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**FITNESS TO PRACTISE REGULATIONS 2018/2019**

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| **Title**: Fitness to Practise Regulations | | | | | |
| **Version** | **Issue Date** | **Revision Description** | **Author** | **Approved By & Date** | **Next Review Date** |
| 1.0 | September 2016 | First Issue | Siobhan Coakley | Board of Governors  4 July 2016 | June 2017 |
| 2.0 | August 2017 | Second Issue | Siobhan Coakley | Board of Governors  4 July 2017 | June 2018 |
| 3.0 | October 2017 | Third Issue | Siobhan Coakley | Board of Governors  October 2017 | June 2018 |
| 4.0 | September 2018 | Fourth Issue | Siobhan Coakley | Board of Governors  3 July 2018 | June 2019 |

# 1. Introduction

* 1. The Fitness to Practise Regulations should be read in conjunction with the Student Code of Conduct, which details expectations of behaviour.
  2. The University’s regulations for fitness to practise apply to:
* Students studying at the University and University of South Wales courses through distance delivery.
* Students studying university courses at the University’s partner institutions.
* Students studying on work placements or engaged in work-based learning.
* Students on an approved leave of absence.

1.3 These regulations relate to courses which lead to professional registration, both initial and/or further annotation/registration, and/or a license to practise in a professional context and are characterised as being service-centred/client-centred/patient-centred and directed towards the achievement of professional competence and/or professional registration. Additionally, these regulations may apply to courses which facilitate entry to courses which lead to professional registration and/or license to practice (please see Appendix 1). The institution will have a responsibility to deal with such students to ensure that they do not qualify to practise in a profession when they are deemed not fit to do so.

1.4 Criminal conduct or disciplinary offences whilst a student of the University may also lead to action under these regulations, as will unprofessional behaviour which may also contravene codes of professional conduct as applied to students.

1.5 The University has a duty under the Counter-Terrorism and Security Act 2015 to prevent students from being drawn into non-violent extremism, violent extremism and/or terrorism and to ensure they are being given appropriate advice and support. If a member of staff or a student has reasonable grounds for concern that a student is being drawn into, or is drawing others into, activities which may lead to acts of non-violent extremism, violent extremism and/or terrorism they should raise the matter with the designated associate head of school (or equivalent) in the first instance. (See the University’s Prevent Protocol).

1.6 The University recognises that with advances in modern technology, it is easier to make covert recordings i.e. recordings of meetings or conversations made without the consent of the participants. Where recordings are made of telephone calls, this activity is likely to be in breach of the Regulation of Investigatory Powers Act. In the case of recordings of face-to-face meetings, the material gained is likely to be held in breach of the participant’s Article 8 rights under the Human Rights Act and the UK data protection laws. For this reason, the University will not permit the use of covert recordings in fitness to practise cases, except in exceptional circumstances.

The facts that will be considered are:

* The extent to which the evidence is relevant to the issues in the case, including considering the nature of the evidence and if other, more cogent evidence is available.
* The extent to which the evidence has been obtained unlawfully or its use otherwise interferes with privacy rights.
* The extent to which the evidence can be relied upon from a technical perspective given that it is possible to manipulate recorded material. The availability of an independently created transcript of any recording may be helpful to satisfy this requirement.

1.7 The University will, when necessary, take action under its Fitness to Practise Regulations to:

* protect present or future patients, service users or clients (i.e. public protection);
* protect the institution against a legal suit brought by someone claiming to have suffered loss or harm as a result of a student proving after qualification to be unfit to practise;
* comply with the requirements of professional bodies.

**2. Advice and Support**

The University is committed to safeguarding the emotional, mental and physical well-being of all parties involved during the operation of its Fitness to Practise Regulations.

***2.1 Advice and support for students***

2.1.1 It is recognised that being the subject of an allegation can have an adverse impact on the welfare of students. Advice and support is available from:

The University’s Wellbeing Services - <http://thewellbeingservice.southwales.ac.uk/>

The Chaplaincy - <http://chaplaincy.southwales.ac.uk/>

The Students’ Union - <http://su.southwales.ac.uk/>

2.1.2 The Student Casework Unit provides authoritative, formal guidance on the applicability and operation of the Fitness to Practise Regulations.

***2.2 Advice and support for staff***

2.2.1 It is recognised that dealing with fitness to practise matters can cause pressure for staff. The Chaplaincy has considerable experience of dealing with sensitive matters and is available to offer formal and informal confidential advice and support.

**3. Definitions of Fitness to Practise Concerns**

**3.1 Professional misconduct**

The following is a non-exhaustive list of examples of behaviour and conduct which would constitute professional misconduct and thereby trigger an investigation of a student’s fitness to practise. These apply to all aspects of a student’s professional and personal life, including online activity and social networking:

***3.1.1 Physical misconduct***

* Punching;
* Kicking;
* Slapping;
* Biting;
* Pulling hair;
* Pushing/shoving.

