

NEWCASTLE UNIVERSITY

FITNESS TO PRACTISE PROCEDURE

Introduction

The University is under a duty in the public interest to ensure that students following degrees leading to professional health care qualification meet relevant professional standards for fitness to practise. The University is also under a duty to ensure that no member of the public is harmed as a consequence of participating in the training of students on professional programmes. In discharging these duties, the welfare and safety of actual or potential patients/clients is the University's chief concern.

At the same time, the University has a duty of care to its students, and must ensure that any decisions are made with the best interests of the student at heart, as part of its support and welfare strategy. This includes being sure, as far as possible, that a student is fit to undertake the rigours of a demanding programme of study and a demanding profession.

Remit

The Procedure applies to students on degree programmes leading to a range of professional qualifications at Newcastle University. It also applies to graduates with a Newcastle University MBBS degree who are Foundation Year 1 trainees or Year 1 House Officers in Malaysia. Those programmes subject to this Fitness to Practise procedure will confirm this within their respective programme regulations. In addition to being subject to this procedure, students' fitness to practise may also be considered through the appropriate regulatory body procedure.

1. Guiding Principles

- 1.1. This procedure has drawn on the guidance provided by appropriate health care professional bodies and the Office of the Independent Adjudicator's '*Good Practice Framework*'. The key documents informing this process are listed in Appendix 1 and shall be taken into account when considering a student's fitness to practise.
- 1.2. The professional guidance in Appendix 1 sets out some examples of areas of concern that may call into question a student's fitness to practise; however neither they nor the further examples in 2.3 below provide an exhaustive list.
- 1.3. Recognising that this process can be challenging for students, the '*Guidance for Students Referred to FTP*' is provided to them at the instigation of this procedure and seeks to guide them through the process and provide information on sources of support available both within and external to the University.

2. Interface with Academic Progress and Disciplinary Procedures

- 2.1. Students on professional programmes are subject to the usual University procedures regarding academic progress and discipline, in addition to fitness to practise procedures.
- 2.2. Concerns about a student's fitness to practise arise in a variety of ways and each case is considered on an individual basis. In all cases, concerns must be brought to the attention of the relevant Director of Studies, Degree Programme Director or Director of Clinical Education (as appropriate) for a decision on the most appropriate way to proceed.

- 2.3. A student's fitness to practise may be considered despite the fact that other University processes have been invoked. Examples of such University processes may include:
- failure to make satisfactory progress in academic studies or in assessed practice placement work (dealt with under the appropriate Progress Regulations);
 - failure to maintain required standards expected under programme professional engagement processes; assessments and/or engagement
 - misconduct as normally defined in the University (dealt with under the University's Student Disciplinary Procedure);
 - assessment irregularity as normally defined in the University (dealt with under the University's Assessment Irregularity Procedure);
 - Where a student has taken a Leave of Absence in circumstances that initially or subsequently raise fitness to practise issues, the procedure outlined below will not normally apply. Instead, a report from the student's healthcare practitioner will be required in order to assist in determining whether the student is ready to resume their studies.
 - where conduct creates serious concerns about the student's welfare such that normal adjustments are not sufficient (dealt with under the University's Support to Study procedure)

3. Fitness to Practise Procedure

- 3.1. A student may be referred to the University's fitness to practise procedure by the University Disciplinary Committee or directly under the appropriate procedure below. The Foundation Dean Director or nominee may refer a first year Medical Foundation Programme doctor (F1 doctor).
- 3.2. A referral or an allegation of concern about health or conduct raising a question of fitness to practise must be made in writing, setting out the particulars of the allegation, signed by the maker and submitted to the appropriate Director of Studies/Degree Programme Director or nominee. Where appropriate, the Director of Studies/Degree Programme Director or nominee may issue the student with a Level 1 Fitness to Practise warning. This warning would be held on the student record until the end of the student's studies. Should no further issues arise, this Level 1 warning would normally not be declared to Employers/Deanery or Regulators as part of a Transfer of Information process. Should further issues arise leading to formal consideration of Fitness to Practise, the Level 1 warning would form part of the student record for consideration in any investigation and potential subsequent panel.
- 3.3. Where a Level 1 warning is deemed insufficient by the Degree Programme Director or nominee to address the concerns raised, a request for a formal referral to the Fitness to Practise procedure should be made setting out the grounds relied upon. The request must be made in writing, signed by the maker and submitted to the relevant Faculty Pro-Vice Chancellor for consideration.
- 3.4. In exceptional circumstances, and consistent with the principles of natural justice, the Pro-Vice-Chancellor has the right to withhold the identity of the individual making the allegation if maintenance of confidentiality is considered appropriate.
- 3.5. The Pro-Vice-Chancellor shall appoint an appropriate senior academic or clinical staff member to investigate.
- 3.6. The investigating member of staff shall interview the student concerned and the person making the allegation. In any such interview with a student, the student may be accompanied by a friend or supporter (see University guidance in relation to the

