

# Fitness to Practise Procedure

Effective 1 September 2024

This procedure is applicable to **all students registered on degree programmes which lead to professional qualifications**. It is also applicable to graduates of the Newcastle University MBBS programme who are Foundation Year 1 trainees (F1) or Year 1 House Officers in Malaysia.

Any programme whose students are subject to this procedure will confirm this within their [Programme Regulations](#).

Concerns about a student's fitness to practise arise in a variety of ways and each case is considered on an individual basis. Where reference is made within this Procedure to a specific role, that reference also includes their appropriate nominee, where relevant.

## Support and Guidance

We understand that being involved in a Fitness to Practise process can be a stressful experience. You may find it helpful to seek support and advice via the following services:

- [Student Health and Wellbeing Service](#)
- [Student Advice Centre of the Students' Union](#)

If you are required to attend any meetings throughout this process, you may choose to be accompanied by a friend or supporter. We strongly encourage you to access this support.

Please see the [guidance on the role of a friend or supporter](#) which outlines the role your friend or supporter may take in any proceedings. Your friend or supporter may not represent you, answer questions on your behalf or cross-examine witnesses, but may be asked to contribute a statement if appropriate.

## Confidentiality

All information provided to the University as part of a Fitness to Practise case will be treated as confidential. Information will only be shared with people who are deemed to have a legitimate business interest (for example, those undertaking any investigation, or senior colleagues who may need to act upon any issues identified during the course of the investigation). Relevant University employees will also be informed of the outcome of the investigation, in confidence.

If you are the subject of a Fitness to Practise investigation, it is important that you also respect the confidential nature of the process.

## Introduction

Newcastle University has a duty to ensure the welfare and safety of all parties involved in the training of students on programmes leading to professional healthcare qualifications. This includes:

- Actual and potential clients/patients;
- Members of the public participating in the training of students;
- Students themselves.

In order to do this, the University must ensure that all students registered on relevant programmes meet all required professional standards to be able to demonstrate their fitness to practise, and that all decisions taken by the University also show due regard to the student's welfare. This includes ensuring, as far as possible, that every student is fit to undertake the rigours of a demanding programme and subsequent profession.

## Related procedures

Students on professional programmes are subject to normal University procedures regarding academic progress, support to study and discipline, in addition to fitness to practise procedures.

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:

- Appropriate [Progress Regulations](#), which are used to investigate instances where students have not made or maintained satisfactory progress in the following areas:
  - Academic studies;
  - Assessed practice placement work;
  - programme professional engagement processes; or
  - Assessments and/or engagement.
- [Student Disciplinary processes](#), which are used to investigate reports of student misconduct.
- [Academic Misconduct processes](#).
- [Support to Study processes](#), which are used to address concerns about a student's welfare, for which normal adjustments to study and/or assessments are not sufficient.

Where a student has taken a Leave of Absence in circumstances that initially (or subsequently) raise fitness to practise issues, this procedure will pause. The student will need to provide confirmation of their fitness to study from their healthcare practitioner to help the University to determine whether the student is ready to return to their programme.

## Roles and Responsibilities

The **Academic Registrar** is responsible for considering appeals against any interim precautionary action taken while a Fitness to Practise investigation is carried out;

The **Director of the Student Progress Service** is responsible for deciding whether to admit appeals against Fitness to Practise decisions;

A **Director of Studies/Degree Programme Director** is responsible for completing Level 1 investigations into Fitness to Practise concerns.

An **Investigating Officer** is a suitably trained academic or clinical member of staff, appointed by the Faculty Pro-Vice Chancellor, to investigate Fitness to Practise concerns under Level 2 of this procedure.

The **Faculty Pro-Vice Chancellor** is responsible for appointing an Investigating Officer to undertake Level 2 investigations, and for making an appropriate determination on Level 2 Fitness to Practise cases.

**Students** are responsible for ensuring that they comply with all University Fitness to Practise investigations, including by providing all relevant information when requested, and ensuring that they answer questions fully and honestly.

