

STUDENT FITNESS TO PRACTISE REGULATIONS

Introduction

1. In this document, "we", "our" and "us" refer to Sheffield Hallam University. "You" and "your" refer to students at Sheffield Hallam University.
2. These regulations apply to students studying on courses which lead to a professional qualification where there are statutory or professional or regulatory body requirements relating to health or behaviour or attitudes. These regulations apply to enrolled students, and not to applicants, where other procedures apply, although issues about applications may be considered under these regulations for students who are enrolled. A list of the courses these regulations apply to is available in Annex A. Courses may be added or removed from Annex A on application to the Secretary and Registrar or nominee.
3. We are committed to ensuring that you are fit to practise in the relevant profession and that you meet the professional standards of the relevant professional, statutory or regulatory body. We also ensure that you are made aware of any concerns about your fitness to practise and that any decisions about your fitness to practise are arrived at through a fair and transparent process. We are committed to ensuring that we are mindful of our obligation to safeguard the public interest, ie. protection of patients and children, maintenance of public confidence in professions and upholding proper standards of conduct and behaviour.
4. Issues considered under these regulations include those relating to your health, behaviour or attitude which may affect your fitness to practise in the relevant profession. These concerns may arise inside or outside the University and may be brought to our attention by any person or organisation. There may be particular processes in faculties for reporting issues from placement providers but we may consider under these regulations any issue which merits attention.
5. Where issues may be considered under another University regulation or policy as well as this one, eg. Academic Misconduct Policy, Student Disciplinary Regulations, we will use the most appropriate procedure taking into account fairness to you, the scope and purpose of the regulations and our responsibility to professional, statutory and regulatory bodies. It may be appropriate for the outcome of any proceedings under one set of regulations to be taken into consideration under another set of regulations.
6. Decisions made under these regulations may not be changed by assessment boards.
7. The impact of any concerns about your fitness to practise will be decided in the context of the particular professional standards of the relevant professional, statutory or regulatory body applying to your specific programme of study.
8. We are responsible for making you aware of the relevant professional standards. You are responsible for familiarising yourself with the relevant professional standards and meeting the requirements.
9. You will be required to self-report on matters relating to your health, behaviour or attitude e.g. if you are the subject of criminal justice processes or employee/student disciplinary processes.

Such requirements may be profession specific and you will be made aware of these in course-specific documentation. If you fail to self-report as required, this may lead to action under these regulations.

10. We may start proceedings under these regulations up to six months after you have ceased to be a student of the University. If you withdraw from the programme after the proceedings have started, we may continue the proceedings.

General Principles

11. Those investigating or making decisions at any stage of the proceedings set out in these regulations will do so impartially.
12. Any issues raised under these regulations will be dealt with promptly, sympathetically and with respect for privacy and confidentiality. Information will only be disclosed to other parties as is necessary for the investigation of a case, or for safeguarding reasons, or as required by law, or as is required by the relevant professional, regulatory or statutory body.
13. Action under these regulations will be initiated promptly following the receipt of allegations or the emergence of relevant issues of concern. Such action will be completed as quickly as possible balancing the need for a thorough investigation and a fair process with the desirability of a speedy outcome. You will be informed of progress in general and, in particular, of any delays.
14. Where the placement provider informs us that they are no longer prepared to accept you for training because of concerns about fitness to practise, we will confirm to you that you should no longer attend the placement. A decision will be made whether investigation is required under these regulations. If appropriate we may seek to place you back with the placement provider or seek to find you an alternative placement. Delays to attendance on placement may occur pending investigation and conclusion of Fitness to Practise cases. This means the length of time taken to complete your award could increase and there will be a number of implications of this including fees, funding and visa implications.
15. Where concerns raised with us which, if substantiated, could mean there is a potential risk to the wellbeing of other students and staff, or the clients or staff of a placement provider, or to your own wellbeing, you may be suspended from University generally pending investigation under these regulations. Suspension may also be considered if it was deemed that a thorough investigation of the case would be difficult to conduct if you were continuing on the programme without any restriction or limitation. Details of the suspension process are given in Annex D of the Disciplinary Regulations for Students.
16. When a concern is raised with us, the Head of the subject/professional area, or equivalent, will decide whether or not to instigate a FTP investigation. We may decide that issues can be dealt with under the informal stage of the Student Disciplinary Regulations, eg. attendance issues.
17. At all stages of this procedure, you can bring someone with you to any meetings held to assist you in presenting your case. You are advised to contact the Advice Centre at the Students' Union regarding being accompanied at the meeting. The person accompanying you cannot be a professional legal representative who has been employed to act on your behalf.

