

# UNIVERSITY OF SUSSEX

## Suitability for professional practice policy and procedure

### 1. Introduction

This University policy and procedure is designed to ensure that there are appropriate processes in place to consider any issues that arise across the University related to a student's suitability to practice in a professional setting. Such a policy and procedure will be required by Professional and/or Statutory Bodies (PSBs) associated with courses provided by the University. Some Schools already have a procedure in place that meets the requirements of the relevant PSB. This policy is designed for Schools that own courses that are, or will be, accredited by a PSB, where a School policy is not already in place.

### 2. Policy

The University has a duty to ensure that a student is 'suitable for professional practice', where the course includes practical training in a professional role and the award of a degree from the University enables a student to register with an associated Professional and/or Statutory Body (PSB). This policy and procedure is designed to ensure that appropriate processes are in place to consider concerns raised regarding a student's 'suitability for professional practice' in order to protect current and future patients, clients or service users and to comply with the requirements of Professional and/or Statutory Bodies (PSBs). This policy may only be applied in relation to professional practice concerns and does not replace any existing University policies such as academic misconduct or disciplinary processes.

It is University policy that a procedure is in place that includes (a) a process for the initial consideration of concerns raised which may be resolved or managed within this process (referred to as Stage 1) and (b) a process for cases to be referred to a Suitability for Professional Practice Panel that cannot be easily resolved or managed (referred to as Stage 2). Some Schools have their own policy and procedure, approved by the PSB, which is published in the course handbook. This policy and procedure is the standard University policy for Schools that do not have their own published in the course handbook. Schools may have their own procedure for Stage 1 and use the University procedure for Stage 2.

### 3. General principles

- (i) A concern may be raised by a member of University staff, a member of staff at a placement provider, a fellow student, a member of the public.
- (ii) A concern may be raised related to a student's conduct including cases where this may be a result of mental/physical health problems or drug/alcohol problems;
- (iii) All cases must be investigated in accordance with the approved procedure in order to ensure that a robust procedure is followed to maintain professional standards and to ensure that the procedures are transparent and provide equity in the consideration of cases;
- (iv) The procedure incorporates a process to conduct the early investigation when a concern is initially raised, referred to as Stage 1 in this document, and a process

- to consider cases referred from Stage 1 that cannot be easily resolved or managed;
- (v) All Schools must nominate a single designated member of staff to act as Investigating Officer to conduct Stage 1 when a concern is initially raised;
  - (vi) All cases must be considered promptly, wherever possible, to ensure that matters are addressed and that a student is notified of the outcome in a timely manner;
  - (vii) The procedures are designed to ensure that the Panel members are neutral in order that both the School representative/s and the student are given a fair opportunity to be heard. Where a case is escalated to Stage 2, this means that the Chair and panel members must not have been involved in Stage 1 of the procedure. In addition, any of the parties involved in Stage 1 or Stage 2 of the process must declare if there is a conflict of interest. Where this occurs a suitable nominee must be found.
  - (viii) Where appropriate, these procedures may be followed in parallel with another University procedure, for example academic misconduct.

#### **4. Procedure for Stage 1 (unless the School has a published stage 1 procedure)**

Schools are responsible for investigating and monitoring concerns raised regarding a student's conduct. Schools may vary the process for investigating and considering initial concerns raised, provided this is published in the course handbook, or may follow the procedure set out below referred to as Stage 1.

A single designated member of University faculty must be nominated as School Investigating Officer to conduct an early investigation regarding any concerns raised. The Investigating Officer will evaluate the information, seeking further advice as appropriate, including medical reports where appropriate. Where the Investigating Officer believes the concerns may have substance, he or she will arrange to meet with the student to discuss the concerns raised. The student should normally receive at least 5 days' notice of the meeting (referred to as the Stage 1 meeting), together with a copy of any documentary evidence relating to the concern.

The Investigating Officer may, if necessary, (having consulted with the Course Convenor) refer the concerns to the Vice Chancellor who may, in consultation with the Head of School, decide that the student should be suspended from study pending investigation in accordance with the Regulation 7 of the University.

##### **4.1 Stage 1 meeting**

The Investigating Officer, student's tutor/s, and placement provider representative/s (normally line manager and/or clinical lead) will attend the meeting, and may offer advice to assist the student in understanding the procedure and accessing appropriate support from the University, placement provider or professional body. A Secretary will attend the meeting to produce a note of the key issues discussed and the outcomes. Where the Investigating Officer is also the tutor or provides supervision for the student concerned, alternative tutorial/supervision arrangements will be made until a conclusion is reached. Where the Investigating Officer has raised the concern, another member of faculty will be asked to act as Investigating Officer.