***3.1.2 Sexual misconduct***

* Engaging, or attempting to engage in sexual intercourse or a sexual act without consent;
* Sharing private sexual materials of another person without consent;
* Kissing and/or touching inappropriately without consent;
* Inappropriately showing sexual organs to another person;
* Making unwanted remarks of a sexual nature;
* Failure to keep appropriate professional and sexual boundaries.

***3.1.3 Abusive behaviour***

* Threats to hurt another person;
* Engaging in any activity or behaviour which contravenes the University's Strategic Equality Plan or Dignity at Study/Dignity at Work policies, including acts of racial hatred, non-violent extremism, violent extremism and/or terrorism and abusive comments relating to an individual’s sex, sexual orientation, religion or belief, race, pregnancy, marriage/civil partnership, gender reassignment, disability or age[[1]](#footnote-1);
* Failure to respect clients as individuals and/or failure to protect the interests and dignity of clients irrespective of gender, age, race, pregnancy, ability, disability, sexuality, economic status, lifestyle, culture or of any other irrelevant distinction.
* Acting in an intimidating and hostile manner;
* Malicious or vexatious allegations against other members of the University community;
* Use of inappropriate language;
* Repeatedly following another person without good reason;
* Repeatedly contacting another person (by phone, email, text or on social networking sites) against the wishes of the other person (see also the University’s Social Media Policy: <http://its.southwales.ac.uk/documents/download/6/>).

***3.1.4 Damage to property***

* Causing damage to University property or property of other students, staff or

visitors.

***3.1.5 Unauthorised taking or use of property***

* Unauthorised entry onto or unauthorised use of University premises;
* Misuse of University property (for example computers and laboratory equipment) or fail to comply with IT regulations;
* Purchase or order goods on behalf of the University without due authorisation.

***3.1.6 Causing a health or safety concern***

* Act/omission that did cause or could have caused serious harm on University premises or during University activities (for example, disabling fire extinguishers or possessing/supplying controlled drugs) and including interfering with anything provided in the interests of Health and Safety at Work as detailed in the [Health and Safety Policy document](https://thehub.southwales.ac.uk/Interact/Pages/Section/SubFullOne.aspx?subsection=2435);
* Act/omission that did cause or could have caused a health and safety concern on University premises or during University activities (for example, smoking cigarettes in non-designated areas);
* Carrying potential weapons, for example knives, whilst on a university campus.

***3.1.7 Operational obstruction***

* Acts/omissions/statements intended to deceive the University[[2]](#footnote-2), including failure to advise the University of a criminal offence, including a caution or reprimand, as soon as possible after the arrest;
* Disruption of the activities of the University (including academic, administrative, sporting and social) on University premises or elsewhere;
* Disruption of the functions, duties or activities of any student or employee of the University or any authorised visitor to the University;
* Bribe or attempt to bribe a member of university staff;
* Improper interference with the activities of the University (including academic, administrative, sporting and social) on University premises or elsewhere;
* Improper interference with the functions, duties or activities of any student or employee of the University or any authorised visitor to the University;
* Fail to comply with the reasonable request of an authorised individual;
* Fail to give their name and address to an officer or employee of the University when reasonably requested to do so by such officer or employee in the course of their duties;
* Failure to rectify behaviour that has been subject to any disciplinary actions under the University’s regulations;
* Falsification of documents, clinical, personal or academic records, data or research material;
* Acceptance of gifts, hospitality and other considerations or allowing any gift to influence the quality of care provided to the donor or to others.

***3.1.8 Reputational damage***

* Behaviour which has caused or could have caused damage to the reputation of the University.

***3.2 Professional unsuitability***

3.2.1 Professional unsuitability may be demonstrated in various ways. The following are common indicative examples:

1. Persistent, inappropriate attitude or behaviour which may be manifested by:

* failure to accept and follow advice from the University or placement provider;
* failure to follow recommended procedures/practices that may put other people, clients, students, staff at risk of harm;
* persistent lack of motivation or interest and/or non-participation in learning activities (e.g. practice placements, presentations, timetabled academic sessions, academic or pastoral tutorials, clinical skills sessions, direct client care);
* non-attendance at class, work placement or other relevant appointment;
* poor application to and failure to submit work;
* continuously failing required professional competencies/proficiencies.