role of a supporter:

<https://www.ncl.ac.uk/media/wwwnclacuk/studentprogress/files/Guidance%20on%20the%20role%20of%20a%20friend%20or%20supporter.pdf>). Notes of the interview shall be taken by an administrator from the Faculty. The administrator may also accompany the investigator when interviewing any witness.

- 3.7. The investigator may consult the relevant Director of Studies or Degree Programme Director and other senior staff as appropriate. If the allegation has been made by the Director of Studies, the investigator shall consult another appropriate member of senior staff.
- 3.8. The investigator shall have access to the student's file in order to view evidence of previous behaviour.
- 3.9. When there are concerns about a student's suitability for professional practice on grounds of either health or conduct or both, the investigator may require the student to consult an appropriate healthcare practitioner who shall be asked to submit independent advice on the student's state of health. The healthcare practitioner shall be independent of any professional responsible for treatment of the student. The referral to an appropriate health practitioner shall be made in accordance with prevailing arrangements in the University for Occupational Health. Should a student refuse to engage with such a process, section 4.3 may apply.
- 3.10. If the investigator advises the Pro-Vice-Chancellor that there is no case to answer, the Pro-Vice-Chancellor shall confirm in writing to the student of this finding and that no further action in terms of the Fitness to Practise procedure shall be taken.
- 3.11. If the investigator advises the Pro-Vice-Chancellor that the allegation does not constitute a fitness to practise issue but does constitute misconduct under the University's Disciplinary Procedure, the Pro-Vice-Chancellor shall refer the matter to the Student Progress Service and inform the student accordingly.
- 3.12. If the investigator advises the Pro-Vice-Chancellor that there is an issue of fitness to practise which the student has acknowledged and agreed to address, the Pro-Vice-Chancellor may, in consultation with the relevant Director of Studies or Degree Programme Director and Academic Registrar or appointed officer, permit the student to continue studies with or without any specific measures set out in 3.13. These measures may be communicated to appropriate University (including Student Health and Wellbeing), Employers, or Deanery (in the case of F1 trainees) staff should it be found that the sharing of such information is necessary for the purposes of either the fitness to practise process or in order to allow a student to receive appropriate support.
- 3.13. Measures may include as appropriate: a Level 2 warning; undertakings or conditions. A Level 2 warning would be declared to a regulatory body on registration (if required by regulatory body).
- 3.14. If the investigator advises the Pro-Vice-Chancellor that there is an issue of fitness to practise which the student does not recognise or is unwilling or unable to address, the Pro-Vice-Chancellor shall convene a Fitness to Practise Panel. The decision to convene a Fitness to Practise Panel shall be taken in consultation with the Academic Registrar or nominee and, where appropriate, Health Trust staff or employing authority.
- 3.15. No student may graduate while a fitness to practise case is pending.

4. Suspension of Studies

- 4.1. The Pro-Vice-Chancellor of the Faculty may impose an interim suspension from the programme on a student pending the outcome of an investigation or any Fitness to Practise Panel hearing, where there are reasonable grounds to believe that there

may be impairment of fitness to practise which could affect a patient's/client's safety, the student's own health or safety or that of University/Trust staff. (The Pro-Vice-Chancellor may only exercise this authority after consulting the Head of the Student Progress Service and, where appropriate, Health Trust staff.

- 4.2. The period of suspension from the programme must be specified and shall not normally exceed twenty-eight days. In the event that the period of suspension is extended beyond twenty-eight days, the Pro-Vice-Chancellor shall review the suspension every twenty-eight days.