In planning for the meeting, the Investigating Officer will seek advice from the Student Support Unit, in cases where the student is registered as disabled, in order to establish any reasonable adjustments to the process that may be required to support a student participating in the process.

The student will have the right to be accompanied by an advisor or representative, and to make a written submission prior to the meeting should they wish to do so. The student will, at least two days in advance of the meeting taking place, provide in writing to the Investigating Officer the following:

- Confirmation as to whether or not she or he will be accompanied, and by whom
- Any supporting written documentation the student wishes to provide

#### 4.2 After the Stage 1 meeting

Following the meeting, the Investigating Officer may conduct any further investigation agreed necessary, including requesting any medical reports and/or meeting with the person who raised the concerns, to review the evidence and ascertain whether concerns remain or have been allayed. If concerns remain, the Investigating Officer will determine whether the concerns can be resolved with or without immediate referral to a Suitability for Professional Practice Panel meeting, as set out in 4.3 and 4.4 below. In all cases the Investigating Officer will keep a record of the proceedings within Stage 1 and will update the relevant University/ placement provider Management Board (or equivalent), as appropriate. Notes of the Stage 1 proceedings and relevant correspondence will be stored on the student file until the end of their studies.

#### 4.3 Process without immediate referral to Stage 2

If the Investigating Officer, having consulted with the Head of School, considers the concerns are justified but could be resolved without referral to Stage 2 of the procedure, he or she, together with the Course Convenor and placement provider representative/s, will set the student targets, together with specific criteria for their achievement within a deadline (usually weeks). The Investigating Officer together with the Course Convenor and placement provider representative/s will normally review the situation after the deadline and, if they consider that the targets have been met, the concern will be recorded as resolved. Where appropriate, the Investigating Officer together with the Course Convenor and placement provider representative/s may set a continued programme of targets, which will be similarly closely monitored by the Investigating Officer, Course Convenor and placement provider representative/s in consultation with the student's tutor, either until no further cause for concern exists or the Investigating Officer considers that referral to Stage 2 is appropriate. The student is not required to discontinue their studies in these circumstances.

#### 4.4 Process for immediate referral to Stage 2

If the Investigating Officer, having consulted with the Head of School, considers the concerns remain and, in their professional judgment, could not be resolved within Stage 1 of the process, the case will be referred to Stage 2. In these circumstances, the Head of School will not act as Chair of the Suitability for Professional Practice Panel.

#### 4.5 Outcomes of Stage 1

Therefore Stage 1 of the process includes the following outcomes:

- No further action
- programme for resolution including targets and deadlines
- Referral to stage 2
- Immediate suspension from study in consultation with the Vice Chancellor, pending investigation

## 5 Procedure for stage 2

When concerns have not been allayed or resolved through Stage 1 as set out above (or through another process set out in the course handbook), the Investigating Officer will notify the student in writing that the case is to be referred to the Suitability for Professional Practice Panel. The role of the Panel is to operate Stage 2 of the procedure.

### 5.1 Arrangements for the meeting

Arrangements for the Panel meeting (including establishing any reasonable adjustments to the process that may be appropriate for a student registered disabled) will be initiated and coordinated by the Chair, or nominee. The student will be given at least 15 working days' notice of a Panel meeting.

The student and the Panel members will be provided with information about the Suitability for Professional Practice Procedure and details of the grounds for concern, prepared by the Investigating Officer. The student will be provided with copies of any written reports and other relevant documentary evidence in the case at this stage and with details of Panel membership.

### 5.2 Attendance at the meeting and evidence provided

The Panel may be observed and advised by any person with specialist expertise requested to attend by the Chair. The Chair will arrange administrative support for the Panel.

The Investigating Officer and the student may, at the discretion of the Chair, and through the Chair's prior agreement, ask certain witnesses to attend the meeting in person.

A witness's written statement may be provided in evidence in advance instead of the witness attending the meeting, subject to the Chair's prior agreement, where the student and the Investigation Officer agree that the witness need not attend in person, or where it is impracticable for the witness to attend. Given that it will not be possible for the witness to answer questions at the meeting, the Chair must ensure that an appropriate assessment of the student's suitability for professional practice will remain possible without this witness attending.