1. Unprofessional behaviour which may be manifested by:

* misuse of the internet and social networking sites;
* failure to keep appropriate professional or sexual boundaries;
* breach of confidentiality;
* unlawful discrimination;
* persistent rudeness to people, colleagues or others;
* unsocial behaviour that adversely affects the proper operation of the professional practice context.
  1. ***Health concerns***

3.3.1 The University recognises that students may have, or may develop, health conditions that may impact on their fitness to practise. In most cases health conditions (including disabilities) will not raise concerns in relation to a student’s fitness to practise. The University’s inclusive practices and procedures are primarily designed to meet the needs of students with disabilities; further adjustments can also be made to ensure students are not disadvantaged due to a health condition/disability, taking into consideration any health and safety issues. Students may also be asked to adjust their practice to ensure they are able to study and work safely and effectively. Unfortunately, there may be circumstances when a student’s fitness to practise is impaired and it is not possible to provide reasonable adjustments due to health and safety/other restrictions, which may make it impossible for a student to graduate with a professionally approved/accredited award, preventing them from entering further training, registering or obtaining further annotation/registration with the relevant professional body.

# 4. Advising Students of Professional Standards

4.1 Each faculty should ensure that its students are aware of the relevant professional standards and should also have its own internal arrangements to monitor and ensure the fitness to practise of students.

4.2 These arrangements will include:

* + provision of a student contract which includes reference to the issue of fitness to practise;
  + provision of advice to students regarding standards of professional behaviour, e.g. as describedin student handbooks and/or guidelines from appropriate professional bodies;
* provision of appropriate induction sessions on professional conduct and fitness to practise and what it means;
* provision of details of the relevant professional body requirements to students, including those relating to the student’s eligibility to register and to the dean of faculty’s obligation with regard to declaring them fit to practise;
* provision of a copy of the Fitness to Practise Regulations and the Student Conduct Regulations;
* a process for identifying alleged cases of unfitness to practise, for carrying out the requirements of these regulations and of any additional school requirements pertaining to the subject area.

**5. Procedures for Dealing with Fitness to Practise Allegations**

* 1. ***General principles***

5.1.1 The procedures are designed to ensure that in taking action against a student the University acts fairly and consistently in relation to all students.

* + 1. Allegations of misconduct submitted anonymously will not normally be considered.
    2. The outcome of any fitness to practise hearing will be determined on the balance of probabilities[[3]](#footnote-3), according to reasonable belief in the student’s innocence or guilt.
    3. The University will not disclose any information to third parties regarding investigations and outcomes from fitness to practise cases unless legal exceptions under the Data Protection Act apply.
    4. In implementing these regulations, the University will ensure that the student is clearly informed of the case against them and is given a proper opportunity to reply to that case before any decision as to their fitness to practise is made.

5.1.6 The University Secretary has overall responsibility for the operation of the Fitness to Practise Regulations. The Associate Registrar (Student Casework) (or nominee) acts as a point of contact for advice on procedural matters. The Students’ Union, Advice Zone or Student Services can provide advice and support to students involved in fitness to practise proceedings.

5.1.7 Students must comply with any penalty imposed by the University in respect of any previous breach of these regulations. If they do not a more serious penalty may be issued.

5.1.8 Repeated breaches of these regulations may be more serious than a single act and previous findings may be taken into account when determining penalties.

# *5.2 Investigating issues*

5.2.1 An investigating officer will be appointed by the relevant dean of faculty (or nominee). The investigating officer will be from outside the school in which the student is based and will have no prior knowledge of the case.

5.2.2 The investigating officer will conduct an investigation of the allegations within 30 working days from referral from the Cause for Concern Panel. The timescale may be extended by agreement with the student who is the subject of the allegations or, in exceptional circumstances, by the University.

5.2.3 Any meetings with the student will be held on their campus unless, due to the nature of the allegations, this is inappropriate.

5.2.4 As part of the investigation, a student may be required to agree that a medical report is requested in respect of their medical condition by the investigating officer. The student will also be required to agree to the disclosure of any such report to the extent necessary for the proper conduct of the investigation and any subsequent proceedings. This requirement may extend to other reports, including reports from social workers, probation officers and the police. The University will bear any costs of such reports.

5.2.5 The investigating officer will prepare a report on the investigation that will be presented to the Cause for Concern Panel or Fitness to Practise Committee, as appropriate.

5.2.6 Where an investigation highlights the need for the Fitness to Practise Regulations to be accessed the nature and length of the investigation may require adjustment from the usual form, or may be suspended pending the outcome of investigations under the Fitness to Study Regulations.

**6. Precautionary Action for the Purpose of Investigation**

***6.1 Withdrawal from placement***

6.1.1 A placement provider may withdraw a student from attending placement or area of practice learning, under its own procedures, and/or may seek advice from the University regarding withdrawal, if it asserts that the student is not fit to practise[[4]](#footnote-4).

6.1.2 The course leader (or nominee) should normally be informed immediately of a withdrawal but where circumstances make this impossible the course leader (or nominee) must be informed within 2 working days.

6.1.3 The course leader may also instigate the withdrawal of a student from placement or area of practice learning. Such a withdrawal will be considered by the Cause for Concern Panel and the procedures detailed within these regulations will be followed.

6.1.4 If the student is on a Tier 4 visa, the course leader (or nominee) must inform the Head of Compliance, who will report the change in circumstances to UK Visas and Immigration (UKVI).

