# Guidance Notes

# **Fitness to Practise Hearing: the role of the Chair and Panel members**

## Introduction

It is the University’s duty to have robust and consistent mechanisms to ensure that all graduates of its professional programmes have demonstrated that they are fit to practise.

The University must identify types of behaviours which are not safe or do not comply with the relevant Professional or Statutory Body Requirements (PSRBs) and take steps to help students to adopt safe practices and/or to meet PSRB requirements. Where remedial action is unsuccessful or is not possible, the University should not allow the student to graduate their professional programme.

This document serves to provide guidance to the Chair and Panel members of a Fitness to Practise Hearing, so that they may fulfil this important role for the University of Hull and support a consistent and rigorous approach to every panel.

1. Student Welfare

Whilst there is a need to ensure that a student can fulfil the requirements of both the University and the PSRB accrediting their professional programme, the University recognises that participating in a fitness to practise process can be stressful for those involved.

The Chair and Panel members should be mindful of a student’s wellbeing and be proactive in ensuring that the student feels prepared and supported during their participation in this formal stage of the process.

1. Participation in a Fitness to Practise Panel Hearing

Before a panel hearing, panel members should:

* receive all relevant case documentation from the Hearing Secretary
* read the documentation provided and note any queries or potential inconsistencies
* where the student has submitted written evidence, consider what weight this evidence may carry (for example what is the source of the evidence; is the evidence corroborated?)
* prepare potential questions for the student and for the Fitness to Practise Professional Lead based on the material presented, and share these with the Panel Chair
* identify any areas of agreement and disagreement arising from the papers
* allow sufficient time to undertake some additional research if necessary
* have access to the University of Hull’s *Investigation and Determination of Concerns About Fitness to Practise* regulations and be aware and have access to other codes, polices or guidance where these may be helpful
* be aware of the powers of the Panel.

Note: all participants in a hearing should be aware, before the hearing, of who will be present. This will be the Chair of the Panel and fellow panel members. The student will be invited to attend either in person or virtually and they may choose to bring a supporter. The Fitness to Practice Professional Lead will attend the hearing to answer questions and there will be a Hearing Secretary to record proceedings.

If the student is identified as having a health condition or disability which either they or the Professional Lead feel is pertinent to the case**,** an appropriate member of the Student Wellbeing team will be invited to attend the Panel hearing to provide expert advice and guidance as may be helpful, including suggesting activity that might be appropriate for the student, confirming what potential or proposed actions are within the scope of the Student Wellbeing team’s remit and advising the panel on compliance with pertinent laws or regulations including the Equality Act.

During a panel hearing, panel members should seek to:

* maintain and awareness of the benefits of equality and diversity and ensure the proceedings are fair and proportionate
* remain patient, polite and objective and remind the student to notify the Chair if they need to take a break at any time
* avoid any behaviour which might be interpreted as intimidating. The hearing can be a stressful experience for those involved
* ensure there is water in the room if the session is held face to face
* keep an open mind and be willing to listen carefully to everything that is said
* be prepared to ask for appropriate expert advice, especially in cases involving health or impairment issues.

Note: if at any time during the hearing, the prospect of informal resolution emerges and the panel considers that it is appropriate, the consent of the student should be sought for this to be explored further.

Panel procedure

* The Chair and Panel members should meet at least 30 minutes in advance of the formal start time to the Panel hearing. This time can be used for briefing by the Chair and to agree who will ask specific questions.
* If witnesses are to be called, the Chair, working with the Hearing Secretary, will ensure they are allowed an opportunity to be questioned in the appropriate part of the agenda.
* At the formal start time to proceedings, the Chair will invite the student and the Fitness to Practise Professional Lead to join the Hearing; introduce the Panel members and the administrative staff and explain the role and powers of the Panel.
* The Chair will ask the student to identify their supporter (if applicable) and will remind all those present of the supporters’ role in proceedings (which is to support the student and help them to clarify where needed to answer questions clearly - but is not to answer Panel questions directly on behalf of the student).
* The Chair will confirm that the student, Panel members and Fitness to Practise Professional Lead have all the necessary documentation.
* The Chair will present the reasons for the hearing.
* The Chair will ask the Fitness to Practise Professional Lead to present a summary of the case.
* There should be the opportunity for Panel members to question the Fitness to Practise Professional Lead.
* There should be the opportunity for the student to question the Fitness to Practise Professional Lead. Where appropriate, Panel members or the student’s supporter can help the student to achieve a clear and relevant line of questioning.
* The Chair will enquire whether the student has any witnesses to present. Each in turn may be questioned by the student, the Fitness to Practise Professional Lead and / or members of the Panel.
* The Chair should give the student the opportunity to make a final statement and, where appropriate, give their supporter the opportunity to make any comments.
* The Chair will ensure that the Panel members and student have nothing further to add.
* Before thanking all participants and asking non-Panel members to leave, the Chair will note the following:

1. that any party may be called back into the hearing if there are any points that need clarification\*, and
2. that the student will **not** be informed of the outcome of the hearing immediately after the Panel’s deliberations. Rather, that they will receive a summary of the Panel discussion and a hearing transcript to confirm its factual accuracy - and that this will be followed by a more detailed document setting out the decisions of the Panel and resulting actions.

* The Chair will then ask the student (their supporter) and the Fitness to Practise Professional Lead to withdraw whilst Panel members deliberate.
* The Chair will facilitate deliberations, referring to the *Investigation and Determination of Concerns About Fitness to Practise* regulations and any further guidance where applicable.
* The decision of the Panel must be ‘proportionate’. In reaching a proportionate decision, panel members will:

1. be mindful of the need to protect the public and/or safeguard public confidence in the profession, and
2. consider the nature of the concerns raised, any mitigating factors put forward by the student, and the student’s record on the programme of study prior to the events resulting in the concerns being raised.

* Panel members will agree (and summarise clearly for the Hearing Secretary) the main reasons relied upon for their collective decision(s). It is vital that the Panel gives clear reasons for taking the actions which it recommends, and that the recommendations are workable, appropriate, reasonable and can be measured. Panel members may take advice as to the feasibility of their proposed recommendation.
* Where the student has previously received a University Warning, the Panel will normally order that the student’s programme of study be terminated. If the Panel does not order the programme terminated, it must order the issuing of a second University Warning.
* University Warnings must be issued by the Chair, using such wording as the Panel deems appropriate.
* The Chair and panel members should ensure that all procedural steps have been taken in reaching a decision.

Note: all participants should be aware that a panel hearing can be adjourned at any time should further documents or information become available.

Note: if the student fails to attend the panel hearing after all reasonable attempts have been made to inform the student of the hearing and they have been given adequate opportunity to attend, the Panel will be satisfied that, as far as can reasonably be ascertained, the student has declined to be present at the hearing and the Panel is entitled to reach a decision in the absence of the student.

After the Panel Hearing

* Within three working days of a panel hearing, the student will be notified of the outcome and the reasons for this outcome. This notification may be by the Chair of the Panel or by the Hearing Secretary on behalf of the Chair, but it must be in writing.
* Within five working days of the panel hearing, the Hearing Secretary will send a full transcript of the hearing to the student and to ask them to confirm its authenticity in writing. If a student declines to do so, their reasons will be recorded.
* The Hearing Secretary will provide a record of the decisions of the panel together with a transcript of the proceedings to the Registry Operations team of Academic Services to update the student’s record in the University’s Student Information System.