The Pro-Vice Chancellor has the authority to revoke any suspension at any time should new evidence be deemed to suggest this course of action.

- 4.3. Any student who is deemed by the Pro-Vice-Chancellor not to be engaging with this procedure may risk having their studies suspended in order to ensure their own health and safety and that of their patients/clients.

5. Purpose of Fitness to Practise Panel

- 5.1. The Panel shall consider any student on any professional programme in relation to which the University has a responsibility to ensure fitness to practice and whose health, behaviour, or professional conduct give rise to serious concern that are not or will not be fit to practise. Guidance on health or behavioural problems which may make students unsuitable for professional practice is given in the professional documents listed in Appendix 1.
- 5.2. The Panel shall also consider a graduate of the undergraduate medical degree programme in their F1 or first House Officer year whose health or behaviour pattern or professional conduct gives rise to serious concern that they will not be fit to practise. As set out in the Introduction to this procedure, the University is responsible under the Medical Act 1983 for certifying to the GMC that each F1 doctor or House Officer is fit to be fully registered. Further provision is made in Appendix 2.

6. Membership of Fitness to Practise Panel

- 6.1. The Pro-Vice-Chancellor of the relevant Faculty shall designate staff and external members from whom membership of the Fitness to Practise Panel shall be drawn. These shall include senior members of University staff in and beyond the relevant Faculty, NHS staff who are honorary members of the University, appropriately experienced individuals external to the University, individuals who have specialist expertise in matters relating to student health and the designated officer of the Postgraduate Northern Deanery or nominee dependent on programme of study.
- 6.2. The Pro-Vice Chancellor, in consultation with the Academic Registrar or appointed officer, shall determine the membership of each Panel. The Panel shall normally have five members.
- 6.3. Each Fitness to Practise Panel shall be constituted as follows:
Lead for Fitness to Practise or nominee (Chair)
Up to four other members to include*:
- two senior members of the Faculty, in which the student studies. At least one of these should normally come from the same profession as the case being considered.
 - at least one person external to the Faculty in which the student studies
 - at least one individual external to the University of Newcastle, for example, a member of NHS staff, a member of another University, or a healthcare practitioner

**One individual may fulfil more than one of the listed criteria for the constitution of the Committee.*

A member of Professional Support staff shall act as Secretary to the Panel.

- 6.4. Every Panel convened to consider a F1 doctor shall include the designated officer of Health Education North East or their nominee.
- 6.5. The person who has conducted the initial investigation shall not serve as a member of the Panel. Similarly any person who (i) has previously been involved in the case or (ii) has a close connection (e.g. as a Personal Tutor/Academic Mentor) shall not serve.
- 6.6. Wherever possible, the Panel shall not include any member of staff directly involved in teaching the student within one year of the referral to the Panel.

7. Outcome of the Fitness to Practise Panel

7.1. The Panel may determine :

- a) That the student is fit to practise and is permitted to continue with the programme;
- b) That the student's fitness to practise is currently impaired and is
 - i) permitted to continue with the programme under supervision as defined/required by the Panel;
 - ii) permitted to continue with the programme with a variation in the pattern of study;
 - iii) permitted to continue with the programme but that a formal reprimand or Level 3 warning be placed on their file (a Level 3 warning must be declared to a regulatory body on registration, if required by regulatory body);
 - iv) to be subject to any measure considered appropriate by the Panel to enable the student's successful completion of the remainder of the programme.
- c) That the student is not fit to practise and
 - i) is required to suspend their studies for a specified period of time, following which the Panel shall review the situation and decide whether to re-admit the student to the programme. The Panel may take into account any external reports or evidence available in making this decision;
 - ii) is required to suspend their studies until such time as any undertakings, recommendations or conditions imposed by the Panel have been fully met;
 - iii) the student's registration for the current programme of study be terminated, but that the student be permitted to seek admission, possibly with advanced standing, to an alternative programme within the University.
 - iv) the student's studies be terminated and the student be required to withdraw from the University. Subject to the recommendation of a Board of Examiners, the student may be eligible to receive any exit award to which they are entitled.