6.1.5 The case will be presented to the Cause for Concern Panel that may decide that:

* + - 1. The student may continue with the taught element of their studies, pending the outcome of the placement provider’s/University’s internal investigation.
      2. The case against the student is sufficiently serious to warrant precautionary action, in which case the procedures under section 6.2 should be followed.

6.1.6 The Cause for Concern Panel will decide whether to instigate the University’s internal procedures. Where a case is to be investigated by the University, the procedures detailed within these regulations will be followed.

***6.2 Precautionary Actions***

6.2.1 Where an allegation is of sufficient seriousness, the Risk Assessment Panel or, due to the urgent or sensitive nature of the matter, the University Secretary, may approve a precautionary action until the hearing by a Fitness to Practise Committee takes place and a conclusion has been reached (please see Risk Assessment Procedures for further details). Precautionary action must be reasonable and proportionate. The following constitutes a non-exhaustive list of examples of precautionary actions:

* Temporary suspension of a student from their studies; this will be interpreted as exclusion from all University campuses and services, including residential accommodation. However, the student may visit the campus to access any support required in preparing a defence, e.g. from the Students’ Union or Wellbeing Services, providing appointments have been made in advance through the Student Casework Unit.
* Temporary suspension of a student from their placement or area of practice learning.
* Temporary exclusion of a student from the campus, or certain areas of the campus (for example the Students’ Union or halls of residence).
* Suspension of a student’s access to the University’s IT facilities.
* Imposing certain restrictions/conditions on the student (for example requiring the student to move accommodation and/or requiring the student not to contact specified individuals).

***6.3 Fitness to Practise Issue which is also a Criminal Offence***

6.3.1 Where a fitness to practise issue is also a criminal offence the procedures under section 7 of the Student Conduct Regulations will be followed.

6.3.2 Driving offences will not normally be considered under the Student Conduct Regulations. However, a driving offence may be considered under the Fitness to Practise Regulations. In considering whether a driving offence calls into question a student’s fitness to practise the following will be taken into account:

* Whether the offence occurred in the course of undertaking professional duties.
* If it is a repeat offence.
* Whether there are other circumstances connected with the offence.

**7. Cause for Concern Panel**

* 1. ***General principles***

7.1.1 The Cause for Concern Panel is a faculty level group that considers alleged breaches of professional standards or conduct.

* + 1. A cause for concern should be raised with the appropriate course leader, who will discuss the issue with the head of school. Evidence should be provided, where possible, to support the concerns raised.
    2. Where it is considered that the concerns raised may be founded, the course leader/head of school will refer the case to the Cause for Concern Panel.
    3. The secretary of the Cause for Concern Panel will write to the student informing them that the case has been referred, the date of the meeting and whether they will be required to attend.
    4. The Cause for Concern Panel will be convened within 10 working days of referral of the case. This timescale may be extended by agreement with the student who is the subject of the concerns raised or, in exceptional circumstances, by the University.
  1. ***Constitution of the Cause for Concern Panel***

7.2.1 The Cause for Concern Panel is constituted as follows:

* Nominee of the Dean of Faculty (Chair);
* Representatives from at least two of the subject areas that have a course that is governed by the Fitness to Practise Regulations;
* Nominee of Dean of Faculty (Secretary).

The panel may have present a representative from the practice provider partnership

who will attend in an advisory capacity (if appropriate).

The panel may wish to invite a member practising at a senior level in the student’s profession in an advisory capacity.

* 1. ***Functions of the Cause for Concern Panel***

7.3.1 The functions of the Cause for Concern Panel are:

1. To share expertise and disseminate good practice.
2. To consider cases of students, who are enrolled on a course leading directly to a professional qualification or further annotation/registration that gives the right to practise a particular profession, which are referred to the panel on either of the following grounds:

* any conduct which may call into question a student’s fitness to be admitted to and practise in that profession, including academic misconduct; or
* any health problem which may call into question a student’s fitness to be admitted to or obtain further annotation/registration and practise that profession.

1. To consider the suspension of students from placement or area of practice learning.
2. To monitor action plans put in place by the Cause for Concern Panel or other staff members of the faculty, either without investigation or as a result of an investigating officer’s report.
3. To establish, as far as possible, the facts of the case, decide whether there is a *prima facie* case and if a full investigation is required to determine if there is a case for referral to the Fitness to Practise Committee.

