



Fitness to Practice Policy

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Related policies:	
Related procedures:	Fitness to Practice Procedure

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Version History

Version	Approved by	Revisions made	Date

1. Purpose

- 1.1 The University of Buckingham (hereafter University) has a responsibility to the public, to employers and to the profession to ensure that only those students who are fit to practise (hereafter FtP) as doctors and healthcare professionals are allowed to complete the curriculum and enter the workforce. This responsibility covers both the assessment of students' knowledge, skills, and behaviour towards the end of the programme, and appropriate consideration of any concerns about a student's performance, health, or conduct. This policy and accompanying procedure sets out how the University will meet this responsibility.

2. Scope

- 2.1 This policy applies to all offer holders and students studying on professional courses which are regulated by Professional, Statutory and Regulatory Bodies, at the University of Buckingham this includes MB ChB, and Allied Health Sciences programmes under Faculty of Medicine and Health Sciences (FMHS) from the point of initial application to the university until graduation.
- 2.2 The policy and accompanying procedures do not replace the Academic-Integrity (AI) or Non-Academic Misconduct (NAMP) procedures. However, where a student is subject to AI or NAMP they will also be automatically referred to the Professionalism Support Committee (PSC), for consideration as to whether FtP would be appropriate. The AI or NAMP procedures shall normally be completed before the FtP procedures are initiated and with any evidence and documents being seen by PSC and any subsequent FtP investigation or hearing panel.

3. Legislative context

- 3.1 This policy and accompanying procedure has drawn on relevant legislation and guidance provided. The key documents informing this process are listed below and shall be taken into account when considering a student's FtP:
- [Data Protection Act 2018](#) (The UKs implementation of GDPR)
 - [Equality Act 2010](#)
 - [Freedom of Information Act 2000](#)
 - [GMC: Professional Behaviour and Fitness to Practise](#)
 - [GMC: Achieving Good Medical Practise](#)
 - [GMC: Standards for medical education and training](#)
 - [Human Rights Act 1998](#)
 - [Medical Act](#)
 - [Office of the Independent Adjudicator](#)
 - [Safeguarding Vulnerable Groups Act \(SVGA\) 2006](#)

4. Policy statement

- 4.1 The University recognises that the purpose of FtP procedures is to ensure the safety of the student and those around them, including members of the public, and to



safeguard public confidence in the relevant health professions. Patients must be able to trust doctors with their lives and health. To justify that trust, medical students and doctors must show respect for human life and make sure their practise meets the standards expected of them in four key areas:

- Knowledge, skills and performance
 - Safety and quality
 - Communication, partnership, teamwork
 - Maintaining trust
- 4.2. If a student's behaviour suggests they may be a risk to patients or the public, or may undermine public confidence in the profession, the University may deem it appropriate to consider their FtP through a formal FtP procedure.
- 4.3. The University will operate an FtP process which is clear, consistent and complies with the relevant University statutory duties. This will be achieved through:
- Considering each case on an individual basis to ensure that all students whose behaviours raise concerns are supported and managed in a fair and equitable manner.
 - Ensuring only cases which breach the 'threshold' are taken forward. With the 'threshold' being a point at which a student's behaviour, attitude, health or probity becomes a matter of formal concern to the school rather than on-going support from tutors, student services or occupational health. The threshold can be crossed in a single incident or after the accumulation of a number of low-level events and may also be the result of educational remediation that has failed to resolve the issue.
 - Taking into consideration (but not being limited to) Section 35C(2) of the Medical Act amended understanding of impairment.
 - Making evidence-based decisions about a student's FtP.
 - Not graduating a student who is either under investigation or has been deemed not FtP.
- 4.4. The grounds on which a student may be subject to consideration under FtP will be those set out in a code of conduct (or other similar documentation) from the relevant professional regulator but will generally include, but are not limited to:
- Criminal conviction, caution, reprimand or penalty notice of disorder or equivalent.
 - Drug misuse or alcohol dependency.
 - Aggressive, violent or threatening behaviour.
 - Persistent inappropriate behaviour.
 - Cheating or plagiarism.
 - Dishonesty or fraud, including dishonesty outside the professional role.
 - Unprofessional behaviour.
 - Health concerns or lack of insight or management of these concerns.