7.2. Where a student is allowed to continue with the programme, or when the studies have been temporarily suspended, they may be required to meet with the Chair or Chair's nominee (drawn from the original panel) on further occasions in order that progress can be monitored.

7.3. In the case of a medical student, the Panel has the discretion to report the outcome of any case to the Foundation Dean Director of the appropriate Foundation School in

order that the student can be provided with appropriate support during their on-going training.

7.4. In the case of a F1 doctor, the Panel may:

- a) decide that the evidence presented is insufficient and therefore that the case be referred back to the Foundation Dean Director for further investigation;
- b) confirm the recommendation that the pre-registration period be extended or certification be refused.

8. General Provisions for Hearings of the Fitness to Practise Panel

8.1. A protocol on conducting virtual panels has been drawn up. Should this be the method for hearing the panel, the protocol will be provided to all panel members and the student and their supporter (as appropriate).

8.2. The Secretary to the Panel shall be responsible for arranging the hearing. This will include:

- i) notifying the student that a case has been referred to the Panel, of the substance of the case, of the procedure to be followed, of the membership of the Panel; and of the date of the hearing; arranging any reasonable adjustments required to support the student in preparation for or during the Panel.
- ii) identifying members of the Panel, in consultation with the Pro-Vice-Chancellor, or their nominee;
- iii) convening the hearing;
- iv) providing documentation to all parties at least 10 working days before the hearing;
- v) making a written but not verbatim contemporaneous note of the proceedings including the deliberation and the determination of the case.

8.3. The Panel shall take evidence and receive submissions, either in writing or in person and consider the allegation and all other circumstances which appear to them to be relevant. The Panel may take evidence from such other persons as they think fit in order to reach a decision. The student shall, in all cases, have the right to attend and present their case, and to be present and be heard during the hearing phase of the panel. The student may be accompanied by a friend or supporter (see University guidance on the role of a supporter:

<https://www.ncl.ac.uk/media/wwwnclacuk/studentprogress/files/Guidance%20on%20the%20role%20of%20a%20friend%20or%20supporter.pdf>) and shall have the right to be informed of all of the evidence. In all other respects, the conduct of the Panel shall be a matter for the Chair to determine, with reference to any agreed reasonable adjustments.

8.3.1 Failure to attend, without good cause (as determined by the Chair of the Committee), notified by the commencement of the hearing shall result in the consideration of the case in the student's absence.

8.3.2 The student and any other persons present other than the Panel and the Secretary, shall withdraw whilst the Panel deliberates and exercises its powers to determine the case. The Panel will first consider and evaluate all the evidence when making its determination. It will consider whether or not the evidence supports a finding of impaired fitness to practise and shall make findings of fact. If impairment is found, mitigating factors will then be considered in deciding the proportionate determination. When considering the determination, the panel's function is not to punish a student but protect patients/clients. The Panel will first consider the least restrictive determination,

moving up to the most severe in a stepwise fashion if required. For the avoidance of doubt, any restrictions must be proportionate, workable, measurable and fair. Reasons for any determination, including an evaluation of the evidence offered and the process of deciding the appropriate final determination, shall be clear and explicit in the Panel's determination.

- 8.4. The Secretary shall inform the student of the Panel determination under 7 above within 2 working days of the hearing, and subsequently in writing. A full statement of reasons including the evaluation of the evidence offered in the hearing, findings of material fact and the reasons for the exercise of the Panel's powers under 7 above will be provided to the student in writing, within 14 calendar days of the hearing.
- 8.5. The outcome of the Panel hearing shall be communicated in writing to the originator of the referral and a copy placed on the student file.
 - 8.5.1 The facts found by a Panel as well as any subsequent sanctions resulting from this may be communicated to appropriate University (including Student Health and Wellbeing), Employers, Deanery or Trust staff should it be found that the sharing of such information is necessary for the purposes of either the fitness to practise process or in order to allow a student to receive appropriate support.
 - 8.5.2 For the purposes of registration with a regulatory body, details of specific Fitness to Practise cases may be required by the regulatory body. In such cases, the facts found by the Panel and the outcome will be disclosed to the regulatory body.
- 8.6 Fitness to Practise hearing papers relating to a Fitness to Practise allegation shall be retained securely and separately from the student's file. Access shall only be permitted, other than to the data subject under the terms of the Data Protection Act, should another Fitness to Practise issue arise in relation to the same student and then only for the purpose of informing the investigator and any Panel as to any relevant prior history. Fitness to Practise case material shall be destroyed in accordance with the University policy on document retention.
- 8.7 Further details of the procedure for considering F1 doctors are given in Appendix 2.