Stage 1 - Fitness to Practise (FTP) Investigation

18. Having decided there is a case to investigate, the Head of the subject/professional area will appoint an investigator who will write to you explaining the nature of the concern/allegation and invite you to a meeting where you can give an explanation of the situation.

19. The investigator can decide to involve other members of staff or members of external bodies (eg. representatives of placement providers) in the investigation and in meeting with you as is reasonable and appropriate. You will be kept informed of the extent and progress of the investigation.
20. The investigator can also, as is reasonable and appropriate, request an occupational health assessment or a check from the Disclosure and Barring Service.
21. Following completion of the FTP investigation, the investigator may decide to:
 - a) take no further action under these regulations; and/or
 - b) refer issues for consideration under other regulations; and/or
 - c) allow you to continue fully as a student on the programme but issue some advice as to future conduct and/or impose conditions which may include a requirement to attend an alternative placement. If you are not willing to accept the advice or any of the conditions, the case will be referred to a Fitness to Practise (FTP) Panel
 - d) refer the case to a FTP Panel
22. We aim to complete the Stage 1 Fitness to Practise investigation and come to a conclusion normally within 30 working days of informing you of the concern/allegation. You will be informed of the outcome of the FTP investigation in writing on conclusion of the investigation.

Stage 2 - Fitness to Practise Panel

23. The Head of the subject area/Head of Fitness to Practise will agree referrals to FTP Panel and agree the membership of the panel.
24. The FTP Panel will comprise of:-
 - a senior academic member of the student's faculty (Chair)
 - one academic member of staff who is professionally qualified from the subject/ professional area in which the student is enrolled
 - one member of staff who is not from the subject/ professional area in which the student is enrolled
 - in addition, the Head of the subject/professional area can decide to include a person with a relevant professional qualification from another institution or body

Professional bodies may have their own requirements for FTP Panels in which case the above membership may be varied to meet those requirements.

25. You have the right to attend the Panel hearing but you do not have to attend. If you choose not to attend, or do not attend after giving notice of attendance, the Chair of the Panel can decide whether or not the hearing will go ahead as planned in your absence. You can submit a statement to present to the Panel in your absence which must be submitted at least 5 working days before the Panel hearing.
26. You will be given at least 15 working days' notice of the date and time of the Panel hearing. You will be informed of the fitness to practise issues which have been referred to the Panel. We will send you copies of the documents which the case presenter will present to the Panel, the

names of the Panel members and the names of any witnesses who will be called at least 10 working days before the Panel hearing. Where a witness statement is provided the name of the witness will normally be identified. However, there may be exceptional cases when anonymous statements will be provided because there are reasonable grounds for considering that the witness will be at risk if his or her identity is revealed. Whether or not to accept anonymous statements will be the decision of the Chair of the Panel.

27. At least 5 working days before the Panel hearing you must:
- inform the Secretary to the Panel whether or not you will be attending the Panel hearing
 - inform the Secretary to the Panel of any friend or representative who will be in attendance
 - inform the Secretary to the Panel of the names of any witnesses you wish to call
 - provide copies of any documents or written statements you wish to submit to the Panel.
28. In addition to you, your representative and the Panel members, the following will be in attendance:
- the Case Presenter who will introduce the case
 - the Secretary to the Panel who will advise the Panel on procedural issues and be responsible for making a record of the hearing
 - any witnesses called
29. The Panel may, acting through the Chair:
- a) adjourn a hearing as it thinks fit, from a short break in the proceedings to reconvening on another date; and/or
 - b) ask for additional enquiries to be undertaken, and/or call for additional witnesses to attend; and/or
 - c) ask questions of the Case Presenter, the student and/or his or her representative and any witness; and/or
 - d) impose time limits on oral addresses and submissions; and/or
 - e) refuse to admit evidence for example on the grounds that it is irrelevant to the issues raised; and/or
 - f) recall witnesses to give further evidence; and/or
 - g) dismiss the case at any stage during the hearing.
30. The procedure for the Panel hearing will normally be:
- a) The allegation(s) and how it relates to the relevant professional standard of conduct will be put to the Panel by the Case Presenter.
 - b) Case Presenter may call any witnesses in turn and question them.
 - c) Student or representative may question those witnesses.
 - d) Student or representative may address the Panel.
 - e) Student or representative may call witnesses in turn and question them.
 - f) Student may give evidence.
 - g) Case Presenter may question those witnesses and question the student if they have given evidence.
 - h) Case Presenter may make concluding remarks to the Panel.
 - i) Student or representative may make concluding remarks to the Panel.
 - j) Case Presenter, student and student's representative will withdraw and the Panel will consider its decision. Witnesses will only be present for the part of the hearing in which they give evidence. The Secretary to the Panel may not participate in the decision making of the Panel but may advise on its powers.