7.3.2 Following consideration of the case the panel may:

1. Dismiss the case where the allegation is determined not to have any substance.
2. Refer the case to be dealt with by other appropriate staff members of the faculty, e.g. personal tutor/course leader/head of school.
3. Recommend that an action plan is put in place for the student.
4. Recommend that the head of school issues an informal verbal or written warning. The warning will not appear on the student’s record.
5. Refer the case for a full investigation, following which a decision will be made on the most appropriate course of action, i.e. referral to a Fitness to Practise hearing or referral back to the Cause for Concern Panel, who will then make a decision on an outcome as detailed under a) to d) above.
   * 1. The student may be asked to attend the Cause for Concern Panel meeting. This will be an informal meeting to discuss the concerns of the panel and determine whether the student can be supported by the faculty or whether formal procedures will need to be instigated. The student is allowed to be supported at the meeting, for example by a friend or a representative.
     2. The outcome of the Cause for Concern Panel will be provided to the student within 5 working days of the meeting either verbally or in writing. Should the panel require further information in order to reach a decision the student will be informed of any delays.
     3. Students who do not respond to the measures put in place by the Cause for Concern Panel may be subject to referral to the Fitness to Practise Committee that may impose a more severe penalty.
     4. There is no opportunity to request a review of the decision of the Cause for Concern Panel.

**8. Fitness to Practise Committee**

***8.1 General principles***

8.1.1 The Fitness to Practise Committee is a formal, University level committee that considers alleged serious breaches of professional standards or conduct.

8.1.2 All serious breaches of the Fitness to Practise Regulations must be referred to the Fitness to Practise Committee.

* + 1. The Fitness to Practise Committee hearing will be convened within 20 working days of submission of the investigating officer’s report to the Student Casework Unit. This timescale may be extended by agreement with the student who is the subject of the allegations or, in exceptional circumstances, by the University.
    2. The outcome of the hearing will be determined on the balance of probabilities[[5]](#footnote-5), according to reasonable belief in the student’s innocence or guilt.

***8.2 Constitution of the Fitness to Practise Committee***

8.2.1 The Fitness to Practise Committee is constituted as follows:

* + One senior staff member of the Academic Board (Chair);
  + One member drawn from the teaching staff of schools of the faculty which have fitness to practise requirements but who have had no involvement with the case and who have the required professional registration to meet professional body standards;
  + The President of the Students’ Union (or nominee).

The committee will have present an individual from outside the University but practising at a senior level in the student’s profession in the capacity of an advisor. Nominations for this external advisor will be sought from appropriate practice providers (e.g. Local Health Board/Local Authority, Health and Care Professions Council).

The committee will be served by a secretary who is not a member but will be present throughout the proceedings. The secretary will be the Associate Registrar (Student Casework) (or nominee).

The members of the Fitness to Practise Committee will have had no previous involvement with the case or association with the student.

* 1. ***Functions of the Fitness to Practise Committee***

8.3.1 The functions of the Fitness to Practise Committee are:

1. To consider cases of students, who are enrolled on a course leading directly to a professional qualification or further annotation/registration that gives the right to practise a particular profession, which are referred on either of the following grounds:

* any conduct which may call into question a student’s fitness to be admitted to and practise that profession, including academic misconduct, or
* any health problem which may call into question a student’s fitness to be admitted to or obtain further annotation/registration and practise that profession.

1. To hear appeals from students who have been refused confirmation of their declaration of good character and/or good health or similar.
2. To consider reports from investigating officers.

1. To establish, as far as possible, the facts of the case.

8.3.2 Following consideration of the case the committee may:

1. Dismiss the case where the allegation is determined not to have any substance. Under these circumstances, the University will ensure, so far as possible, that the student has not been disadvantaged by any disciplinary action or suspension.
2. Permit the student to continue with the course under close supervision and/or specified conditions.
3. Issue a formal written warning. The formal written warning will be held on the student’s file for a specified period and may be commented upon in any references provided.
4. Issue a final written warning. The final written warning will be held on the student’s file for a specified period and may be commented upon in any references provided.
5. Suspend the studies of the student for a specified period of time.
6. Require that the student’s studies on a course leading to a professional qualification or further annotation/registration be terminated but the student is able to:

* transfer their credit onto another course, subject to them having met any specified entry criteria and the course leader of the receiving course, in liaison with the faculty representative, having undertaken the appropriate mapping exercise. The student will be supported by the faculty in this process;
* apply for admission as a new entrant through the normal procedures.

The student will not be able to transfer their credit onto certain courses, including those that lead to a professional qualification that is subject to the Fitness to Practise Regulations. This also applies to courses leading to further annotation/registration. The decision of the committee will be communicated to staff that require the information to make a decision on transfer/admission.

1. Require that the student’s studies on the course be terminated and that their enrolment as a student should cease.

8.3.3 If the decision of the committee is to suspend or terminate the studies of an international student on a Tier 4 visa the Head of Compliance must be informed immediately as these penalties are subject to Tier 4 visa regulations.

8.3.4 Where enrolment is allowed to continue on a course under specified conditions (see 8.3.2 b)) the Cause for Concern Panel will monitor progress and report any failure to meet the conditions to the secretary of the committee and, in the case of international students on a Tier 4 visa, the Head of Compliance.

8.3.5 Sanctions, other than suspension and expulsion, should only be imposed after the request for review period has expired.