The outcomes of previous investigative procedures may also be submitted as evidence, for example, the investigation of a complaint or misconduct that has clear relevance to the case.

The student should, by at least 5 working days in advance of the Panel meeting, provide the Chair with the following clarifications and documentation:

- Whether or not he or she intends to contest the case presented;
- Whether, in what way and by whom he or she intends to be represented;
- Any written response to the case presented, including any supporting evidence or witness statements
- the contact details of any witnesses they wish to attend.

The Chair (or nominee) will circulate these clarifications and materials to members of the Panel and to the Investigating Officer in advance of the meeting.

In any case where the student informs the Chair that he or she intends to be accompanied or represented by a legal advisor, or by a representative who is legally qualified, the University (as represented by the Investigating Officer) shall reserve the right to be accompanied or

represented by a legal advisor. The University will not normally agree to defray costs incurred by the student in seeking specialist or legal advice, by their representative or by witnesses called by the student. Where no legal advisor accompanies the Investigating Officer he or she may be accompanied by a colleague with appropriate experience for support and/or guidance during the meeting.

The Chair shall have discretion to arrange for the Panel itself to have access to legal advice, where appropriate.

### 5.3 Procedure for the conduct of the meeting

If the student does not appear at the meeting, the Panel may either proceed to deal with the case in the student's absence or, in the light of any circumstances communicated, agree to reschedule.

The Panel will be conducted in accordance with the Terms of Reference set out below and in line with the following procedure. The Chair has discretion to vary the procedure set out below provided that such a variation assists the process of assessing suitability for professional practice in the specific case being considered and that any variation and the rationale for a variation is communicated to the student in advance of the meeting.

- (i) The Chair will ask members to declare any conflict of interest.
- (ii) The Chair will summarise the nature of the case presented. The student will indicate whether s/he or the representative will speak on her/his behalf.
- (iii) The Investigation Officer will present the case to the Panel, and will then answer questions from the Panel and from the student.
- (iv) The Investigation Officer may call witnesses, who may also be questioned by the student (or his/her representative) and by members of the Panel.
- (v) The student (or his/her representative) will make a statement of his/her case and then respond to questions from the Panel and the Investigation Officer.
- (vi) The student may call witnesses, who may be questioned on their evidence by the student (or his/her representative), by the Investigation Officer (or his/her legal representative) and by members of the Panel.
- (vii) If required, either the student or the Investigation Officer may request a break to consult with their advisor.
- (viii) At the conclusion of questioning, the student (or his/her representative) and the Investigation Officer (or his/her representative) will be invited in turn to present a short summary of their respective cases.
- (ix) The Panel may adjourn if, in their professional opinion, this is necessary. When an adjournment is required, the reasons for this and anticipated timescales will be explained to all parties.
- (x) At the end of a meeting, all parties will be asked to retire while the Panel makes its decision in private in accordance with the outcomes available to it in section 7.
- (xi) The Panel will reach its decision by simple majority vote, with the Chair having a casting vote if necessary.
- (xii) The Panel decision will not usually be communicated at the end of the meeting, but the Chair has discretion to provide an indicative outcome at the end of the meeting. Therefore, after deliberation the Panel will recall all parties to either provide an indicative outcome or to confirm that the Panel decision will be advised in writing.

The Panel members will use their professional and academic judgement in considering the case, the evidence presented and any exceptional circumstances presented, and establish whether or not the conduct took place and/or was intentionally dishonest. The Panel will bear in mind the PSB's code of standards, performance and ethics and the future requirements for conduct in the profession. The standard of proof used by the Panel is proof on the 'balance of probabilities'. This means that the Panel may establish a fact if it considers that it was more likely than not to have happened.

The Panel will reserve the right to request medical evidence, in which case the student will be asked to agree to medical reports or records being obtained. If the student refuses agreement, the Panel may draw an adverse inference.

#### 5.4 After the meeting

The Panel's decision will normally be notified to the student, and Panel members, in writing within 21 days of the meeting. This notification will confirm the Panel decision and the rationale for this which will normally relate to the relevant PSB's Code for standards of conduct, performance and ethics and/or other professional registration or governance frameworks to which the student is subject. The Panel outcomes will be provided to the relevant Progression and Award Board, School Teaching and Learning Committee and to the relevant Management Board. Members of faculty asked to provide a reference must consult with the Secretary of the School Teaching and Learning Committee regarding any Panel outcomes reported, as the University is obliged to report these in any reference provided.

