

# Investigation and Determination of Concerns about Fitness to Practise

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This document explains how the University investigates and decides concerns about a student's fitness to practise. It applies to students on professionally-regulated programmes and outlines enquiry, support, precautionary measures, formal panel processes, decisions and appeal rights.

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# Investigation and Determination of Concerns about Fitness to Practise

## 1 Introduction

- 1.1 Fitness to Practise procedures ensure that students meet professional standards of conduct for programmes of study that lead to professional registration. The University of Hull is committed to ensuring that any concerns about a student's fitness to practise are dealt with fairly, promptly and proportionately.
- 1.2 These regulations set out the procedures governing the investigation and determination of concerns about fitness to practise.
- 1.3 The procedure comprises three stages of action:
  - a. initial enquiry
  - b. cause for concern
  - c. formal investigation
- 1.4 The underlying principle is that initial enquiries will determine whether there is a case to hear and, where that is determined by evidence, a subsequent cause for concern is raised about fitness to practise and is dealt with at the earliest possible point. Wherever possible concerns will be dealt with promptly and remedied by action at the 'cause for concern' stage
- 1.5 The University reserves the right to escalate matters to the formal investigation stage of this procedure, without passing through the 'cause for concern' stage, if concerns raised are deemed to present significant risk to the safety of the student or to safeguard those around them, including children in educational settings and members of the public. The decision to escalate to formal investigation may be accompanied with the instigation of 'Precautionary Action' including but not limited to, exclusion (regulation 4.5).
- 1.6 The University of Hull aims to ensure that the entire procedure, including any appeal, is completed within 90 days of the student being informed of the concern(s). Where any delays arise, the student (and any witnesses) will be informed of progress and when the procedure is likely to conclude.
- 1.7 These regulations apply to any student registered on a programme of study at the University of Hull on or off the University premises including apprenticeships and collaborative provision.
- 1.8 Where the circumstances involve an apprentice, the instigation of proceedings under these regulations will be put on hold until the outcome of an investigation by the respective employer. However, when an employer has, as a precaution, suspended an apprentice from their employment pending the outcome of an investigation, the University must consider whether it also needs to take precautionary action and/or exclude an apprentice from placement, and/or University premises as outlined in regulations 4.5 and 10.
- 1.9 Where the student is participating in the Clinical Psychology Doctorate programme, they will be subject to both the University of Hull's Fitness to Practise regulations and the host NHS employer's disciplinary policy, as described in the standard operating procedure 'The investigation and determination of concerns about fitness to practise; procedure for the Clinical Psychology Doctorate programme'. See Appendix C: Process



for the Clinical Psychology Doctorate Programme.

- 1.10 Where proceedings are instigated under the Regulations for Academic Misconduct, Student Disciplinary Regulations, or the Code of Practice on Research Misconduct, it may be appropriate to also consider the case under these regulations, if the circumstances that led to disciplinary action calls into question the student's fitness to practise.
- 1.11 Where the circumstances relate to a criminal offence and the police and courts are involved, the instigation of proceedings under these regulations will normally be put on hold until the outcome of the investigation or proceedings.
- 1.12 The University operates under General Data Protection Regulations 2018. The University processes all personal information including sensitive data in accordance with the University Data Protection regulations.
- 1.13 Personal information regarding a student that is obtained under these regulations will only be shared with members of staff who require the information to investigate and determine any concerns about fitness to practise or to enable adoption of the policy and procedure. Such information will not be shared with any Fitness to Practise Panel members until their membership has been confirmed so that the student has an opportunity to raise any concerns.
- 1.14 The University Education Committee is the final arbiter of the interpretation and application of these regulations.

## 2 Scope

- 2.1 These regulations do not apply to students studying at Hull York Medical School (HYMS), for which separate regulations apply as approved by the HYMS Joint Senate Committee.

## 3 Purpose

- 3.1 The purpose of these regulations is to
  - a. define the procedure that must be followed in all cases where a programme of study is delivered that results in professional registration or eligibility to apply for professional registration; and
  - b. ensure the safety of the student and those around them, including members of the public and children in educational settings, to safeguard public confidence in the relevant profession.

## 4 Definitions

- 4.1 The **student** is the person who is the subject of the University's fitness to practise procedures.
- 4.2 **Fitness to practise** is the ability to meet professional standards; it is about character, professional competence and health. 'Fitness to practise' indicates that a student is capable of safe and effective practice without supervision or can do their job safely and effectively.
- 4.3 **Professional Lead** is the member of academic staff of the University who is registered with or accredited by the relevant Professional Body and/or Regulator, nominated by the Dean to carry out functions prescribed in these regulations.