Panel members may ask questions at any point during the hearing.

31. The Panel can decide to take one or more of the following actions:
- a) defer a decision pending the receipt of further information or advice;
 - b) decide there is no case to answer and no further action will be taken
 - c) permit the student to continue on the programme, either unconditionally, or subject to such requirements relating to the programme as may reasonably be imposed;
 - d) exclude the student from all, or particular aspects of, study on the programme for a specified period of time, not exceeding 12 months
 - e) require the student to repeat a specified part or parts of the programme
 - f) exclude the student permanently from further study on the programme;
 - g) exclude the student from enrolling on any other award with professional requirements within the Faculty or University;
 - h) recommend to the Vice Chancellor that the student is expelled from the University;
 - i) exceptionally, recommend to the Academic Board that an award already made is withdrawn.
32. The Panel shall come to conclusions about facts on the balance of probabilities.
33. In coming to decisions the Panel may consider as appropriate factors such as their findings of fact in relation to statutory or professional or regulatory guidance about standards and fitness to practise, extent, impact, intent, repetition, mitigation, the training the student has already experienced, the likely impact of future training, any reasonable adjustments that have been made for a student with a disability, and any reasonable adjustments that may be made for a student with a disability in the future.
34. We aim to complete the Stage 2 Fitness to Practise Panel and come to a conclusion normally within 30 working days of referral to FTP Panel. You will be informed of the outcome of the FTP Panel in writing within 5 working days of the Panel hearing including the reasons for the Panel findings and any sanction imposed.

Right of Appeal

35. You have the right to appeal a decision of the FTP Panel within the grounds and timescales set out in the University's Regulations and Procedures for Fitness to Practise Appeals.

Monitoring and Reporting

36. Where appropriate the findings will be reported to the relevant professional or statutory or regulatory body after an appeal has been heard or after the period for making an appeal has elapsed. You will be informed in advance of the intention to report, the scope of the report and the body or bodies to whom the report will be made. You will have the opportunity to make written representations to the Chair of the Panel about the intention to report and the scope of the report and the body or bodies to which the report will be made but the Chair's decision will be final.
37. We will publish an annual report based on anonymised faculty cases and any appeals. Its findings will be incorporated into the University's annual review of quality and standards which is

considered by the Academic Board. The monitoring will include monitoring of students going through the procedures by ethnic origin, gender and disability in accordance with the duties to promote racial, gender, and disability equality.

***Approved by Academic Board
October 2015, AB/04/15/08***

Annex A - Programmes

The Fitness to Practise Regulations are specific to the following programmes of study:

Faculty of Development and Society

All courses leading to the award of QTS
 All SKE schemes
 Cert Ed: Learning & Skills Sector - SHU
 PGCE Learning & Skills Sector FT - SHU
 Cert HE for ESOL Specialists: Learning & Skills Sector
 Cert HE for Literacy Specialists: Learning & Skills Sector
 Cert HE for Numeracy Specialists: Learning & Skills Sector
 PgC for ESOL Specialists: Learning & Skills Sector
 PgC for Literacy Specialists: Learning & Skills Sector
 PgC for Numeracy Specialists: Learning & Skills Sector
 Early Years Professional Status
 Graduate Diploma in Youth Work

Faculty of Health and Wellbeing

BA (Hons) Nursing Studies
 BSc (Hons) Nursing Studies
 Advanced Diploma in Nursing Studies
 PgDip Nursing Studies
 BA (Hons) Applied Nursing and Social Work (Learning Disabilities)
 BSc (Hons) Applied Nursing and Social Work
 Advanced Diploma in Midwifery Studies
 BSc (Hons) Midwifery Studies
 DipHE in Operating Department Practice
 BSc (Hons) Operating Department Practice
 DipHE in Paramedic Practice
 BSc (Hons) Diagnostic Radiography
 Certificate in Assistant Radiographic Practice
 BSc (Hons) Physiotherapy
 BSc (Hons) Radiotherapy and Oncology
 PgDip Radiotherapy and Oncology in Practice
 BSc (Hons) Occupational Therapy
 MSc Occupational Therapy
 BA (Hons) Social Work Studies
 Masters in Social Work
 Foundation Degree in Youth and Community Work
 Foundation Degree in Working with Children, Young People and Families
 BA (Hons) Youth and Community Studies
 BSc Community Specialist Practice (District Nursing)
 MSc Community Specialist Practice (District Nursing)
 BSc Specialist Community Public Health Nursing (Health visiting and School Nursing)
 MSc Specialist Community Public Health Nursing (Health visiting and School Nursing)
 PgDip Physician Associates