

MANCHESTER METROPOLITAN UNIVERSITY

Revised : July 2019

FITNESS TO PRACTISE PROCEDURE

1. A student on a programme including or leading to a professional qualification or conferring practitioner status, who is deemed to have become unfit to practise for that qualification or status, may be expelled from the relevant programme in accordance with these procedures. This procedure may be invoked at any stage during a student's course, including prior to the student embarking on a placement or during a placement.

2. As a condition of registration, students on programmes leading to a professional qualification or conferring practitioner status, must be made aware and can evidence knowledge of these procedures.

3. Grounds for determining that a student is unfit to practise include but are not limited to:

(i) failure to meet or comply with the professional requirements related to the programme;

(ii) failure to adhere to the professional standards specified for training purposes;

(iii) failure to abide by specified codes of practice;

(iv) unsuitability to undertake professional practice or placement;

(v) evidence of being unfit to practise

(vi) acquisition of a status (such as a relevant criminal conviction) which renders continuation on the programme or award inappropriate.

4. The student's Head of Department (or equivalent may) in appropriate circumstances authorise the suspension of a student from the programme or professional placement part thereof, pending consideration of the student's case by the Fitness to Practise Panel at any stage in the process. The student has a right to make representations to the Head of Department about the decision to suspend them. However, the Head of Department's decision in these cases is final.

5. A preliminary meeting shall be established first with the student to determine whether the student should be referred to the Panel; this shall be conducted by the Programme Leader or nominee and another member of academic staff. The student should have the right to be accompanied by a friend or representative. If it is determined that there is a case to answer, the student will be referred to the Fitness to Practise Panel and the Programme Leader (or nominee) shall present the case to the Panel.

6. The Fitness to Practise Panel must comprise of:

- Chair (at Head of Department level)
- an external member of the relevant profession;
- two other members of staff from the Department in which the student is studying and
- a representative from the Students' Union.

These members should have had no prior involvement with the case.

7. Where the programme's professional requirements, including any of a professional body involved in the accreditation of the programme and/or of the students as practitioners, make it appropriate

to do so, a Fitness to Practise Panel may be established on a permanent basis. Where this is done, all students on the programme concerned shall be given full details of the Panel, including its composition, not later than the time when they register on the programme.

8. A student whose case is to be considered by the Fitness to Practise Panel shall be notified in writing of the following:

(i) a clear specification of the alleged ground(s) on which they are alleged to be unfit to practise;

(ii) the time, date and place fixed for the hearing, which shall be held to consider the allegation(s) and a direction to be present at the hearing. The student shall be given a minimum of 5 working days' notice of the hearing, and any request by the student for this period to be extended shall not be unreasonably refused;

(iii) the right to be accompanied/represented at the hearing by a friend or representative

(iv) the right to call witnesses on their behalf, to question these and other witnesses and to submit documentary evidence prior to the hearing;

(v) the content of any documentation intended to be used or referred to in the hearing or as part of the hearing.

9. If further evidence comes to light, prior to or at the Panel meeting, which the student has not already had access to, the evidence will be provided to the student and consideration will be given to how and whether to proceed with the Panel meeting.

10. If the student does not appear for the panel, the panel may proceed to hear the case if it is satisfied that proper notice of the hearing has been given to the student, and there are no grounds for believing that the student might have good and proper reasons for not attending. Otherwise, the hearing may be adjourned, usually on one occasion only, for the service of further notice on the student. If it is decided to deal with the case in the absence of the student, no matter shall be introduced which is not contained or referred to in the particulars notified to the student.

11. If the student accepts that they are unfit to practise and agrees to withdraw from the programme, the proceedings of the panel shall be halted and arrangements made for the student to withdraw.

12. If the student does not accept that that they are unfit to practise then the panel shall proceed to consider all the appropriate evidence. The student shall be given every opportunity at the hearing to challenge the evidence presented and to put forward any mitigating circumstances before the panel reaches its decision.

13. The Senior Manager Student Case Management shall attend the panel hearing to advise on regulatory and procedural matters and shall be responsible for the official record of the panel hearing, a copy of which shall be sent to the student and Chair of the Panel.

14. The standard of proof under this procedure shall be the balance of probabilities, which is the standard of proof used in Civil Law. This means that a Fitness to Study Practise Panel will be satisfied that, on the evidence available, the occurrence of the event was more likely than not. The standard of proof shall not be varied according to the perceived seriousness of an allegation.