- 4.4 The professional standards referred to in regulation 4.2 are published by the relevant Professional Body and/or Regulator. A non-exhaustive list of circumstances where a student's fitness to practise might be impaired can be found in Appendix A: Circumstances where a student's fitness to practise may be impaired. The University of Hull academic area responsible for the programme of study concerned will provide all registered students with information referring to the professional standards required and these regulations.
- 4.5 **Precautionary action** is a neutral act and is purely a precautionary measure pending the outcome of Police and/or University investigation. Precautionary action must only be used where necessary to
- a. protect members of the University community
  - b. protect others
  - c. ensure that evidence related to the case is not prejudiced; and/or
  - d. ensure that a thorough investigation can be carried out by the University
- 4.6 **Exclusion** is the restriction of access to all or specified areas of university premises and/or all or specified university services. This may include a requirement that a student must have no contact with a named person or persons, and/or from having any academic contact with all other students. The student may be excluded from all activities or may be allowed to undertake specified activities. The Hull University Students' Union (HUSU) may at its discretion suspend or remove membership or access to its services for a student who has been excluded by the University. A 'Precautionary Exclusion' must be subject to the approval of the relevant Head of School. If the Head of School is unavailable, the students' representation will be considered by the Dean of their Faculty.
- 5 Student support**
- 5.1 The University of Hull appreciates that participating in a fitness to practise process can be a stressful experience and, that the support or advice a student needs may change through the investigation. If at any point a student is experiencing difficulties with the process or feels that the process is having an impact on their academic work, they should be encouraged to access the University's extensive network of support services. Guidance is available from the University Hubble Centre, or independently from the Hull University Students' Union Advice Centre and includes signposting to wellbeing support and to sources of advice beyond the University. If formal investigation is deemed necessary, the student can be supported by a person of their choosing. This may be, for example, a parent or colleague from the Hull University Students' Union Advice Centre but will not normally be a legal representative. The student may also wish to access the [Good Practice Framework](#) compiled by the Office of the Independent Adjudicator for Higher Education (OIA).
- 5.2 The University of Hull is mindful of supporting students with disabilities/impairments/health conditions, balanced with the need to maintain academic rigor and ensure professional competence and safety. In line with the Equality Act 2010, reasonable adjustments to the procedure can be considered based on the student's individual needs. Where required, guidance and support should be obtained from the Student Wellbeing team of Academic Services and/or the Occupational Health Service. Wherever possible and in line with best practice, students with disabilities/impairments/health conditions should be consulted on the need and



suitability of any reasonable adjustments, and agreed adjustments should be confirmed in writing at the earliest opportunity.

## **6 Confidentiality and fairness**

- 6.1 Information gathered as part of the fitness to practise case will be treated with the highest level of confidentiality that can be maintained. The University of Hull will only disclose confidential information relating to a fitness to practise case to members of staff who are directly involved in the administration and consideration of the case, and as necessary to allow an open and fair investigation and for the outcome of the investigation to be reported appropriately.
- 6.2 Depending on the nature of the case, the information gathered may include third party data, opinion and information which was provided in confidence. This information will be handled consistently and fairly and in accordance with data protection principles, making it clear to all parties that sharing this information is only agreed for the purpose of reaching an informed and fair decision.
- 6.3 Should a Fitness to Practise Panel be required the University will, so far as is possible, ensure it is free of any bias or any reasonable perception of bias. In fitness to practise proceedings, panel members are more likely to know the student involved because it may be necessary to involve staff members with expertise of the profession and the course. It is also possible that some panel members may know each other in a professional capacity because of cross team or interdisciplinary working. However, the University will ensure a balance of panel members, and those members will have had no previous involvement in the particular fitness to practise concern to be considered. The student will be informed of the proposed makeup of the Panel and will have the right to object to a panel member before information about their case has been disclosed to panel members.
- 6.4 The University will also seek, so far as is reasonably possible, to achieve a cultural mix or diversity of the panel as a further measure to reduce the risk of unconscious bias. The University will consider the structure of panels and take steps to ensure that those responsible for reaching a decision come to the matter afresh and are properly informed, resourced and supported.

## **7 Raising a concern**

- 7.1 All concerns covered by these regulations will be investigated in accordance with the principles of natural justice<sup>1</sup> and in accordance with the specific procedures set out in these regulations.
- 7.2 Where it is believed that a student's fitness to practise has been impaired, a Fitness to Practise Referral form must be completed and sent to the nominated Professional Lead. The referral must state the precise nature of the circumstances and the reasons why it is believed that the student's fitness to practise has been impaired. Anyone with knowledge of the circumstances must provide information in accordance with this paragraph. The referral must identify any person who may have relevant first-hand

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<sup>1</sup> Natural justice is defined as the principles and procedures that govern the adjudication of disputes between people or organizations, chief among which are that the adjudication should be unbiased and given in good faith, and that each party should have equal access to the tribunal and should be aware of arguments and documents added by the other.



knowledge of the circumstances.

- 7.3 The nominated Professional Lead should not, as is reasonably practical, be a current tutor, mentor, or supervisor of the student under investigation and/or have had any previous involvement in the case.

## 8 Initial enquiry stage

- 8.1 On receipt of the Fitness to Practise Referral form the nominated Professional Lead will make further enquiries as they deem appropriate (this may include a request for written reports and/or meetings with identified persons including where appropriate, liaison with appropriate members of the Student Wellbeing team to seek advice and consensus on the next steps)<sup>2</sup> to determine whether there is evidence that
- the concerns raised do not warrant further action (case closed); or
  - the student's fitness to practise may have been impaired.
- 8.2 If the Professional Lead deems there is evidence that the student's fitness to practise may have been impaired, they will contact the student to invite them to an informal 'fact-finding' session. The 'fact-finding' session is used to ensure that the student is clear about the nature of the concerns raised, that they understand how the concerns relate to the relevant professional standards and that they are aware of the possible outcomes of the process. It is also an opportunity for the student to provide any information that they feel is relevant to the matter. The Professional Lead will invite the students' Personal Supervisor to participate in the session and the student may identify other attendees such as a relative or member of the Hull University Students' Union team or another supporter. A notetaker will also be in attendance and will provide a

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<sup>2</sup> Where a referral has been initiated by the Student Wellbeing team and/or includes concerns relating to a student's mental or physical health, there should be a professional discussion between the Fitness to Practise Lead and an appropriate member of the Student Wellbeing Leadership team to determine the most appropriate course of action. This may be:

