These guidelines describe the procedure to be followed where concerns about a student’s fitness to practise have been identified. The guidelines should be read in conjunction with the General Regulations as to Fitness to Practise and the accompanying Procedural Notes. Reference to the Faculty Officer in those Regulations includes any person authorised to act in their place or on their behalf.

If more concise guidance is needed on what might constitute fitness to practise concerns (i.e. behaviour the University would not normally expect from students registered for professionally accredited courses) information might be obtained from guidance issued by the relevant professional body. Examples of concerns might include either a serious incident (e.g. a criminal act, harm to a patient or dishonesty) or a pattern of behaviour which might include persistent lateness and rudeness to a patient or member of staff. Each case is likely to be different.

It might be helpful for departments to have awareness from the outset as to the preferred outcomes of a particular case once a Fitness to Practise Committee has decided the grounds for concern are made out. Regulation 11 lists the options available (from permitting the student to continue, through to exclusion from further study in the Faculty) which might assist, for example, in those cases where further monitoring might be required.

Feedback from the Office of the Independent Adjudicator for Higher Education (OIA) encourages institutions to take action sooner rather than later and not wait until a late stage in a student’s programme of studies before raising concerns.

Procedure to be followed

1. Where concerns (from whatever source) have been identified, the Head of Department is responsible for conducting a preliminary investigation in line with Regulation 3 and the University’s equal opportunities policies. Throughout this process, copies of all documentation relating to the case should be retained on file for future reference. Appropriate confidentiality should be maintained throughout but students should be reminded that details of the case may need to be shared with the relevant professional body, other higher education institutions or other organisations such as employers and the Disclosure and Barring Service (DBS). It should be noted that the sharing of information requires consideration of necessity, proportionality and reasonableness (based on the need to protect patients and the general public). Guidance should be sought from the Student Engagement and Progress Team (SEP).

2. The Head of Department should make whatever enquiries are deemed appropriate, involving other staff (including the student’s personal tutor), University services such as the Disability and Dyslexia Support Service or relevant external agencies. It may be considered appropriate to hold a “case conference”, involving relevant staff (perhaps including a “critical friend” from another department or Faculty). Subject to the student’s agreement, the Head of Department may obtain any medical or other reports considered relevant (for example the student might be referred to the appropriate Occupational Health Service for assessment). Where criminal matters are involved, the Police or Courts would be the prime investigators of the incident, working with relevant University staff. It should be noted that referral under the Fitness to Practise Regulations may still be appropriate, even after disciplinary action (short of expulsion) has been taken against a student, for example in cases of the use of unfair means in the assessment process.

3. The student should be informed of a department’s fitness to practise concerns, in writing, as soon as possible and be given the opportunity to make representations in person or in writing, as set out in Regulation 3. If the student is invited to a meeting, they
should be given sufficient notice and the opportunity to bring a representative or friend. A written record should be kept of any such meeting and the outcomes confirmed in writing to the student and any adviser as soon as possible.

4. Once the concerns have been investigated and the student given the opportunity to respond, a decision on future action should be taken by the Head of Department, in line with Regulation 4. In considering the evidence available, credibility and relevance are key to evaluating the extent to which the evidence supports any allegations.

5. Where no further formal action is taken under the Fitness to Practise Regulations, the Head of Department might wish to recommend other appropriate action, for example referral for counselling, with the student’s agreement, specific support/guidance or other reasonable adjustments where there are mental health difficulties. Any such arrangements or action should be recorded in writing and a copy sent to the student and any adviser.

6. Where it is decided to take further action under the Fitness to Practise Regulations, contact should be made as soon as possible with the SEP Team, who will then liaise with the relevant Faculty Officer. In the interests of patient/client safety, the Head of Department may wish to recommend to the Faculty Officer that a student be suspended under the terms of Regulation 5, (for example if the case involves criminal proceedings or other serious matter). The Department should then write to the student confirming the terms of the suspension (standard templates are available from SEP Team). If a student is suspended, the Faculty Officer will be required to review the suspension every four weeks, taking into account any new information provided either by the student or the Head of Department. Please note that informal measures such as putting a student on special leave are not part of the Fitness to Practise Procedure and should not therefore be adopted.

7. Further information and a report form is available from:
http://www.sheffield.ac.uk/sas/progress/index

Where the case is to be referred to a Fitness to Practise Committee, a report form should be completed by the Head of Department and sent to the SEP Team as soon as possible. Once any hearing has been completed, the student would then have the right of appeal against any decision made by the Committee and would also have recourse to external review (if eligible) via the OIA.

8. Once the concerns have been investigated, it may be considered more appropriate to take action under the Discipline or Progress of Students Regulations. Guidance on these procedures can be accessed from Discipline or Progress. The relevant Head of Department will be informed in writing of the outcome of any such action and a report included in the papers for any subsequent fitness to practise action relating to that student.

9. The SEP Team can also provide examples of standard letters (for example alerting them to concerns about their fitness to practice, confirming any informal action to be taken or informing students of the terms of any suspension).

10. Once the case is complete, a note will be placed on the student’s central record giving brief details of the Fitness to Practise Committee’s decision. The student is informed at that point that details of the case may be taken into account whenever a reference is written. Information may also be passed on to the relevant professional body, other institution or an employer in confidence (see section 1 above). Student files are stored in line with the University’s retention policy.