15. The outcome of the Fitness to Study Practise Panel can be (this is not an exhaustive list):

Expulsion from the University;

An oral or written warning, advising of the consequences of a further breach of professional, regulatory and statutory body requirements and requiring the student to give a written undertaking as to their future good conduct;

A requirement to produce a piece of written work showing what the student has learned from being referred to the Fitness to Practise Panel and that they understand what is required of them in the future;

A requirement to undertake further study or training that will help the student to avoid any further referral to a Fitness to Practise Panel;

Any other sanction which is appropriate and which would enable the student to learn and avoid any future fitness to practise issues;

No further action to be taken at this time.

16. Where having examined the case before it, the finding of the Panel is that the student is professionally unfit to remain on the Programme and therefore will be expelled from it, the Chair and Secretary to the Panel are responsible for ensuring that the grounds for the decision are made explicit in the report. The report of the Panel will set out the following:

- The facts that were found proven;
- Why the facts proven were considered to amount to a breach of identified professional standards (where applicable);
- Why the breach (where applicable) impaired the student's fitness to practise both at the time the events occurred and by the time of the hearing, taking into account any remedial action or reflection between the two;
- Why the sanction or outcome was considered proportionate, demonstrating clearly why alternative sanctions and outcomes (including lesser and, where applicable, more severe) were considered and discounted.

17. The Deputy Director (Students)/ Student Case Management nominee shall notify the student in writing of their right to request an appeal in person against the recommendation of expulsion from the University. Such a request should be made in writing within 10 days of the date of the report, and must include detail of the grounds on which the appeal is being made.

18. The Deputy Director (Students) hearing an appeal under this procedure shall do so sitting together with a member of the Central Student Case Management Team or Head of Department who has had no prior involvement with the student's case. The student shall have the right to be accompanied/represented at the hearing by a friend or representative.

19. Following the appeal hearing, the Deputy Director (Students) shall decide either:

- (i) to implement the recommendation or
- (ii) to remit the recommendation back to the Panel for reconsideration in the light of their findings through the appeal, or
- (iii) to require that a new Panel is convened to consider the case in the light of their findings through the appeal, or

(iv) to reject the recommendation in which case the student may remain on and continue with the Programme. The Deputy Director (Students) shall provide the student with a written statement of the reasons for their decision, including any relevant recommendations regarding their return to study.

20. A student expelled from a programme on grounds of being unfit to practise may subsequently apply for admission to a different programme leading to an award of the University. Admission to that programme shall be at the admitting authority's discretion having regard for the student's unfitness to practise for the previous programme on which they were registered. At the discretion of the admitting authority, the Student may be admitted with advanced standing to an appropriate point of the new programme in accordance with the University's Policy for Accreditation of Prior Learning.

21. The University may have a responsibility to report to the relevant professional, statutory and regulatory body when a student has been expelled from a programme on the grounds of being unfit to practise or where other factors deem it appropriate for the University to report the matter to the relevant body. The student will be notified of this decision either as part of the outcome of the Panel or appeal hearing.

22. If the Fitness to Practise Panel's proceedings reveal that a child or vulnerable adult might be at risk of significant harm or other safeguarding issues arise (at any stage of this procedure), the matter should be reported to the University's Safeguarding Officer in accordance with the relevant University policies and procedures

<https://mmuintranet.mmu.ac.uk/Interact/Pages/Content/Document.aspx?id=2387>

23. If the University receives a request for a reference during or after the investigation/appeal, the University may need to advise that a student is/has been subject to investigation under this procedure, depending on the circumstances. This will also apply in the event that a student withdraws at any stage during the process. Please see the University's policy on providing student references [LINK to web.](#)

24. Once all stages, of this procedure have been exhausted, a student will be issued with a Completion of Procedures letter by the Student Case Management team. This letter allows a student to apply to the Office of the Independent Adjudicator for Higher Education to review of their case. An application to the OIA must be made within 12 months of the issue of a Completion of Procedures letter. Full details regarding the OIA's rules and guidelines are available via: www.oiahe.org.uk

25. Where the student has a disability within the meaning of the Equality Act 2010, consideration will be given at all stages of the procedure as to whether any reasonable adjustments are appropriate.

26. In accordance with the Data Protection Act 2018, the University is required to gain consent to the following:

- to hold some elements of the information the student has provided on an electronic database
- to disclose information provided to authorised members of the University staff as required for the reasonable purposes connected with the investigation of the fitness to practise procedure.