- that the concern raised does not warrant further action and that neither the fitness to practise or the support for study processes are required, or
- that the matter is best progressed through case management by the Student Wellbeing team, or the initiation of the support for study process and that the student will not be subject to a fitness to practise process unless additional information or a fresh referral is received, or
- that the matter may warrant the concurrent use of the fitness to practise process and the support for study process. Should the need to use both processes be agreed, and where there are clear risk factors requiring immediate action to ensure the safety, physical or mental wellbeing of the student, the support for study process will take precedence over the initiation of the fitness to practise process. This will help to ensure that a student has the necessary capacity and competence to engage in the fitness to practise process and that initiation of the process will not put them at further risk. Suspension from studies, placement and removal from accommodation can all be initiated as part of the support for study process. Support for study cases will be managed and co-ordinated by the Student Wellbeing team and the student will have a case manager who will ensure appropriate support is provided throughout the process. There is expected to be ongoing collaboration and coordination between the case manager and the fitness to practise Professional Lead to i) ascertain the most appropriate time to formally commence any fitness to practise activity and ii) to collectively ensure that the timing of any communication with the student is carefully considered. In either process, the student should be offered the opportunity to appoint a supporter or independent advocate to attend meetings with them and should be provided with details of the Hull University Students' Union Advice Centre to arrange this.



record of the session to the Professional Lead. The Professional Lead will check this record and create a summary of the session. The Professional Lead will share this summary with the student within two working days, asking the student to confirm its accuracy in writing. If the 'fact-finding' meeting is held virtually (for example by Microsoft Teams), it will be recorded and both the recording and the transcript generated will be shared with the student who will be asked to confirm receipt and accuracy.

- 8.3 If the nominated Professional Lead (in consultation with a colleague of equal professional standing) determines that there is no prima facie evidence, the matter must be deemed closed, and this must be reported in writing to the student and the person or persons, raising the concern within five working days.<sup>3</sup> A record of the concern and the initial enquiry decision must be kept on file for the duration of the student's programme of study.
- 8.4 If the nominated Professional Lead determines (in consultation with a colleague of equal professional standing) that there is prima facie evidence, they must inform the student in writing:
- a. setting out the nature of the concern raised, the evidence on which it is based, and the reasons why it is believed to constitute an impairment of fitness to practise, and the name and position of any person believed to have relevant first-hand knowledge of the circumstances
  - b. explaining the right of the student to respond to the concern in writing within 15 working days of the date of the notification
  - c. giving the student further opportunity to admit or deny the nature of the concerns raised and where the concerns raised are admitted, giving the student the opportunity to make any statement by way of explanation
- 8.5 If the nominated Professional Lead and/or student require more time to gather full evidence, both parties must agree, in writing, to a suitable and reasonable alternate date by which all evidence can be attained.
- 8.6 On receipt of the response from the student, the nominated Professional Lead (in consultation with a colleague of equal professional standing) will determine if
- a. the concerns raised are deemed to be about less serious competency issues and the case can be moved to the 'cause for concern' stage; or
  - b. there is an impairment of fitness to practise to be considered by a Fitness to Practise Panel as part of a 'formal investigation' stage.
- 8.7 The student must be informed of the decision to move to a 'cause for concern' stage or proceed straight to 'formal investigation' in writing within five working days from the date of the meeting between the Professional Lead and colleague of equal professional standing. This decision notification will include information on any immediate precautionary and /or immediate measures where these are required.

## **9 Cause for concern stage**

- 9.1 This stage of the procedure is intended to be developmental and supportive, giving the student the opportunity to improve their practice or approach.

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<sup>3</sup> Five working days from the date of the meeting between the Professional Lead and a colleague of equal professional standing.



- 9.2 The student will be given at least three working days' notice to meet with the Professional Lead and/or respective Programme Director to agree supportive improvement measures, set out in a formal action plan (with associated timescales for improvement). This may include support and input from the Student Wellbeing team of Academic Services and/or the Occupational Health Service.
- 9.3 If the student refuses to agree to, does not engage with or does not meet, the requirements set out in the formal action plan, the case will be referred to the formal investigation stage. The student must be informed of this decision, in writing, within five working days.
- 10 Precautionary and/or immediate measures including suspension and exclusion**
- 10.1 If the Professional Lead (in consultation with a colleague of equal professional standing) determines that prima facie evidence has been identified and that the concerns raised are deemed to be of such a nature as to involve a risk or potential risk to the well-being of either the student or another person, they will be empowered to suspend the student, either with immediate effect or from a specified date.
- 10.2 Suspension will be either from the programme of study as a whole or a specified part of it, e.g. a professional placement, as appears justified to the Professional Lead (in consultation with a colleague of equal professional standing) in the light of the risk or potential risk identified above.
- 10.3 The nominated Professional Lead must inform the student in writing of the suspension and the consequences for the student in respect of the remainder of their programme of study, including what they should do in terms of attending teaching sessions, or undertaking assessments. A copy of the letter of suspension must be forwarded to the Registry Operations team and the Academic Administration team of Academic Services.
- 10.4 Where the nominated Professional Lead determines that the student will be suspended with immediate effect, that suspension will be effective from the date stated within the letter provided to the student. The letter must contain the information set out in regulations 10.2 and 10.3 and be signed by the nominated Professional Lead.
- 10.5 The student will be invited to a meeting to receive the letter. The person who conducts the meeting will sign a copy of the letter stating the date and time at which the student physically received the letter. If the student is unable to attend the meeting, the letter must be sent recorded delivery to the home and/or local address as recorded at the time on the University Student Information System.
- 10.6 Suspension will be effective until one of the following occurs, whichever is the earliest:
- the nominated Professional Lead determines that suspension is no longer required, having regard to the reasons for the suspension
  - the expiry of any time period relating to the specified circumstances to which the suspension applied
  - the case not being proven by the Fitness to Practise Panel
- 10.7 The student must be informed of the nominated Professional Lead's decision to lift the suspension. The student must be informed by the same means described in regulation 10.4. A copy of the letter lifting the suspension must be forwarded to the Registry Operations team and the Academic Administration Team of Academic Services.
- 10.8 If the nominated Professional Lead (in consultation with a colleague of equal



professional standing) determines that prima facie evidence has been identified and that the concerns raised are deemed to be of such a nature as to involve a risk or potential risk to the well-being of either the student or another person, they will be empowered to request the exclusion of the student from some or all University premises as a precaution, either with immediate effect or from a specified date.

