, warnings, or issues raised.

### Notification of outcomes

The student will be notified of the decision of the Fitness to Practise Panel within five working days of the hearing.

Any decision of the Vice-Chancellor to suspend or expel a student will, where required, be notified to NHS England, the employer NHS Trust, the NHS Trust hosting any current placement, the BPS, and the HCPC.

Any student receiving a warning or sanction will be informed of the reasons, its intended purpose, its expected duration and whether or when their fitness to practise will be considered again in a formal hearing.

A student will be advised on withdrawal from an accredited course, whether they will be permitted to resume their studies and under what conditions, or whether they may transfer to a different course. The commissioners NHS England, the employer NHS Trust, the NHS Trust hosting any current placement, the BPS, and the HCPC will be informed of a student's withdrawal from a course.

The academic department will notify the Student Casework Team of the outcomes of Fitness to Practise cases, at any stage. The written notifications of outcome of any stage will be sent to the Student Casework Team for quality assurance, before being forwarded to the student.

Other teams within the University and The SU will be notified of outcomes and sanctions on a "need to know" basis as determined by the University's administrative, student safeguarding, and data protection policies.

It will be made clear to any student who receives a sanction that they must declare it should they apply to join any course accredited or otherwise formally recognised by the Regulator or on applying for pre-registration training or registration as a practitioner.

Where a student enrolled on a degree apprenticeship is subject to a procedure under Fitness to Practise, the University may be required to communicate information about this to the proposed or current employer.

## Right of Appeal

A student may use the Student Appeals Policy and Procedure to [submit an appeal](#) (within the bounds of that policy) following notification of the outcome of a Fitness to Practise Panel. Appeals need to be submitted within 10 working days of the outcome of the Panel.

A student who is dissatisfied with the outcome of the appeal hearing has the right to refer the case to the Office of the Independent Adjudicator.

## Office of the Independent Adjudicator for Higher Education

Once the University's internal procedures have been exhausted, if the student is dissatisfied with the outcome, they may raise a complaint with the Office of the Independent Adjudicator for Higher Education (OIA).

Students who choose to ask the OIA to review their case must do so within 12 months of the date of their Completion of Procedures letter.

## Completion of Procedure Letters

A Completion of Procedures Letter (COP) is a letter which the University sends to a student when they have reached the end of all available stages of our Fitness to Practise process, including the appeals stage.

Where a student has completed all stages of the Fitness to Practise process and the appeal is not upheld, we will automatically issue a COP within 28 calendar days of the final outcome.

If the appeal is upheld or partially upheld, but the student remains dissatisfied, they can request a COP within 28 calendar days of the final outcome.

Where Stage 2 of the Fitness to Practise Procedure has been completed but the student is out of time to submit an appeal, or the student feels that they do not have grounds for an appeal, they are

able to request a COP within 28 calendar days of receiving the Stage 2 outcome. In this case the COP would explain that the student has not completed the internal processes.

The student can also request a COP if an appeal is rejected (for example, if the University decides there is no grounds for it to be investigated at the next stage) within 28 calendar days of receiving this decision.