The Investigating Officer will keep a record of all matters resolved within Stage 2 and will regularly provide the relevant Management Board with a report on such matters.

## 6. **Suitability for Professional Practice Panel**

### 6.1 Terms of reference, membership and quoracy

The Suitability for Professional Practice Panel terms of reference are:

- (i) To use academic judgement in considering cases referred regarding the conduct of a student registered on a course that leads to a professional qualification which gives the right to practice a particular profession;
- (ii) To make determinations, proportionate to the conduct, with reference to the relevant PSB's standard of conduct, performance and ethics, where such conduct may result in the student being unsuitable for practice in the relevant profession;
- (iii) Make a determination in relation to any health problem which may result in the student being unsuitable for practice in the relevant profession.
- (iv) Make a determination in relation to any previous matters not declared by the student;
- (v) Reconsider cases following a period of review with agreed targets;
- (vi) Apply an appropriate outcome including requiring a student to be temporarily or permanently withdrawn.
- (vii) Report all outcomes to the relevant Progression and Award Board, School Teaching and Learning Committee and relevant placement provider Management Board.

- (viii) Report any outcomes regarding a resit opportunity to the Student Systems and Records office.
- (ix) To ensure that the principles of equality and diversity are applied in all decisions made.

### Membership and quoracy

The Panel will comprise of a Chair (normally the Head of School, or nominee from the School which owns the course), a member of faculty from the School not involved in teaching the student (or nominee member of faculty from another School where a Suitability for Professional Practice procedure is in place), a Manager (or appropriate nominee) from the placement provider institution. The panel must comprise of at least two members. In the case of Pharmacy, for quoracy purposes, the panel must include a UK registered pharmacist from the School and a member of faculty from another School who is not a pharmacist. A Secretary will be appointed by the Chair.

The Panel will be convened as appropriate and will report to University Teaching and Learning Committee.

## **7 Panel outcomes**

The following outcomes may be determined by the Panel singly or in combination:

- (i) Decide that there are insufficient grounds for concern and dismiss the matter.
- (ii) Decide that there are grounds for concern that may or may not result in temporary withdrawal from the course of study (noting that this may result in the term/stage being failed).
- (iii) Decide on a course of action proportionate to the concerns considered, for example, placing a formal warning on the student's record, providing advice and guidance and/or requiring close supervision, referral to a specialist (for example a counsellor), setting a resit for a specific part of assessment (even where the student has academically passed the assessment). Where a warning is given, the student must be informed of a rationale, expected duration and whether or not they will be referred back to the Panel.
- (iv) Decide that there are serious grounds for concern and offer a course of action with clear objectives and outcomes within a defined period for review. This decision may be made in conjunction with a decision to temporarily withdraw the student. The Investigating Officer, assisted by the student's tutor and placement provider Manager, will monitor the student's attainment on targets for change. At the end of the review period the Panel will reconvene and decide whether the matter has been concluded satisfactorily or whether further steps should be taken, which may include termination of the student's course of study.
- (v) Decide that there are sufficient grounds to conclude that the student is unsuitable for professional practice and that the student's course of study should be terminated. In these circumstances the student may apply for a course transfer or the PAB may award a non-professional exit award (where this is available and the criteria met).

The above list of outcomes is not exhaustive and the Panel may agree other outcomes as appropriate to the individual case under consideration. Panel decision must be proportionate and may not be more lenient as a result of exceptional circumstances.

## **8. Appeals**

The University provides an appeals procedure. This allows an appeal to be made against the Suitability for Professional Practice Panel decision where an appeal is submitted within 21 days of the date of the notification of the decision and where one or more of the following criteria are met:

- (i) that there is evidence material to the decision that was not considered by the Suitability for Professional Practice Panel and which could not reasonably have been presented to the panel;
- (ii) that there was a procedural irregularity in the Suitability for Professional Practice process of such a nature as to cause doubt as to whether the result might have been different had there not been such an irregularity;
- (iii) that the Suitability for Professional Practice Panel failed to comply with the guidance of the relevant professional body.

A student will normally be notified within a maximum period of 90 days of the outcome of an appeal against a Suitability for Professional Practice Panel decision.

ADQE (updated 28/3/17)