10.9 Where the Head of School approves 'Precautionary Exclusion', the student should be issued a copy of the completed Suspension and Exclusion form by the Head of School.

10.10 Any student who is subject to precautionary action may send written representation to the Head of School to review the action. If the Head of School is unavailable, the student's representation will be considered by the Dean of Faculty.

10.11 Any suspension or exclusion will normally be reviewed by Head of School every 20 working days. Where an external investigation is underway, for example by the Police, the University may not be in a position to lift an exclusion until the outcome of that external investigation is known.

## **11 Formal investigation stage - Fitness to Practise Panel**

11.1 The date and time of the Fitness to Practise Panel meeting will be set no less than 20 working days after the student is informed of the decision. In cases where the student accepts the allegations made against them, the panel meeting date can be set as soon as it is reasonably practicable, with the agreement of the student.<sup>4</sup>

11.2 The student will be given 20 working days notice, in writing, of the Panel meeting. The notification will also include information about the purpose of the Panel meeting; the proposed Panel members; their right to attend; how to access advice and support; their right to be accompanied and what role any companion is permitted to play.

11.3 Any concerns raised by the student about the proposed Fitness to Practise Panel members must be confirmed in writing to the nominated Professional Lead no less than 15 working days before the Panel meeting.

11.4 The academic area will provide the student, at least 15 working days before the Panel meeting, with copies of any document or other form of information, including the names and statements of relevant witnesses, on which the academic area intends to rely in support of the concerns raised.

11.5 The student will provide the academic area, at least five working days before the Panel meeting, with copies of any documents or other forms of information not already provided to the nominated Professional Lead on which the student intends to rely in response to the concern raised.

11.6 The Fitness to Practise Panel will be constituted by the Professional Lead. It will consist of a minimum of four and a maximum of six members.<sup>5</sup> The Panel must be quorate to proceed. The Panel will be considered as quorate if there is

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<sup>4</sup> Associated notice (regulations 11.1 – 11.5) will be adjusted, with the agreement of the student.

<sup>5</sup> 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 Leadership team will be invited to attend the Panel Hearing to provide expert advice and guidance as may be helpful including: i) suggesting activity that might be appropriate for the student, ii) confirming what potential or proposed actions are within the scope of the Student Wellbeing team's remit and iii) advising the panel on compliance with pertinent laws or regulations including the Equality Act.



- a. a Chair selected from members of academic staff of the academic area, being of no less than five years academic and/or professional experience
  - b. at least one academic member of staff who is not in the same School as the Chair
  - c. at least one academic member of staff who is from outside the student's discipline
  - d. at least one member experienced within the profession to which the programme of study relates, being of no less than five years professional experience
- 11.7 The nominated Professional Lead must not be a member of the Fitness to Practise Panel.
- 11.8 Any person who has been involved in making, or investigating, the concerns raised, or who has been identified as a person with relevant first-hand knowledge of the circumstances, must not be a member of the Fitness to Practise Panel.
- 12 The Fitness to Practise Panel meeting**
- 12.1 The student will have the right to be heard in person by the Fitness to Practise Panel, and to be accompanied by a person of their choosing. The said person must not act as the advocate of the student but will be permitted to give the student such advice as they and the student deem desirable. In exceptional circumstances, as determined by the Chair of the Fitness to Practise Panel in consultation with the student, the person accompanying the student may act as the advocate for the student.
- 12.2 At the request of the student, their Personal Supervisor will be entitled to be present throughout the giving of evidence and to provide advice to the student and relevant information to the Fitness to Practise Panel.
- 12.3 The student will be entitled to waive the right to attend by notifying the nominated Professional Lead in writing, in which case the Panel meeting must proceed in the student's absence.
- 12.4 If, having been given notice of the date, time and venue of the Panel meeting in accordance with regulation 11.2, and not having waived the right to attend, the student fails to attend, the Panel meeting will proceed in the student's absence. A reasonable attempt to contact the student must have been made prior to the Panel meeting.
- 12.5 If, on receipt of the notice under regulation 11.2, the student informs the Chair of the Fitness to Practise Panel that they are unable to attend and provides a legitimate reason, the Panel meeting will be rearranged with notice being given in accordance with regulation 11.2. If the Chair rules that no legitimate reason has been given, the Panel meeting will proceed in the student's absence. The Chair will be the final arbiter of what constitutes a legitimate reason.
- 12.6 The Fitness to Practise Panel will be empowered to admit any document or other information for consideration at the Panel meeting, provided that the Panel is satisfied that neither party is disadvantaged because of this. Where the Panel considers that disadvantage will occur, it will adjourn proceedings for such time as it considers appropriate.
- 12.7 At the request of the Fitness to Practise Panel, the findings of the investigation will be presented orally at the Panel meeting by the nominated Professional Lead. In the event of the nominated Professional Lead being unable to present the findings, the nominated Professional Lead must designate another member of staff who must be someone who is not otherwise involved in the proceedings.