5. Responsibility

All staff

- 5.1 If a student's behaviour suggests they may be a risk to patients or the public, or may undermine public confidence in the profession, any member of University staff should raise a professionalism concern under the Faculty Concerns Policy.

Medical Students

- 5.2 All students within scope of this policy are expected to:

- Be familiar with the General Medical Council (GMC) and Medical Schools Council (MSC) guidance for students as it will support them in understanding how to be a good student and future practitioner.
- Be aware they have a duty to report anything that concerns them whether at a personal level or something that could affect a fellow student's FtP.
- Understand that GDPR mandates that the University may pass on information about a student with regards to FtP, if appropriate, to other organisations, including the GMC, Medical Schools Council, other medical schools or postgraduate deaneries.
- Take a referral seriously, fully cooperating with the investigation, making themselves available and attending any appointments or interviews when required, responding in a timely manner to any communications from the Concerns Committee, IO, FtP Secretary etc. and not try to influence either the person(s) who raised the concern or other people involved in the investigation.
- Be aware that the University must not graduate any student where a student's FtP is under consideration. Therefore, all FtP referrals must have reached a conclusion before they can graduate.
- Recognise that an FtP judgement that falls short of an exclusion from the medical course may still be a barrier to GMC registration and employment with individual health boards or private practices.
- Be aware that if their FtP is impaired, then a student may be expelled, or a remediation programme could be put in place to help them improve.
- Be aware that students should inform their Medical indemnity cover provider if they have been referred to FtP process, regardless of outcome. Failure to do so may void any Medical Indemnity cover.
- Some concerns cannot be remediated with support, and for those that can if there is no improvement, they might not be allowed to continue the programme through to graduation.
- Understand that were they to be expelled from the MB ChB programme for reasons of FtP they will be added to the excluded student database, which is hosted by the Medical Schools Council.

Student Support Domain Lead

- 5.3 The Student Support Domain Lead is responsible for:

- Ensuring that low-level concerns are identified and managed in accordance with the FMHS Concerns Policy and that appropriate pastoral, academic and professionalism support is available to students going through FtP processes.



- Ensuring reasonable adjustments and/or support are put in place for any student being considered under FtP, including referrals to occupational health or a specialist when a student is referred due to health reasons.

Concerns Committee

5.4 The Concerns Committee are responsible for:

- Assessing whether, on a case-by-case basis the FtP threshold has been reached.
- Referring students to the FtP procedure if there is a reasonable belief that a student's behaviour or health has crossed the FtP threshold and/or breached GMC outcomes.
- Considering anonymous patient notifications and determining whether to instigate an investigation.
- Monitoring any undertakings or conditions that have been agreed as part of the FtP procedure. This may include supporting the student during the process and also reporting back to the designated person if there are concerns.

Fitness to Practise Secretary

5.5 The FtPC Secretary is responsible for:

- Having oversight of the FtP procedures and ensuring they remain compliant with GMC advice, guidance or directions and ensure they are published to students.
- Monitoring cases being considered under FtP, ensuring that the policy and procedures are adhered to and providing advice and guidance on matters associated with the proceedings.
- Working with decision makers and Panels to progress the case in line with set timeframes.
- Maintaining a list of templates (for example IO Investigation Report, Faculty Dean Outcome Letter, FtP Panel hearing notification, FtP Panel hearing outcome letter) to ensure consistency across the FtP process.
- Accepting FtP referrals from PSC and determining what stage of the procedure the student should be considered under.
- In exceptional circumstances accepting expressions of concerns directly and determining what stage of the procedure the student should be considered under.
- In liaison with the Faculty Dean determining whether the FtP procedure should proceed or be postponed when a student withdraws or has been suspended from their programme of study.
- Appointing a suitably trained member of staff to undertake the Stage 1 investigation, and also ensuring a Student Casework Officer is assigned to provide ongoing support.