9. Appeals

- 9.1. A student wishing to appeal against the decision of the Fitness to Practise Panel may submit an appeal to the Student Progress Service. An appeal may only be made on the following grounds:
 - a) New material evidence is available which could not reasonably have been brought to the attention of the Fitness to Practise Panel
 - b) Procedural irregularity
 - c) Bias or prejudice
 - d) That the decision reached was perverse in that it was one which no reasonable body could have reached on the available evidence
- 9.2. The student shall provide a detailed written statement identifying the precise grounds relied on for the appeal. Where new evidence is presented, the appeal must state why this evidence was not brought to the attention of the Fitness to Practise Panel. The case originally presented to the Fitness to Practise Panel should also be rehearsed in the documentation submitted.

- 9.3. A challenge to the professional judgement of the fitness to practise panel is not of itself a valid ground of appeal.
- 9.4. Appeals made by the Appellant must be supported by documentary evidence. It is the responsibility of the Appellant to provide all relevant evidence in support of the appeal within the specified timescales.
- 9.5. Fitness to practise appeals that do not on the face of the submitted documentation provide sufficient evidence to support the establishment of valid grounds for appeal may be rejected in accordance with paragraph 9.11
- 9.6. Students may discuss the appeals procedure with the Student Progress Service, King's Gate. Students may also seek advice in relation to the process of appeal by contacting ftpsupport@ncl.ac.uk . General advice on submissions may also be sought from the appropriate Officers of the Students' Union or from the Student Advice Centre (Students' Union).
- 9.7. Notification of intent to appeal should be lodged with the Head of Student Progress Service or appointed officer within 7 calendar days of receipt of the written statement of reasons.
- 9.8. All documentation as part of an appeal submission must be submitted to the Head of Student Progress Service or appointed officer within 14 calendar days of the receipt of the written statement of reasons
- 9.9. All appeals must be made in writing and accompanied by a completed "Appeals Application Form", (set out in Appendix 3)
- 9.10. Any late appeal shall only be considered if the Head of the Student Progress Service is satisfied that the Appellant has reasonable grounds not to have applied within the period specified above. Evidence of grounds of late appeal must be supplied by the Appellant.
- 9.11. If, on receipt of a completed appeal submission, the Head of the Student Progress Service determines that:
 - (a) an application is late without good cause, or
 - (b) there is not sufficient evidence under the specified grounds appearing to make out grounds for an appeal or
 - (d) the appeal is no more than a challenge to professional judgement as set out in 9.2 or
 - (e) the appeal is considered to be vexatious or frivolous

the application may be rejected and the student informed in writing.

- 9.12. Subject to 9.11, a Fitness to Practise Appeals Committee shall then be appointed to determine the Appeal on the Fitness to Practice Panel determination. The Head of the Student Progress Service shall appoint a member of the Academic Appeals Panel to act as Chair) to form a Committee with two members of professional or clinical staff from the relevant Faculty, who are trained and experienced in student fitness to practise. No person appointed shall have had previous involvement in the case nor any direct connection to the student. An administrator from the Student Progress Service shall provide support for the process.
- 9.13. The appointed Appeals Committee shall normally consider applications within 28 calendar days of receipt of a Fitness to Practise appeal.

In advance of the Appeals Committee hearing

- 9.14. Upon acceptance of an appeal, the Secretary shall seek comments on the appeal from the Chair of the Fitness to Practise panel and/or other appropriate curriculum officers for submission to the Appeals Committee. Those from whom comment is sought shall be provided with all of the appeal documents.
- 9.15. The Secretary shall provide the Appellant as soon as reasonably practicable, and not later than 7 days in advance of the hearing, with all the case papers made available to the Appeals Committee subject to any requirements of the Data Protection Act 1998, together with details confirming the arrangements for the hearing.
- 9.16. Case papers for each Appellant shall include:
- i) The Appellant's written appeal submission and any supporting documents.
 - ii) A copy of all documentation considered by the Fitness to Practise Panel.
 - iii) Notes of the Fitness to Practise Panel.
 - iv) Outcome and Statement of Reasons of the Fitness to Practise panel.
 - v) Any comments on the appeal from the Chair of the Fitness to Practise Panel and/or other appropriate curriculum officer.

