**Fitness to Practise – Frequently Asked Questions**

**What is Fitness to Practise, and how does the Fitness to Practise Procedure affect me?**

All professionals must show that they have the knowledge, skills, character and health to perform their duties safely and effectively, i.e. be ‘fit to practise’ their profession. The Fitness to Practise Procedure applies to any student who is studying a course which leads to professional registration, both initial and/or further annotation/ registration, and/or a license to practise in a professional context. These courses are generally characterised as being service-centred/client-centred/patient-centred and directed towards the achievement of professional competence and/or professional registration. Additionally, this procedure may apply to courses that facilitate entry to courses which lead to professional registration and/or a license to practice. If you are uncertain whether this procedure affects your course or not, a full list can be found in Appendix 1 at the end of the [Fitness to Practice Procedure](https://registry.southwales.ac.uk/student-regulations/fitness-practice/).

The Fitness to Practise Procedure affects students who study one of the aforementioned courses who are alleged to have breached the [Academic Misconduct Regulations](https://registry.southwales.ac.uk/student-regulations/academic-misconduct/) or the [Student Code of Conduct](https://registry.southwales.ac.uk/student-regulations/student-conduct/) and/or the expected professional standards related to their course. The Student Code of Conduct and the Fitness to Practise Procedure should be read in conjunction with the following documentation:

* Academic Misconduct Regulations - These contain a non-exhaustive list of examples of possible academic misconduct.
* Any Conduct Code relating to your course and future registration, e.g. the *Nursing and Midwifery Council Code of Conduct* if you are studying to become a nurse or midwife.

**What is the purpose of Fitness to Practise Procedure?**

The University has a responsibility to deal with students who are suspected of breaking its Fitness to Practise Procedure to ensure that they do not qualify to practise in a profession when they are deemed not fit to do so.

The University, when necessary, takes action under its Fitness to Practise Procedure to:

* protect present or future patients, service users or clients (ie, public protection);
* demonstrate robust processes to protect the public;
* comply with the requirements of professional bodies.

**I am concerned about a student’s behaviour, but I am unsure if it would be classed as a fitness to practise concern?**

If you are unsure if a fellow student’s behaviour breaks the Student Code of Conduct and/or the Fitness to Practise Procedure, you may find it helpful to discuss the matter with someone first. This might be your tutor or supervisor, the Advice Zones at each campus, the Students’ Union or the University’s Student Casework Unit.

Definitions and examples of fitness to practise concerns are also provided in a non-exhaustive list under section 4 of the University’s Fitness to Practise Procedure.

**I want to raise a concern regarding someone’s fitness to practise. How can I do this?**

If you want to raise an allegation of misconduct or breach of professional standards by another student or colleague, which may be a fitness to practise concern, you should inform your tutor or an appropriate member of staff of your concern, and provide any supporting evidence that you may have. It is then your tutor’s/the member of staff’s responsibility to complete a formal Cause for Concern Form if they are confident that a strong case exists for raising a fitness to practise concern.

**What happens after I raise an allegation and a Cause for Concern Form is completed?**

Your tutor/the appropriate member of staff will forward the Cause for Concern Form to the Course Leader, who will discuss the issue with the Head of School. If appropriate, the matter will be escalated to a Faculty Cause for Concern Panel. The Panel will determine the next steps, which could be deciding that further action is required, establishing an action plan or referral to an investigation under the Fitness to Practise Procedure.

**I have received a letter telling me that I am under investigation under the Fitness to Practise Procedure. What does this mean?**

This means that the University has received a concern about your fitness to practise, which suggests that you have breached expected professional standards, and needs to investigate the matter further. This concern may have been raised directly by a member of your faculty, or referred by another University panel or committee, e.g. the Academic Misconduct Panel. There is no presumption that you are guilty of the allegation; the University needs to investigate the allegation to establish the facts to be able to decide what action, if any, needs to be taken.

**What happens during the investigation?**

If the Cause for Concern Panel deems that further investigation is needed, an Investigating Officer will be appointed to your case. The Investigating Officer will be from outside the school in which you are based and will have no prior knowledge of your case. The Investigating Officer will have **30 working days** from the referral of the Cause for Concern Panel to carry out the investigation, which may include meetings with you and any witnesses/people relevant to the case. The Investigating Officer will then prepare a report of their findings that will be presented to the Cause for Concern Panel or Fitness to Practise Committee, as appropriate and depending on the seriousness of the case.

**What is the University Fitness to Practise Committee?**

If a case is deemed serious enough, you will be invited to attend a Fitness to Practise Committee hearing. This is a formal University-level committee, which considers alleged serious breaches of professional standards or conduct. The Fitness to Practise Committee hearing will normally be convened within **20 working days** of the submission of the Investigating Officer’s report. The outcome of the hearing will be determined on the balance of probabilities, according to reasonable belief in your innocence or guilt. The members of the Fitness to Practise Committee will have had no previous involvement with your case or association with you. You will be informed of the constitution of the Committee prior to the documentation being circulated and will be given the opportunity to raise any concerns in relation to membership, for example if you have grounds to consider that a member may be biased because they have previous knowledge of your case so are not independent.

**Will I still be able to attend University?**

This will depend on the severity of the allegation that has been made. In any case, where a serious allegation of misconduct has been made the University will conduct a risk assessment to determine the level of potential risk posed to the University community. As part of this process you will be given the opportunity to provide a written representation to the Risk Assessment Panel.

If the Risk Assessment Panel determines that there is a genuine risk to the University community or members of the public, they may recommend that you are temporarily suspended whilst the investigation is ongoing. This is a neutral act to allow the University to apply its regulations and to protect all parties during the process. A temporary suspension could mean that you are not allowed on campus, not allowed to attend any clinical or practical work, or may not be allowed to enter specific University buildings. In all cases the University would seek to minimise the impact on your academic studies as far as possible.

**What penalties might be imposed?**

The penalties available to the University, and the types of cases they might be imposed for, are listed in the Fitness to Practise Procedure. The penalties range from continuation of studies under close supervision and formal written warnings, to suspension or termination of your studies. Any repeated occurrences of a similar offence, or failure to comply with a penalty imposed by the Fitness to Practise Committee, may result in a more severe penalty.

**What happens if I am dissatisfied with the outcome?**

You can request a review of the outcome, providing that you meet the grounds set out in the Fitness to Practise Procedure, no later than **10 working days** after the formal notification of the outcome of the Fitness to Practise Committee. If the University Secretary (or nominee) considers that there are grounds for review, the case will be referred to a Review Panel. If you do not feel that you have grounds, but are still dissatisfied, you can request a Completion of Procedures Letter that will allow you to submit a complaint to the Office of the Independent Adjudicator for Higher Education (OIA), providing that you meet their [Rules](http://www.oiahe.org.uk/rules-and-the-complaints-process.aspx).