- 12.8 The Fitness to Practise Panel will be empowered to call any witness or other person whom it deems qualified to provide relevant evidence. Other than in exceptional circumstances as defined by the Fitness to Practise Panel, the student will be entitled to be present while such evidence is presented, and thereafter to ask the witness fair and relevant questions. Where the Fitness to Practise Panel deems it inappropriate to allow the student to be present, the student must afterwards be fully appraised of the evidence given by the witness and be permitted to have questions put to the witness by the Fitness to Practise Panel in their absence.
- 12.9 The student and the academic area will be permitted to call any witness or other person who can provide first-hand knowledge of matters relevant to the concerns raised. Each party will be permitted to ask any witness or other person fair and relevant questions.
- 12.10 All proceedings of the Panel meeting must be minuted by a member of staff other than a member of the Fitness to Practise Panel.

### **13 Decision of the Fitness to Practise Panel**

- 13.1 Once the Fitness to Practise Panel is satisfied that sufficient evidence has been presented and that both the student and the academic area have been given fair and reasonable opportunity to present relevant evidence, question witnesses and respond to evidence presented, the Fitness to Practise Panel will consider its decision in private.
- 13.2 The Fitness to Practise Panel will determine on a balance of probabilities – according to the concerns originally raised – whether the student’s fitness to practise has either been ‘impaired’ or ‘not impaired’.
- 13.3 The Fitness to Practise Panel will consider each of the following options starting with the least serious and decide whether the student’s fitness to practise is either ‘impaired’ or ‘not impaired’ (see Appendix B: Guidance to support the decision of the Fitness to Practise Panel when issuing University Warning/Termination of the Programme of Study).
- a. permit the student to continue with the programme of study with no further action
  - b. issue a University Warning
  - c. issue a University Warning and permit the student to continue with the programme of study but under additional supervision, and conditions if appropriate<sup>6</sup>
  - d. issue a University Warning and suspend the student for a set period with conditions during the suspension and in respect to the return from suspension<sup>6</sup>
  - e. issue a University Warning and transfer the student to another programme of study with no professional accreditation
  - f. terminate the students’ programme of study with immediate effect. The University will consider the results profiles for the student at the next Board of Examiners meeting. Where a student achieves, or has already achieved, an interim award, the student will be issued with a certificate and transcript confirming the award
- 13.4 The student must be notified of the decision of the Fitness to Practise Panel, and the reasons for it, in writing within three working days. The student must also be provided

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<sup>6</sup> Conditions will be set out in a formal action plan (with associated timescales for improvement) agreed with the student and monitored by the respective Programme Director or Personal Supervisor. This may include support and input from the Academic Services and/or the Occupational Health Service.



with a full transcript of the hearing within five working days and be asked to confirm in writing its authenticity. A record of the decision and a transcript of the Panel meeting must be kept on the students' file for the duration of their programme of study. The decision of the Fitness to Practise Panel, and the reasons for it, must also be sent to Academic Services.

- 13.5 The decision of the Fitness to Practise Panel (regulation 13.3) must be proportionate where there is a need to protect the public or safeguard public confidence in the profession. The Fitness to Practise Panel must 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.
- 13.6 Where the student has previously received a University Warning issued in accordance with these regulations, the Fitness to Practise Panel will normally order that the student's programme of study be terminated. If the Fitness to Practise Panel does not order the programme terminated, it must order the issuing of a second University Warning.
- 13.7 University Warnings must be issued by the Chair of the Fitness to Practise Panel, using such wording as the Fitness to Practise Panel deems appropriate.
- 13.8 Where there is a requirement to do so, the nominated Professional Lead will inform in writing any relevant external Professional Body and/or Regulator of the decision within seven working days. The nominated Professional Lead will also inform the University Leadership Team and any other relevant external body required by parliamentary legislation in force at the time.
- 13.9 Where the Fitness to Practise Panel finds that the student's fitness to practise has been impaired and that the student has either caused harm or has the potential to cause harm to vulnerable groups, the University has a legal duty to submit a barring referral to the Disclosure and Barring Service (DBS). Failure to do so risks an institutional fine. It is the responsibility of the Professional Lead to make the barring referral, using for guidance the University's standard operating procedure DBS Referral as an Outcome of a Fitness to Practise Process. The Professional Lead must inform both the Conduct and Complaints team of Academic Services and the relevant Programme Director of the referral.

## 14 Appeals

### A Grounds for a Fitness to Practise Appeal

- 14.1 A student may submit a fitness to practise appeal if they feel that they can provide clear and appropriate evidence of any of the following matters:
  - a. that the University's fitness to practise regulations or related procedures have not been followed properly (this may be referred to as 'procedural irregularity')
  - b. that there is evidence that there has been bias or a reasonable perception of bias during the fitness to practise process
  - c. that the action which the University has decided to take after finding that the student's fitness to practise to be impaired, is disproportionate or is not permitted under the University's regulations and procedures
  - d. that there is new and relevant material evidence that it was not possible to provide earlier in the process for valid reasons.