* + 1. 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.

# *8.4 Paperwork required for hearings*

8.4.1 When a student is referred to a Fitness to Practise Committee hearing, the following information will be required:

* the student’s personal statement;
* the investigating officer’s report, minutes of meetings and evidence gathered;
* any additional written comments on the student’s conduct and/or health, explaining why there is concern as to the student’s fitness to practise;
* factual information about the student’s professional progress on the course;
* Fitness to Practise Regulations;
* the relevant professional body code of conduct or equivalent;
* any other relevant documentation.

8.4.2 All documentation will be sent to the secretary of the Fitness to Practise Committee hearing.

8.4.3 The secretary will send to the student a copy of all documentation received and will notify both parties of the date of the hearing as soon as possible and in any event, not less than 10 working days before the hearing.

8.4.4 The student will be invited to set out their case in writing prior to the hearing. Copies of any relevant documentation should be enclosed, including testimonials from witnesses. These should be sent to the secretary not less than 5 working days before the hearing.

8.4.5 The student must also send the secretary details of any witnesses they are preparing to bring to the hearing in support of their case. The student is responsible for ensuring that any witnesses they wish to call are notified of the date, time and venue for the hearing.

8.4.6 It is the student’s responsibility to provide any written material in support of their case. Written material, submitted by the student, will be circulated by the secretary at least 3 working days before thehearing.

8.4.7 The committee will only receive written material that has been made available to the student.

8.4.8 Any written communication to the student will be sent by e-mail and/or first class recorded post to the registered term-time address last supplied by the student. Such despatch will be deemed to be sufficient and complete discharge of the duty to inform the student. It is the student’s responsibility to ensure that their current addresses are made known to the faculty concerned.

# *8.5 Attendance at hearings*

8.5.1 The student will be required to attend the hearing of the Fitness to Practise Committee in person and may not send any other person on their behalf. Students will be provided with a date for their hearing. Should the student require a revised date the hearing will be rearranged once only. Students should inform the University at least 48 hours in advance of the original hearing if they require a revised date. Should a student not attend a hearing, it will take place in their absence; in that case, however, students are strongly advised to provide a written submission for the committee.

8.5.2 Members of staff and any other persons relevant to the case may be required to attend the hearing as witnesses if appropriate. The student will be informed of the names of witnesses prior to the hearing.

8.5.3 At the Fitness to Practise Committee hearing, the school’s case will be presented by the investigating officer.

8.5.4 The student is allowed to be supported at the hearing, for example by a friend or a representative. At least 24 hours before the hearing, the student should advise the secretary of the name and status of the person accompanying them and the name of any witnesses. Although the University would not anticipate the attendance of a legal representative, the chair of the hearing may exercise discretion should the student indicate that they wish to bring someone with a legal background. Such a person would not be in attendance at the hearing in a legal capacity but as support for the student.

8.5.5 It is the student’s responsibility to ensure that any witness(es) they wish to call attends the hearing.

***8.6 Outcome of hearing***

8.6.1 The outcome of the Fitness to Practise Committee will be provided to the student in writing within 5 working days of the hearing by email and/or first class post to the last known address of the student. Such dispatch will be deemed to be sufficient and complete discharge of the duty to inform the student. Should the committee require further information in order to reach a decision the student will be informed of any delays.

# 9. Request for Review

***9.1 General principles***

9.1.1 Students have the right to request a review of the penalty imposed by the Fitness to Practise Committee.

9.1.2 The request for review must be submitted to the Student Casework Unit on the correct form and should be received within 10 working days of the formal notification of the outcome of the Fitness to Practise Committee.

***9.2 Grounds for review***

9.2.1 A review can be requested under the following grounds:

1. That new evidence or extenuating circumstances have become known that are relevant to the case, which the student **could not** have reasonably made known at the time of the original hearing. *(NB Sensitive personal, family or cultural reasons will not be accepted as good reason.)*
2. That there were irregularities in the conduct of proceedings of such a significant nature as to cause reasonable doubt as to whether the committee would have reached the same decision had they not occurred.
3. That the findings and recommendations of the committee were disproportionate.

9.2.2 It is the student’s responsibility when requesting a review to demonstrate, on the balance of probabilities, that there is evidence to show that one or more of the grounds stated in section 9.2.1 applies.

* 1. ***Consideration of the request for review***

9.3.1 If the University Secretary (or nominee), after considering the student’s request for review, concludes that:

1. the request for review was not submitted within the specified timescale;
2. the request for review did not meet the grounds set out in section 9.2.1;
3. the grounds for review were deemed to be vexatious or frivolous;

the request for review will be disallowed and the original decision will stand. The student will be issued with a Completion of Procedures Letter within 5 working days.

* + 1. If the University Secretary (or nominee) considers that there are grounds for review, the case will be referred to a Review Panel.
    2. The decision of the University Secretary (or nominee) will be communicated to the student within 5 working days of receipt of the request for review.