## Procedure

Referrals to the Fitness to Practise Procedure may be raised in a variety of ways. For example:

- By the Student Progress Service, following a finding of misconduct via the Student Disciplinary Procedures;
- By the Foundation Dean Director (for first-year Medical Foundation Programme doctors, or House Officers);
- Directly to the relevant Academic Unit.

There are three levels at which a Fitness to Practise concern may be considered:

- **Level 1: Local Resolution**  
Your Director of Studies or Degree Programme Director will meet with you to discuss the concerns raised about you, and will decide on appropriate action.
- **Level 2: Formal Investigation**  
An Investigating Officer is appointed to undertake an impartial investigation into the concerns raised, and will make recommendations of appropriate action to the relevant Faculty Pro-Vice Chancellor.
- **Level 3: Fitness to Practise Panel Hearing**  
A panel of normally five members will meet with you to discuss the concerns raised and will decide on an appropriate outcome.

Please note that no student being investigated under this procedure may graduate until their Fitness to Practise case is concluded.

## 1. Level 1: Initial Investigation

If a Fitness to Practise concern is raised about you, your Director of Studies/Degree Programme Director will meet with you to explore the concerns in more detail. Following this meeting, they will then decide on the following possible outcomes (more than one may apply):

- There is no case to answer;
- Referral to other University services or procedures (for example, the Support to Study Procedure or Student Disciplinary Procedure)
- You are issued with a Level 1 warning;
- Referral for a Fitness to Practise investigation at Level 2 of this procedure.

If you are issued with a Level 1 Warning, this will be held on your record until the end of your studies. However, these are not normally declared to employers/Deanery or professional regulators as part of a Transfer of Information process, providing no further issues arise during the course of your studies.

If further issues do arise during your programme, any previous Level 1 Warning(s) would form part of the documentation to be considered in subsequent Fitness to Practise investigations.

## 2. Level 2: Referral for Fitness to Practise Investigation

If you have been referred for a Level 2 Fitness to Practise investigation, an Investigating Officer will be appointed.

Their role is to interview you, any relevant witnesses and appropriate contacts within your programme to ascertain whether the concerns raised about you should (i) be upheld; and (ii) constitute fitness to practise issues.

During the course of their investigation, the Investigating Officer may consider that there are health or conduct issues which may affect your suitability for professional practise, and as such may refer you for an independent health assessment. This is usually done through the University's arrangements for Occupational Health.

Following their investigation, the Investigating Officer will prepare a case report, including recommendations, for the relevant Faculty Pro-Vice Chancellor to consider. The Faculty Pro-Vice Chancellor will then decide which of the following outcomes are appropriate:

- Where the Faculty Pro-Vice Chancellor **does not** consider there to be a Fitness to Practise case to answer:
  - That no further action will be taken under the Fitness to Practise Procedure;

- That a referral should be made to the Student Progress Service for the issues to be considered under an alternative student procedure.
- Where the Faculty Pro-Vice Chancellor **does** consider there to be a Fitness to Practise case to answer:
  - In consultation with your Director of Studies/Degree Programme Director, allow you to continue with your studies (with or without any special measures imposed on you – see Appendix 1 for details). This will normally only be possible if you have acknowledged the Fitness to Practise issue and agreed to address it.
  - In consultation with the Academic Registrar and (where relevant) employing Healthcare Trust, refer you for a Level 3 Fitness to Practise Panel Hearing.

You will be informed in writing of the Faculty Pro-Vice Chancellor's decision.

### 3. Level 3: Fitness to Practise Panel Hearing

The purpose of a Level 3 Fitness to Practise Panel Hearing is to offer further impartial consideration to any concerns raised about a student's fitness to practise on any professional programme (including F1 or House Officer doctors).

You will be informed in writing if your case is to be heard by a Fitness to Practise Panel, and will be provided with the following information:

- The Fitness to Practise concerns to which you are expected to respond;
- A copy of this procedure;
- Details of the membership of the Fitness to Practise Panel.