**B** Matters that are not grounds for a Fitness to Practise Appeal

- 14.2 Matters that are not grounds for a student appeal are:
- a. the student questioning academic and/or professional judgements made. It is important that the student understands that the appeal process is not designed to overturn an academic judgement
  - b. a student's lack of awareness or knowledge of the relevant University regulations, policies and processes
  - c. that a student disagrees with the conclusions reached by the Panel, unless further relevant evidence can be provided and there is a good reason as to why this was not presented prior to the Panel Hearing
- 14.3 Any appeal raised by a student will be treated with the highest level of confidentiality that can be maintained. The University of Hull will only disclose confidential information relating to any appeal to members of staff who are directly involved in the administration and consideration of an appeal, and as necessary to allow an open and fair investigation and for the outcome of the investigation to be reported appropriately.
- 14.4 Depending on the nature of the appeal, the information gathered may include third party data, opinions and information which was provided in confidence. This information will be handled consistently and fairly and in accordance with data protection principles, making it clear to all parties that sharing this information is only agreed for the purpose of reaching an informed and fair decision.
- 14.5 Students can be supported and advised by third parties during the appeals process. This third party may be from the Hull University Students' Union Advice Centre but will not normally be a legal representative.
- 14.6 Where there are grounds for appeal, a Fitness to Practise Appeal will be considered by the University Student Cases Committee (SCC).
- 14.7 A student wishing to appeal must do so through their My Hull Portal by selecting 'Talk to Us', 'Useful Forms' and selecting the 'Fitness to Practise Appeal' form. If the student no longer has access to their University account, then an appeal form can be requested by emailing the Conduct and Complaints team of Academic Services at [conductandcomplaints@hull.ac.uk](mailto:conductandcomplaints@hull.ac.uk).
- 14.8 The completed appeals form must be submitted within 15 working days of the date on which the notice of recommendation or decision was served on the student in writing. Appeals received after this deadline will not normally be considered. Late appeals will be referred to the Chair or Deputy Chair of the SCC to determine whether exceptional circumstances apply as to why the appeal was not submitted within the accepted timeframe.
- 14.9 Results or decisions will normally be released on the student portal or sent via email to the student's university email address. It is the responsibility of the student to check both the portal and emails.
- 14.10 The completed appeal form must be accompanied by supporting evidence at the time of lodging an appeal. In exceptional circumstances where a student is unable to provide supporting evidence at the time of lodging an appeal, they should indicate on the form the nature of the evidence, the reasons for the difficulty in obtaining it and the date by when it can be submitted. Evidence must normally be received within 10 working days following submission of the appeal.



- 14.11 The completed form will be received by the Conduct and Complaints team of Academic Services. This team will:
  - a. record the student's request to appeal
  - b. notify the Chair of the SCC that a Fitness to Practise Appeal has been submitted, to enable the SCC secretary to make it a priority item on the agenda of the next available meeting of the Committee
- 14.12 On receipt of the appeals form, a member of Academic Services or a nominee shall be appointed as the Investigating Officer and investigate the appeal. The Investigating Officer will check that the appeal was submitted within 15 working days of the decision and that the appeal is against a decision outlined in section 14.4. The appeal will be rejected where it falls outside the time frame, is outside those areas which constitute legitimate grounds for appeal or falls outside of the decisions which can be appealed. The rejection of the appeal and the reasons behind the decision will be notified to the student in writing.
- 14.13 During this investigation, the Investigating Officer may contact the student, academic unit or relevant academic body who must make a formal written response to the issues raised within 10 working days of receipt of the request. The Investigating Officer must contact the Fitness to Practise Professional Lead to gain a written statement as to how the requirements of the relevant PSRB were considered during the Fitness to Practise process.
- 14.14 If further evidence is provided by the academic body, this will be shared with the student, and they will be allowed to respond within 10 working days. For cases where further evidence or information is required, this may delay the appeal being presented to SCC. Once the Investigating Officer has gathered the evidence, the case will be presented to the next available SCC.
- 14.15 Where SCC decide that grounds for appeal have not been demonstrated, the appeal will be rejected and the student will be informed in writing within five working days, setting out the reasons for the rejection. The matter will be deemed closed and the decision of the Fitness to Practise Panel will stand. The Conduct and Complaints team of Academic Services will log this decision into the University's Fitness to Practise Process Outcomes Repository and produce a Completion of Procedures Letter explaining the decision. This Completion of Procedures Letter will be issued to the student within 28 days of the Conduct and Complaints teams' receipt of the student's appeal form.
- 14.16 Where grounds for appeal have been demonstrated, SCC will seek, where possible, an informal resolution with the academic body concerned, requesting a decision normally within five working days.
- 14.17 Where informal resolution is supported by the academic body, the student will be contacted with a proposal and will need to decide whether to accept or reject this proposal and respond normally within five working days.
- 14.18 If the student accepts the informal resolution, the appeal will be withdrawn, and the matter will be considered closed. The Conduct and Complaints team will record onto the Fitness to Practise Appeal form, the agreement of 'informal resolution', together with a short summary of the nature of the resolution, the timescale, any conditions, and the names of the staff responsible for supporting the resolution. The completed form will be shared with the student and submitted to the University's Fitness to Practise Process Outcomes Repository.



- 14.19 Where it is determined that there are grounds for an appeal but that informal resolution may not be pursued, the SCC will determine that a further Fitness to Practise Panel be convened.
- 14.20 Correspondence to the student will explain the next steps, which will be to undertake activity as set out in regulations 11.1 to 13.9. It is good practice to ensure that reconsideration is concluded as soon as possible and, where practical, within a 90-day timeframe.
- 14.21 The student must be notified of the decision of the SCC and the reasons for the decision within three working days, in writing by the SCC secretary.
- 14.22 Decisions will be recorded in the Fitness to Practise Appeal form and the form will be provided by the SCC secretary to the student, using their university email address. It is the responsibility of the student to check emails regularly for the notification of these decisions.
- 14.23 Where an appeal is upheld, correspondence to the student will explain in detail what action the University will take.
- 14.24 The student will not have the right to appeal the decision of a second Fitness to Practise Panel through University of Hull appeal mechanisms. Should they disagree with the outcome of the second Fitness to Practise Panel, as laid out in a Completion of Procedures Letter provided to them, they may contact the Office of the Independent Adjudicator (OIA).
- 14.25 At the conclusion of the Fitness to Practise Appeal process, the Conduct and Complaints team of Academic Services will record the outcomes of the appeal on the Fitness to Practise Appeal form and will submit this form to the University's Fitness to Practise Process Outcomes Repository. This team will also produce a Completion of Procedures Letter which will be sent to the student within 28 days of their appeal being heard.
- 14.26 A copy of the Fitness to Practise Appeal form, holding the decision of the Appeal Panel will be sent by Conduct and Complaints team to the Registry Operations team of Academic Services so that this team can update the student's record in the University's Student Information System.
- 14.27 The student has the right to ask the OIA to review their complaint about the outcome of the Fitness to Practise Appeal process. A complaint to the OIA must be submitted by the student within 12 months of the date on their Completion of Procedures Letter.