5.6 The FtP Secretary will appoint a working secretary to support the administrative process of the FtP procedure. Therefore, where it states FtP Secretary in the policy and procedure this could refer to the FtP working secretary under direction from the FtP Secretary.



Investigating Officer (IO)

5.7 The IO is responsible for:

- Undertaking a thorough, fair and prompt investigation into the concerns raised about a student.
- Raising any concerns about conflicts of interest as soon as noted, such as having any involvement in any capacity with the student under investigation.
- Gathering evidence to inform a decision on whether the student's fitness to practise is called into question.
- Undertaking periodic training.

Faculty Dean

5.8 The Faculty Dean is responsible for:

- Acting in a professional and proportionate way by considering the interests of the public (including patients or clients) as well as those of the student and the need to maintain trust in the profession.
- Assessing whether, on a case by case basis, there is or is not sufficient evidence to call into question a student's FtP.
- Considering and determining whether a student should be referred to a FtP Hearing.
- Considering and determining what, if any, recommendations, warnings or undertakings should be imposed on a student.
- Working with the FtP Secretary and decision makers to progress FtP cases in line with set timeframes and procedure.

5.9 The Faculty Dean can appoint a nominee to undertake the duties assigned under this policy and procedure to the Faculty Dean. It is expected this will be where there are material concerns about the Faculty Dean undertaking these duties, such as conflicts of interest, introducing delays into the proceedings etc.

Fitness to Practise Panel

5.10 The FtP Panel is responsible for:

- Formally considering and determining whether a student is fit to practise and what sanctions, if any, should be imposed on a student or whether the student should receive a warning.
- Acting in a professional and proportionate way by considering the interests of the public (including patients or clients) as well as those of the student and the need to maintain trust in the profession.
- Ensuring due process has been followed through establishing the facts of the case, based on the evidence provided, and asking questions of all parties as appropriate, in order to make an independent decision about a student FtP.
- Raising any concerns about conflicts of interest as soon as noted.



- 5.11 The Panel shall comprise of:
- Chair who will be either a senior member of academic staff independent of the FMHS, or an external registered medical practitioner with a licence to practice.
 - Depending on the appointed Chair the FtP Panel will then be made up of at least two of the following, a registered medical practitioner with a licence to practice or a senior member of academic staff or someone who is independent of the FMHS or someone with legal knowledge or a qualified clinician from the relevant field (for where a case concerns the health of a student).
 - In some circumstances it may also be appropriate for the Panel to include a lay person and/or a student who is not known to the individual under consideration of the FtP procedures.
 - The final constitution of the Panel should ensure there is always registered medical practitioner with a licence to practice included.
- 5.12 The quorum for the Panel hearing shall be three members, which must include the Chair and the external professional practitioner.

6. Definitions

Expression of concern	A concern originating from any source relating to a student's fitness to practise.
Fitness to Practise (FtP)	Is a term that refers to a student's ability to meet professional standards or character, competence and health. It is not just about professional performance but also about skills, knowledge, conduct, character and health to practise safely and effectively without restriction.
FtP threshold	The point at which a student's behaviour, attitude, health or probity calls into question their ability to practice safely and effectively rather than be managed by on-going support from tutors, student services or occupational health. The threshold can be crossed in a single incident or after the accumulation of a number of low-level events and may also be the result of educational remediation that has failed to resolve the issue.
Investigating Officer (IO)	A trained member of staff who will complete the FtP investigation. Their role is to gather evidence to inform a decision on whether the student's fitness to practise is impaired. They are tasked with ensuring a thorough,

fair and prompt investigation of concerns raised about a student.