Conduct and Nature of the hearing

- 9.17. The Committee shall take evidence and receive submissions, either in writing or in person and consider the allegation and all other circumstances which appear to them to be relevant. The Committee may take evidence from such other persons as they think fit in order to reach a decision. The Appellant shall, in all cases, have the right to attend and present their case, and to be present and be heard during the hearing. The Appellant may be accompanied by a friend or supporter (see University guidance on the role of a supporter: <https://www.ncl.ac.uk/media/wwwnclacuk/studentprogress/files/Guidance%20on%20the%20role%20of%20a%20friend%20or%20supporter.pdf>) and shall have the right to be informed of all of the evidence. In all other respects, the conduct of the Committee shall be a matter for the Chair to determine.

The Committee shall refer to the code of professional practice for the relevant profession in reaching its decision. The Appellant and any other persons present, except the Secretary to the Committee, shall withdraw whilst the decision is reached. A contemporaneous written but not verbatim record of the hearing including the deliberations shall be made by the Secretary.

Failure to attend, without good cause (as determined by the Chair of the Committee), shall result in the consideration of the appeal in the student's absence.

Outcome of the hearing

- 9.18. The Appeal Committee may:
- (a) Not admit the appeal and therefore uphold the outcome of the Fitness to Practise Panel
 - (b) Admit the appeal and refer the case back to the Fitness to Practise panel to be reconsidered afresh with a new panel
Or possibly
 - (c) Where the Appeal Committee determines that it has sufficient new information, admit the appeal and reach a new Fitness to Practise outcome as referred to in point 7.1 above

- 9.19. The Chair shall normally verbally inform the student of the outcome of the appeal hearing following deliberations. The student shall be informed by the Chair if this is necessary. Following the hearing, written confirmation of the outcome shall be sent to the Appellant. Full reasons for the Committee's decision will follow within 14 calendar days of the hearing)

Review of the decision of the Appeals Committee

- 9.20. There is no further review within the University. Provision for independent external review is made through the jurisdiction of the Office of the Independent Adjudicator. The Independent Adjudicator's role is to review the application by the University of its own internal procedures. Further information about the Adjudicator's role is available from <http://www.oiahe.org.uk/> .

Approved July 2021

Guidance for Fitness to Practise Panel*Health or conduct problems which make students unsuitable for professional practice*

These notes are intended for guidance only. It is not possible to draw up a definitive statement of instances of ill health or conduct that make a student unsuitable for professional practice, and in each case the Panel shall have regard to the degree of ill health or unsuitable behaviour. It should be noted that inappropriate behaviour can raise concerns about a student's health and, therefore, these two issues cannot be considered to be mutually exclusive.

The procedures concerning suitability of students for professional practice apply to all undergraduate and postgraduate students on programmes of study which have involvement with patients/clients or members of the public, as defined in Appendix 2. In all cases, the welfare and safety of actual or potential patients/clients must be the Panel's chief concern.

Health

When students are referred to the fitness to practise procedure on health grounds a referral to the Occupational Health Service used by the Faculty should be made and specific questions asked in relation to potential impact of health on fitness to practise.

The investigator may require the Occupational Health Service to ask the student to see a health care practitioner (for example, a psychiatrist or a counsellor), who would be asked to submit an independent report to Occupational Health. A summary of this report would then subsequently be made available to the Panel.

The Occupational Health Service should be asked to advise on the nature of the student's illness, the prognosis, response to treatment and willingness to undergo treatment, how the illness affects the student's ability to communicate with patients/clients, and whether there is a possibility of the student being at risk themselves, being a risk to patient/client safety or a risk to public perception of the profession.

The Occupational Health Service should be asked whether the conditions may be considered as covered by the Disability provision of the Equality Act 2010 and whether there are any adjustments possible to mitigate the risks. The Occupational Health Service should also be asked whether the conditions are likely to impact on the student's ability to practise professionally.