## **15 Recording and monitoring of appeal outcomes**

- 15.1 The Conduct and Complaints team of Academic Services will access the Fitness to Practise Process Outcomes Repository to extract information required to maintain a record of the following information in relation to each fitness to practise appeal:
- the type of decision against which an appeal is lodged
  - the grounds on which the appeal is based
  - the outcome of the appeal
  - the time taken for each stage
  - the diversity of the appeals panels' membership.



15.2 The SCC will receive an annual anonymized report on Fitness to Practise Appeals within each academic year, summarizing the information above.

15.3 As part of this annual report, the SCC will, where it is appropriate to do so, make recommendations to the University as to the:

- a. adequacy of advice, guidance and support mechanisms for students
- b. adequacy of staff development and support for those operating the appeal procedures
- c. level of understanding of staff and students of the procedures
- d. effectiveness of the overall procedures in meeting their aims.

This annual review of the appeal process and procedures should ensure that they remain effective and consistent with current regulations.



- 16 Appendix A: Circumstances where a student's fitness to practise may be impaired**
- 16.1 Acting in an inappropriate or unprofessional manner on or away from University premises.
  - 16.2 Falsification of academic, practice or professional records.
  - 16.3 A failure to recognise or acknowledge the impact of the student's own physical or mental health needs on the safety of others.
  - 16.4 Substance or alcohol use that puts the safety of others and/or the student at risk.
  - 16.5 A serious health problem or condition that has implications for the safety of others and/or the student.
  - 16.6 A failure to act to safeguard a patient, client, child or vulnerable adult.
  - 16.7 Exploiting the vulnerability of a patient, client, child or vulnerable adult.
  - 16.8 Conviction of a relevant criminal offence, or has accepted a caution in relation to such an offence.
  - 16.9 Failure to rectify behaviour that has been subject to any disciplinary actions under the University's regulations.
  - 16.10 Repeated inappropriate and/or discriminatory behaviour towards others.
  - 16.11 Intimidation, victimisation or bullying of others (including sexual misconduct, violence and harassment).
  - 16.12 Academic misconduct (for example plagiarism).
  - 16.13 Any other circumstance which may call into question a student's fitness to be admitted to and to practise their profession.



- 17 Appendix B: Guidance to support the decision of the Fitness to Practise Panel when issuing University Warning/Termination of the Programme of Study**
- 17.1 In considering the options in accordance with regulation 11.3, the Fitness to Practise Panel must have regard to the following criteria to guide its decision whether a University Warning or termination is appropriate.
- A University Warning**
- 17.2 A University Warning is likely to be appropriate if most of the following are present:
- a. evidence that the concerns raised would not have caused direct or indirect harm to patients, clients or pupils
  - b. relevant and appropriate references/testimonials supporting the student's general conduct and behaviour
  - c. evidence that the concern raised was an isolated incident, has not been repeated since and that the student has an otherwise good record
  - d. evidence that the behaviour linked to the concerns raised was not deliberate
  - e. evidence that the student has a clear insight into their failings
  - f. expressions of regret/apology which are judged by the Fitness to Practise Panel to be sincere
  - g. evidence that the student was acting under duress
  - h. evidence that rehabilitative/corrective steps have been taken by the student
  - i. evidence that there has been no repetition of the behaviour since the incident
- B Termination of programme of study**
- 17.3 Termination of the student's programme of study is appropriate where there is:
- a. evidence that the concerns raised depart from the relevant standards as set out in the Code of Professional Conduct and/or other of the Profession's Standards, and
  - b. evidence that the concerns raised caused harm to patients, clients or pupils, either deliberately or through unsafe practice or created a continuing risk of such harm, or
  - c. evidence that the concerns raised constituted an abuse of position/trust, particularly involving patients, clients, pupils or other vulnerable groups, or constituted a gross violation of their rights, or
  - d. evidence of dishonesty, especially if persistent, either as part of the behaviour in issue or during the investigation of the concerns raised (such as trying to cover up the behaviour), or
  - e. evidence that the reputation of the relevant Profession would be undermined if the student's programme of study is not terminated.
- C Implications**
- 17.4 A University Warning applies to the student's future conduct and remains against their record for the remainder of the programme of study. It can be drawn to the attention of any person making enquiries of the student's progress during the programme of study (and having a legitimate right to that information in accordance with relevant legislation), or to any future panel considering fresh concerns within the length of the programme.



- 17.5 In the event of termination of programme, the student will be re-admitted to a programme of study leading to an award of the University leading to a qualification of the Professional Body and/or Regulator concerned only in exceptional circumstances. Account will be taken of the individual factors concerned, including the reasons for the original termination and the student's conduct since the programme was terminated. The decision will be made in consultation, where required, with the University of Hull's Academic Services and the Occupational Health Service. Further consultation may be required with the relevant practice placement provider.