**10. Review Panel**

***10.1 Timescales***

10.1.1 The Review Panel hearing will be convened within 20 working days of the decision of the University Secretary to refer the case. This timescale may be extended by agreement with the student who is the subject of the allegations or, in exceptional circumstances, by the University.

***10.2 Constitution of the Review Panel***

10.2.1 A Review Panel is constituted as follows:

* + Vice Chancellor (or nominee);
  + Member of senior management.

In the case of a difference of opinion between the two members of a panel, the Vice-Chancellor (or nominee) will have the casting vote.

The panel may request that an individual from outside the University but practising at a senior level in the student’s profession attends in the capacity of an advisor. Nomination for this external advisor will be sought from appropriate practice providers (e.g. Local Health Board/Local Authority, Health Professions Council).

The hearing will be served by a secretary who is not a member but will be present throughout the proceedings. The secretary will be the Associate Registrar (Student Casework) (or nominee).

The members of the Review Panel will have had no previous involvement with the case or association with the student.

***10.3 Functions of the Review Panel***

10.3.1 The Review Panel may decide that:

1. The outcome of the Fitness to Practise Committee should be upheld.
2. The outcome of the Fitness to Practise Committee should not be upheld.
3. The Fitness to Practise Committee made procedural errors and/or errors of judgement and a new Fitness to Practise Committee should be convened to hear the case afresh.
4. The outcome of the Fitness to Practise Committee was disproportionate and a more proportionate outcome should be substituted.

# *10.4 Paperwork required for hearings*

10.4.1 The following paperwork will be provided to the Review Panel:

* Request for Review form and supporting evidence;
* student’s statement;
* paperwork considered by the Fitness to Practise Committee;
* minutes of the hearing of the Fitness to Practise Committee;
* outcome letter to the student.

***10.5 Attendance at hearings***

10.5.1 The student will not be required to attend the hearing of the Review Panel.

***10.6 Outcome of hearing***

10.6.1 The decision of the panel shall be final and will be notified to the student within a period of 5 working days following the hearing by e-mail and/or first class post to the last known address of the student. Such despatch will be deemed to be sufficient and complete discharge of the duty to inform the student.

10.6.2 If the review is successful, the University will ensure, so far as possible, that the student has not been disadvantaged by any disciplinary action or suspension.

**11. Informing Professional Bodies/Local Authorities**

11.1 Certain professional bodies require the University to inform them as soon as an investigation is instigated under these regulations.

11.2 For all other professional bodies, once the University regulations have been completed the most senior registrant within the faculty will inform the relevant professional body/local authority of the outcome reached.

# 12. Office of the Independent Adjudicator

12.1 A student who is unhappy with the outcome of the Cause for Concern Panel or whose request for review is unsuccessful may, following issue of a Completion of Procedures letter, lodge a complaint with the Office of the Independent Adjudicator (OIA). Details of the OIA and the relevant information in relation to the Scheme can be accessed at [www.oiahe.org.uk](http://www.oiahe.org.uk). Further information and advice can be obtained from the Student Casework Unit.