The Panel should take account of the requirements pertaining to that particular profession, the student's response to treatment, and their willingness to co-operate with a required or recommended course of action.

While patient/client care is paramount, there is a need for a non-judgmental approach in instances of student ill health which places substantial weight on the therapeutic needs of the student. It is necessary also to distinguish between temporary conditions, which may be resolved, and those which may last twelve months or more and amount to disabilities under the Equality Act 2010.

Problems with Conduct

Students on these programmes should be familiar with and act with due regard to the Code of Professional Conduct for their profession, and are expected to behave in a professional, ethical, and moral manner at all times.

The nature of their programme of study means that these students have contact with patients/clients, in a hospital or community setting, and will have responsibility for patients/clients once qualified. Any behaviour therefore which places a patient/client at risk or gives rise to concern about the student's future commitment to the protection and safety of patients/clients, should be considered by the Panel.

The Panel should take account of the degree of unsuitable behaviour. Depending upon the degree of the unsuitable behaviour, the Panel might take account of whether the student has previously received a warning about their conduct, and, where appropriate, whether the student has been offered or has received treatment.

As stated in 1.1 this procedure has drawn on the guidance provided by appropriate health care professional bodies and the Office of the Independent Adjudicator. The key documents informing this process are listed below and shall be taken into account when considering a student's fitness to practise:

Academy for Healthcare Sciences

<https://www.ahcs.ac.uk/education-training/standards/>

Faculty of Physician Associates: Professional Documents

<https://www.fparcp.co.uk/about-fpa/>

British Dietetic Association: Code of Conduct

<https://www.bda.uk.com/practice-and-education/nutrition-and-dietetic-practice/professional-guidance/regulation-codes-and-practice-guidance.html>

General Dental Council: Student Professionalism and Fitness to Practise – Guidance for Students and Providers

<https://www.gdc-uk.org/professionals/students-and-trainees/student-professionalism/sp-guidance>

General Medical Council: Professional Behaviour and Fitness to Practise

http://www.gmc-uk.org/education/undergraduate/professional_behaviour.asp

General Medical Council: Achieving Good Medical Practice

http://www.gmc-uk.org/education/undergraduate/achieving_good_medical_practice.asp

General Medical Council: Standards for medical education and training

<http://www.gmc-uk.org/education/standards.asp>

General Pharmaceutical Council

<https://www.pharmacyregulation.org/spp>

Health and Care Professions Council: Standards of Conduct, Performance and Ethics

<https://www.hcpc-uk.org/standards/standards-of-conduct-performance-and-ethics/>

Malaysian Medical Council: Ethical code and guidelines

<https://mmc.gov.my/wp-content/uploads/2019/12/CODE-OF-PROFESSIONAL-CONDUCT-2019-Amended-Version.pdf>



Office of the Independent Adjudicator

<https://www.oiahe.org.uk/media/2373/fitness-to-practise.pdf>

The British Psychological Society: Professional Practice Guidelines – Division of Clinical Psychology

<https://www.bps.org.uk/news-and-policy/bps-code-ethics-and-conduct>

**Suitability of Students for Professional Practice
(Health and Behavioural Issues)***Foundation Programme F1 Year for Medical Graduates*

1. The University is legally responsible for the quality of the pre-registration year and for the calibre of first year Medical Foundation Programme doctors (F1 doctors) progressing to full registration on its completion. (The New Doctor, GMC, 1997). This responsibility is delegated by the Pro-Vice-Chancellor of the Faculty of Medical Sciences to a designated officer in Health Education North East.
2. The NHS Trusts where the F1 doctors are employed are required to notify the Postgraduate Dean of any health or conduct problems involving a F1 doctor. The procedure for managing a F1 doctor with problems will be that set out in the document published by Health Education North East – “Doctors with Differing Needs”.
3. If a F1 doctor continues to have difficulty, either through health problems which cannot be resolved, or under performance/conduct issues which give rise to serious concern that he or she will not be fit to practise, the Postgraduate Dean (Health Education North East), shall notify the Pro-Vice-Chancellor and request for the case to be considered by the Fitness to Practise Panel. The Postgraduate Dean (Health Education North East) shall act as the Director of Studies and prepare the case, including all documentation and evidence as to remedial action already undertaken.
4. In these instances, the Panel shall include a designated officer in Health Education North East, or his or her nominee, drawn from the pool of previously identified staff.
5. The procedures outlined in the document Fitness to Practise Procedures shall apply.
6. The Panel may:
 - a) decide that the evidence presented is insufficient and therefore that the case be referred back to the Postgraduate Dean for further investigation.
 - b) confirm the recommendation that the pre-registration period be extended or certification be refused.
7. Where there is an alleged disciplinary offence by a F1 doctor this shall be investigated by the usual procedures of the NHS Trust. However, the report of the investigation shall be forwarded to the Postgraduate Dean (Health Education North East), who shall notify the Pro-Vice-Chancellor of the Faculty. The Pro-Vice-Chancellor of the Faculty, in consultation with the designated officer in Health Education North East and with reference to the Professional Standards Review Committee, shall determine whether the offence is sufficiently serious to warrant the convening of the Panel to consider whether a recommendation should be made to the GMC that the F1 doctor should not proceed to full registration.