You will also be asked to inform the Panel of any adjustments you require in order to enable you to fully engage with the hearing.

If you have any concerns about the impartiality of any panel member, you should inform the Chair within 5 working days of the date of the hearing and a review of the panel membership will be undertaken.

If either you or your supporting person are unable to attend on the date of the hearing, you may request for it to be rescheduled. This will be considered by the Chair of the Fitness to Practise Panel. You can only request for the hearing to be rescheduled once.

You will receive a full set of documentation at least 10 days prior to the hearing.

If you choose not to attend the Hearing, your case will still normally be considered by the Fitness to Practise Panel and a decision made in your absence.

During the Hearing, you will be given the opportunity to answer questions and respond to the Fitness to Practise concerns.

After considering all the evidence available, the Fitness to Practise Panel will make a decision on an appropriate outcome. A list of possible outcomes is provided in [Appendix 1](#).

You will be informed in writing of the outcome within 2 working days of the hearing. This will be followed by a full Statement of Reasons within 14 calendar days of the hearing. You will also be given details of how to appeal if you are dissatisfied with any decision.

#### 4. Interim precautionary measures

If there are reasonable grounds to believe that any reported student poses a risk to their own safety, or the safety of other students, patients, clients, colleagues or NHS Trust staff, the Faculty Pro-Vice Chancellor may impose an interim suspension of studies from your programme until your case can be considered by a Fitness to Practise Panel Hearing.

This is a temporary precautionary measure and does not indicate that the University has prejudged your Fitness to Practise.

Any suspension of studies will be reviewed approximately every six weeks, or at key stages within the six-week period (for example, if any relevant police investigations are concluded, or if new evidence becomes available which changes the University's assessment of risk).

#### 5. Appeals

You have the right to appeal under the Fitness to Practise Procedure. You can appeal against:

- Any interim precautionary measure or specific instruction;
- Any decision and/or sanction imposed upon you.

You should carefully consider your reasons for appeal so that you can explain precisely why you are appealing.

##### 5.1. Appeals against interim precautionary measures

Appeals against Interim Precautionary measures (such as suspensions of study) are considered by the Academic Registrar.

Appeal requests should be submitted in writing to [casework@ncl.ac.uk](mailto:casework@ncl.ac.uk) within 21 calendar days of the date of the Decision Letter.

Your appeal must meet one or more of the following accepted grounds:

- You consider the precautionary action to be disproportionate to the reported circumstances;
- Bias or prejudice.

Where the Academic Registrar admits your appeal, they may:

- Remove or change any interim precautionary action currently imposed on you;
- Recommend that an impartial senior colleague (such as a Dean or Faculty Pro-Vice Chancellor) considers the available evidence and decides whether any precautionary action is appropriate.

## 5.2. Appeals against Fitness to Practise outcomes

Appeal requests against Fitness to Practise outcomes are considered by the Director of the Student Progress Service.

Appeal requests must be submitted in writing to [casework@ncl.ac.uk](mailto:casework@ncl.ac.uk) within 14 calendar days of the date of the Statement of Reasons.

Your appeal must meet one or more of the following accepted grounds:

- New material evidence is available which was not reasonably available at the time of the original Fitness to Practise Panel Hearing;
- Procedural irregularity;
- Bias or prejudice;
- That the decision reached was perverse in that it was one which no reasonable body could have reached on the available evidence.

Please note that a challenge to the professional judgement of the Fitness to Practise panel is not a valid ground for appeal.

Where your ground for appeal is new material evidence, you should provide this evidence alongside an explanation as to why this was not previously available.

Late appeals are not normally accepted, unless you are able to provide evidence to demonstrate that you have reasonable grounds for the delay in appealing.

On receipt of an appeal submission, the Director of the Student Progress Service may reject the appeal if:

- i. an application is late without good cause;
- ii. there is insufficient evidence that your request meets any of the accepted grounds for appeal;
- iii. your appeal is a challenge to professional judgement.