**Appendix 1**

|  |  |  |
| --- | --- | --- |
| **Course** | **Accrediting/Regulatory Body** | |
| Nursing courses leading to registration | Nursing and Midwifery Council (NMC) | |
| Midwifery courses leading to registration |
| MSc/BSc Specialist Community Public Health Nursing (all pathways) |
| MSc/BSc Community Health Studies (all pathways) |
| Return to Practice |
| PgCert in Learning and Teaching in Higher Education |
| Practice Teacher Programme |
| Prescribing V100 and V150 |
|  | | |
| Independent Prescribing | | Nursing and Midwifery Council (NMC)**,** Health and Care Professions Council (HCPC),  General Pharmaceutical Council |
|  | | |
| Master of Chiropractic | General Chiropractic Council (GCC) | |
|  | | |
| Postgraduate Diagnostic Clinical Ultrasound courses | Students pre-existing professional bodies | |
|  | | |
| Social Work | Care Council for Wales (CCW) | |
|  | | |
| BSc Childhood and Youth | Behaviour Analysis Certification Board (BACB) | |
| MSc Behaviour Analysis and Therapy |
| PG Cert and PG Dip Behaviour Analysis Supervised Practice |
|  | | |
| BSc Systemic Counselling | British Association for Counselling and Psychotherapy (BACP) | |
| MSc Systemic Counselling | D No accreditation | |
| MSc Systemic Psychotherapy | The Association for Family Therapy and Systemic Practice (AFT) | |
| PgD Systemic Practice in Psychotherapy | The Association for Family Therapy and Systemic Practice (AFT) | |
|  | | |
| MA/PGDip Integrative Counselling and Psychotherapy | British Association for Counselling & Psychotherapy (BACP) Dip level | |
| MSc/PGDip Cognitive Behavioural Psychotherapy |
|  | | |
| MSc Play Therapy | British Association of Play Therapists (BAPT) | |
|  | | |
| MA Art Psychotherapy | Health and Care Professions Council (HCPC) | |
| MA Music Therapy |
|  | | |
| Postgraduate Certificate in Counselling Skills | Entry requirement for MA Integrative Counselling and Psychotherapy and MSc Cognitive Behavioural Psychotherapy - British Association for Counselling and Psychotherapy | |
|  | | |
| Teaching courses with QTS | Education Workforce Council (Wales) | |
|  | | |
| PcET Professional Certificate in Education (PcET)  PcET Professional Certificate in Education (Adult Literacy and Communication)  PcET Professional Certificate in Education (Adult Numeracy and Maths)  PcET Professional Certificate in Education (ESOL) | Education Workforce Council (Wales) | |
| PcET Professional Graduate Certificate in Education (PcET)  PcET Professional Graduate Certificate in Education (Adult Literacy and Communication)  PcET Professional Graduate Certificate in Education (Adult Numeracy and Maths)  PcET Professional Graduate Certificate in Education (ESOL) | Education Workforce Council (Wales) | |
| PcET Advanced Certificate in Teaching (Adult Literacy and Communication)  PcET Advanced Certificate in Teaching (Adult Numeracy and Maths)  PcET Advanced Certificate in Teaching (ESOL) | Education Workforce Council (Wales) | |
| PcET University Higher Certificate: Adult Literacy and Communication  PcET University Higher Certificate (Adult Numeracy and Maths)  PcET University Higher Certificate (ESOL) | Education Workforce Council (Wales) | |
| BA (Hons) Youth and Community Work | Professional endorsement by Education and Training Standards Committee Wales | |
| BA (Hons) Youth and Community Work (Youth Justice) | Professional endorsement by Education and Training Standards Committee Wales | |
| MA/PgD Working for Children and Young People (Youth Work Initial Qualifying Youth) | Professional endorsement by Education and Training Standards Committee Wales | |
| MA/PgD Counselling Children and Young People | Seeking CPD accreditation; aligned with BACP curricula | |
| MA/PgD Consultative Supervision | Seeking CPD accreditation; aligned with BACP curricula | |
|  | | |
| Professional Doctorate in Counselling Psychology  (D Psych) | British Psychological Society (BPS) and Health and Social Care Professional Council (HCPC) | |
| BA Counselling and Therapeutic Practice | Seeking accreditation with British Association for Counselling & Psychotherapy (BACP) | |
| Cert HE Counselling Studies | Route to admission to the BA Counselling and Therapeutic Practice, which is seeking accreditation with British Association for Counselling & Psychotherapy (BACP) | |

**Appendix 2**

**Procedure for reporting concerns regarding post-registration students on courses not**

**leading to further annotation/registration**

This procedure should be used where the Fitness to Practise Regulations cannot be applied as the student is post-registration and not on a course which leads to further annotation/registration,but they have either committed an act of misconduct or members of staff have concerns about their actions or behaviour.

**Procedure**

1. If a member of staff has concerns regarding the actions or behaviour of a registered student they should report these to their head of school.
2. Any suspected misconduct should be reported following the discussions above. An Allegation of Misconduct Form should be completed and sent to the Student Casework Unit. The circumstances will then be investigated using the Student Conduct Regulations.
3. Once an outcome has been reached, either at faculty level or at university level the most senior registrant within the faculty will report the outcome to the relevant statutory/professional body. Where appropriate, the student’s employer will also be informed.

1. It is to be noted that incidents which appear to the victim or anyone else to be based on prejudice towards

   them because of their race, religion, sexual orientation, disability or transgender identity are known as hate

   incidents.  When a hate incident is also a criminal offence it is known as a hate crime. Hate crime is not a

   specific criminal offence in itself, rather it denotes a criminal offence  such as assault, harassment, sexual

   offences, criminal damage and hate mail, which is perceived to be motivated by hostility or prejudice based on

   race, religion, sexual orientation, disability or transgender identity. [↑](#footnote-ref-1)
2. Where an act is committed to gain admission to the University, e.g. falsification of qualifications, where no

   credit has been awarded, this will be considered through the admissions procedures. Where credit has been

   gained, the matter will be dealt with through the Student Conduct Regulations. [↑](#footnote-ref-2)
3. This means that the circumstances were more likely than not to have happened. This is a lower standard than ‘beyond reasonable doubt’. [↑](#footnote-ref-3)
4. See also the *Procedures for Placement and Work-Based Learning* [*http://cpu.southwales.ac.uk/documents/download/121/*](http://cpu.southwales.ac.uk/documents/download/121/) [↑](#footnote-ref-4)
5. This means that the circumstances were more likely than not to have happened. This is a lower standard than ‘beyond reasonable doubt’. [↑](#footnote-ref-5)