**APPEAL APPLICATION FORM
Fitness to Practise**

Please note: Before completing this form, please read the 'Fitness to Practise Procedure' and available from Student Progress Service, King's Gate, or on the University's website at <https://www.ncl.ac.uk/student-progress/policies/procedures/>. You are strongly advised to discuss your outcome with your tutor/supervisor before submitting an appeal. This form must be submitted within **14 days** of the Fitness to Practise Panel. Late applications may only be admitted in exceptional circumstances.

SECTION 1 - PERSONAL DETAILS

Name _____ Student Number _____

Address for Correspondence (or addresses with dates) _____

Telephone: _____ Email: _____

School _____

Programme and stage/year of Study: _____
_____Decision against which appeal is made:

Date of Fitness to Practise Panel: _____

Please state with which member(s) of staff you have already discussed your appeal
(e.g. Personal Tutor, Degree Programme Director, Supervisor etc.)
_____**SECTION 2 - GROUNDS FOR APPEAL**

Please indicate by ticking the appropriate box(es) the grounds on which you wish to appeal.

- (i) New evidence available which could not reasonably have been brought to the attention of the Fitness to Practise Panel; or
- (ii) Procedural irregularity; or
- (iii) Bias or prejudice
- (iv) The decision reached was perverse in that it was one which no reasonable body could have reached on the available evidence.

SECTION 3 – SUPPORTING DOCUMENTATION

- (i) Supporting documentation is required for your appeal.
- (ii) Under the Data Protection Act 1998, we are required to obtain your consent for members of the Appeal Panel to view any personal data you may provide in connection with your appeal. Please list below any documents which you have attached or intend to submit in support of your appeal. These might include a medical note, a statement from your tutor or other member of staff, a letter from a welfare officer etc. For each document, please indicate by ticking the appropriate box whether the document is attached or to follow,* and indicate by signing against each document your consent for the members of the Appeal Panel view this data. (You should sign 3 times for each item, unless the nature of the documentation is such that you require access to be restricted.)

SECTION 4 – CONSENT

NB: You must submit document 1, your detailed reasons for appealing, with this form.

Description of Document	Attached	To Follow*	Signatures indicating consent for:	
			Appeal Panel to see document	Other relevant member of University staff to see document, eg tutor
1. Letter explaining grounds for appeal	<input checked="" type="checkbox"/>	(Not applicable)	(Not applicable)	-----
2.	<input type="checkbox"/>	<input type="checkbox"/>	-----	-----
3.	<input type="checkbox"/>	<input type="checkbox"/>	-----	-----
4.	<input type="checkbox"/>	<input type="checkbox"/>	-----	-----
5.	<input type="checkbox"/>	<input type="checkbox"/>	-----	-----

*** Please note that all supporting documentation must be available to the Student Progress Service within 14 days of the date of Panel. Each document should be labelled clearly with your name and student number and the date that you submitted this Application form.**



Signature _____ Date _____

*Please send this form, together with any supporting documentation already available, to:
The Head of the Student Progress Service, King's Gate, Newcastle University, Newcastle upon Tyne, NE1 7RU.
Alternatively, you may email your appeal – provided you indicate your section 4 consent – to casework@ncl.ac.uk*