Where the Director of the Student Progress Service admits your appeal for reconsideration, they will recommend that a new Fitness to Practise Appeals Committee is convened to consider your case. The Fitness to Practise Appeals Committee will be chaired by a member of the University's Academic Appeals Panel, and will also include two members of professional or clinical staff from your Faculty. No panel member will have had any previous involvement in your case or any direct connection with you.

The Fitness to Practise Appeals Committee will normally consider applications within 28 calendar days of receipt of your appeal.

It is important to remember that when submitting an appeal, the decision you are appealing against will stand while your appeal is being considered.

### Provision for External Review

The Office of the Independent Adjudicator for Higher Education (OIA) runs an independent scheme to review student complaints. The University subscribes to this scheme. If you are dissatisfied with the outcome offered by the University, you can seek an external review by submitting a complaint via the [OIA website](#). Complaints to the OIA must be submitted within 12 months of the date of the Completion of Procedures Letter.



## Appendix 1: Possible outcomes of Fitness to Practise

Level	Outcome (more than one option may be applicable)
1	<p>No case to answer</p> <p>Referral to other University services or procedures (for example, the Support to Study Procedure or Student Disciplinary Procedure)</p> <p>Level 1 warning (not declared to regulatory body on registration)</p> <p>Referral for a Fitness to Practise investigation at Level 2 of this procedure.</p>
2	<p>No case to answer</p> <p>Referral to other University services or procedures (for example, the Support to Study Procedure or Student Disciplinary Procedure)</p> <p>Level 2 Warning (declared to regulatory body on registration)</p> <p>Allowed to continue studies with or without special measures imposed on you</p> <p>Refer to Level 3 Fitness to Practise Panel Hearing</p>
3	<p>No case to answer</p> <p>Permitted to continue on programme under supervision (as defined by the Panel)</p> <p>Permitted to continue with the programme with a variation in the pattern of study.</p> <p>Permitted to continue with the programme with Level 3 warning (must be declared to regulatory body on registration)</p> <p>Any measure considered appropriate by the Panel to enable your successful completion of the remainder of the programme</p> <p><b>Not currently fit to practise:</b> studies suspended for a specified period of time, after which the Panel shall review the situation and decide whether to re-admit you to the programme.</p> <p><b>Not fit to practise:</b> Your registration on your current programme of study will be terminated, but you may be permitted to seek admission, possibly with advanced standing, to an alternative programme within the University.</p> <p><b>Not fit to practise:</b> Your studies will be terminated and you will be required to withdraw from the University (with or without an exit award).</p> <p><b>For F1 doctors or House Officers only:</b></p> <p>Refer your case back to the Northern Foundation School Director or equivalent for further investigation</p> <p>Recommend that the pre-registration period be extended.</p>

## Appendix 2: List of regulatory bodies in relation to Fitness to Practise

**Academy for Healthcare Sciences:** <https://www.ahcs.ac.uk/education-training/standards/>

**British Dietetic Association:** Code of Conduct <https://www.bda.uk.com/practice-and-education/nutrition-and-dietetic-practice/professionalguidance/regulation-codes-and-practice-guidance.html>

**Faculty of Physician Associates:** Professional Documents <https://www.fparcp.co.uk/about-fpa/>

**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/spguidance>

**General Medical Council:** Professional Behaviour and Fitness to Practise [http://www.gmc-uk.org/education/undergraduate/professional\\_behaviour.asp](http://www.gmc-uk.org/education/undergraduate/professional_behaviour.asp)

- Achieving Good Medical Practice [http://www.gmc-uk.org/education/undergraduate/achieving\\_good\\_medical\\_practice.asp](http://www.gmc-uk.org/education/undergraduate/achieving_good_medical_practice.asp)
- 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-CONDUCT2019-Amended-Version.pdf>

**Office of the Independent Adjudicator for Higher Education:** <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>