## 18 Appendix C: Process for the Clinical Psychology Doctorate Programme

### A Introduction

- 18.1 The Clinical Psychology Doctorate (ClinPsyD) degree training programme is a 3-year Post-Graduate Research degree that sits within the Faculty of Health Sciences, School of Psychology and Social Work. The programme consists of supervised clinical practice placements, doctoral research and academic teaching and assessment elements. The training is commissioned by NHS England (NHSE), which pays the University training fees and employment costs as part of a training contract with a host NHS Trust. As such, individuals on the programme are both PGR students at the University of Hull and NHS staff, employed as trainee clinical psychologists. The Programme Director has line management responsibility for all students/trainees.
- 18.2 This paper should be read as an addendum to and in conjunction with the University of Hull Fitness to Practise Regulations and the host NHS employer's Disciplinary Policy.<sup>7</sup>
- 18.3 This paper sets out the procedure to be followed in cases where concerns are raised about a student/trainee clinical psychologist's fitness to practise and alleged misconduct.
- 18.4 The procedure is based upon an agreement of the following principles:
- Where appropriate, every effort will be made to resolve issues without the need for a formal discipline/fitness to practise procedure. Of course, this will not be possible in the case of alleged gross misconduct.
  - A joint approach to dealing with allegations that cover both organisations' regulations, policies and procedures to ensure that all obligations are met.
  - Concerns will be dealt with promptly, ensuring effective and timely communication by all relevant partners.
  - Commitment to respect mutual expectations and obligations around confidentiality and privacy when sharing relevant knowledge and information.

### B Procedure: initial enquiry and response to concerns

- 18.5 Allegations/concerns about fitness to practise/conduct must be raised in writing to the ClinPsyD Programme Director.
- 18.6 On receipt of the written report, the Programme Director will make further enquiries as they deem appropriate to determine whether, on the face of it, there is evidence that allegations raised either do not warrant further action (case closed – see section C) or are of a nature that does require immediate action through suspension of training and employment (see section D) or further investigation (see section E).
- 18.7 The Programme Director will consult with a colleague of equal professional standing within the School to inform the determination in 18.6. They might also at this point consult with the Associate Director of Psychological Therapies of the host NHS employer and/or an NHS HR representative of the NHS Trust employer.
- 18.8 The Programme Director will keep written records of all actions/decisions and meetings at this stage and save these on the student/trainee's programme file on OneDrive.

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<sup>7</sup> Disciplinary Policy (HR-006) (Humber Teaching NHS Foundation Trust, Version 4.2, Feb 2024.)



C Procedure: case closed

- 18.9 If there is no case to answer, the Programme Director will report this in writing to the student/trainee and the person who raised the concern. This must be done within 5 working days of a decision being made.
- 18.10 The Programme Director will inform other colleagues involved in 18.7 of the outcome.
- 18.11 The Programme Director will keep written records of the concern and decision on the student/trainee's programme file on OneDrive for the duration of the training programme.

D Procedure: immediate suspension

- 18.12 If the Programme Director, in consultation with colleagues (see 18.7), determines that concerns raised are of a serious nature, for example risk or potential risk to the wellbeing or safety of a patient, it may be appropriate, as a precautionary measure, for the student/trainee to be suspended from work/study or have their training restricted (see 18.14).
- 18.13 The Programme Director will be empowered to suspend the student/trainee, following consultation and final approval from a HR Director/Deputy Director and Associate Director of Psychological Therapies from the NHS Trust employer.
- 18.14 If appropriate and justified considering the concerns and risks identified in 18.12, the student/trainee could be suspended for a specific part of the programme - for example, a clinical practice placement – whilst continuing with other aspects of their training, such as attending teaching sessions and research work.
- 18.15 The Programme Director must inform the Faculty Curriculum Team about the concerns and decision to suspend.
- 18.16 From a university programme of study perspective, the Programme Director, with assistance from the Faculty Curriculum Team, will inform the student in writing of the decision to suspend and the parameters relating to this.
- 18.17 From an employment perspective, the Programme Director or NHS HR Director/Deputy Director will inform the trainee in writing of the decision to suspend and the parameters relating to this.
- 18.18 Actions in 18.16 and 18.17 will occur in the same period as practicably possible.

E Procedure: formal investigation procedure

- 18.19 Once the initial enquiries and information gathering related to the concern have been completed (see section B) and it has been established that there is a case to answer, a disciplinary hearing/fitness to practise panel meeting will be arranged. This formal investigation stage will follow the process and procedures as set out in the University fitness to practise regulations, with the following additional requirements:
  - a. The Programme Director will ask a senior clinical psychologist, external to the University, and who has no knowledge of or connection to the alleged concerns and events, to join the fitness to practise panel in an advisory capacity (not as a decision maker). The purpose will be to support the panel chair, acting as a clinical expert to ensure the relevant professional specific requirements and codes are considered by the panel chair during the hearing and in the decision-making process and outcomes.



- b. The most serious outcome of a panel hearing would be termination of programme of study. For ClinPsyD students, given the remit of their training contract, this outcome would have the concomitant consequence of employment dismissal. Because of this possible outcome, and to support a joint approach ensuring all University and NHS requirements and obligations around formal investigation process and procedures are adhered to, an employing Trust NHS HR representative will attend the panel. The NHS Trust will also be empowered to nominate staff to sit on the panel as/if necessary, as 'external' members.
- c. Individuals have the right to appeal the decision of the panel from a student and an NHS employee perspective. This appeal stage will follow the process and procedures set out in the University fitness to practise regulations, with the following additional requirement noted in 18.19d.
- d. A panel convened to consider an appeal to outcomes relating to continued suspension from work or termination of programme of study/employment, must include an employer NHS Trust HR Director/Deputy Director and a senior member of the NHS Trust HR/Workforce team.