

|  |
| --- |
| **Fitness to Practise Policy** |

|  |  |
| --- | --- |
| **Responsibility for Policy:** | Registrar and Chief Operating Officer |
| **Relevant to:** | All LJMU staff and students on regulated programmes, including on those regulated programmes delivered by an academic partner |
| **Approved by:** | Academic Board on 9 June 2021 |
| **Responsibility for Document Review:** | Stuart Borthwick, Student Governance and Faculties of Science, Arts, Professional and Social Studies, and Health |
| **Date introduced:** | 2007 |
| **Date(s) modified:** | 013/2014, September 2014, September 2015, September 2016, July 2017, June 2021, September 2021, September 2022, December 2022, March 2023, October 2023 |
| **Next Review Date:** | October 2024 |

|  |
| --- |
| **RELEVANT DOCUMENTS** |
| * Professional Body and Regulatory guidance and professional standards * OIA Good Practice Framework |
| **RELATED POLICIES & DOCUMENTS** |
| * Applicant and Student Criminal Convictions Policy * Student Code of Behaviour and Disciplinary Procedures * Appeals against Expulsion Procedure |

## Scope and purpose

* 1. **Who does this Policy apply to?**
  2. This policy applies to applicants applying to Liverpool John Moores University (LJMU) and to LJMU students enrolled on programmes that are regulated by specific Professional, Statutory and Regulatory Bodies (PSRBs) where statutory professional standards and competencies are a requirement (such as the Teachers’ Standards). The relevant PSRBs and professional standards are listed in Appendix 6.

## What is ‘fitness to practise’?

* 1. Fitness to practise requires a student to have the skills, knowledge, health and character to be professionally suitable and competent to practise the duties of a registered, or qualified, practitioner safely and effectively.
  2. In line with PSRB requirements and professional standards and competencies, the University considers a student’s fitness to practise in relation to a student’s **conduct, character, competence and health.**

Examples of concerns and allegations considered under the Fitness to Practise Policy are in Appendix 1.

## Why does the University consider an applicant’s/student’s fitness to practise?

* 1. The University has a duty to:
     + ensure that students on a professional programme are fit to practise in that profession or will be when they complete the course.
     + protect present or future patients, clients, service users, pupils and members of the public.
     + safeguard public confidence in the profession.
     + comply with the requirements and standards of PSRBs.
     + ensure that students are not awarded a qualification that permits them to practise a profession if they are not fit to do so.
  2. **Why does the University consider good health?**

Evidence of good health is necessary to undertake professional practice. Good health means that students must be capable of safe and effective practice without supervision. It does not mean the absence of any disability or health condition. Many people with disabilities and/or health conditions are able to practise with or without adjustments to support their practice.

It is important to note that if a student has a disability or a health condition this will not necessarily prevent them from entering a professional programme or enrolling on a professional register, but full disclosure will be required, and the university is required to fully consider all disclosures.

Students on professional programmes are expected to notify the Programme Leader at any time during the programme if there are any issues with their health that may impact on their fitness to practise. In addition, the university may request an annual declaration from students on professional programmes regarding their ‘good health’ status.

* 1. **Why does the University consider good character?**

Evidence of good character is an important requirement to enter onto a professional programme or professional register, which requires registrants to be honest and trustworthy. The university defines good character based on a student’s conduct, behaviour and attitude.

This also includes any criminal convictions and cautions that are not considered compatible with professional registration and that might bring the profession into disrepute. A student’s character must be sufficiently good for them to be capable of safe and effective practice without supervision.

Applicants and students for these programmes are required to provide details of **ALL** cautions**/**convictions that are not ‘protected’ and an enhanced Disclosure and Barring Service (DBS) Certificate will be required.

Students on professional programmes are expected to notify the Programme Leader at any time during the programme if there are any issues with their ‘character’ (for example if they are subject to police investigations) that may impact on their fitness to practise. Professional programmes may also request all students to declare annually that no new cautions/convictions have been obtained.

Students and applicants must note that professional programmes are exempt from the Rehabilitation of Offenders Act 1974 and therefore criminal convictions and cautions are never classed as ‘spent’.

Amendments to the Exceptions Order 1975 (2013) provide that certain convictions or cautions are ‘protected’ and are not subject to disclosure. Those convictions or cautions which meet the Disclosure and Barring Service Criteria will be filtered and will not appear on a DBS Enhanced Certificate.

It is important to note that if a student has a criminal conviction or a caution, this will not necessarily prevent them from entering a professional programme or professional register, but full disclosure will be required, and the university is required to fully consider all disclosures.

Applicants and students with criminal convictions, cautions or reprimands are normally considered under the university’s Applicant and Student Criminal Convictions Procedure, which can be accessed at <https://www.ljmu.ac.uk/about-us/public-information/student-regulations/guidance-policy-> [and-process](https://www.ljmu.ac.uk/about-us/public-information/student-regulations/guidance-policy-and-process)

* 1. **How does the University assess fitness to practise?**

The university will assess the good health and good character of a student on application to a professional programme and throughout the programme, in relation to the relevant professional body guidance.

When assessing a student’s or applicant’s fitness to practise, in relation to ‘good character’ and ‘good health’ the university will consider a variety of evidence which may include one or more of the following:

* Medical information provided by the student and/ or health screen or subsequent health examinations.
* Information provided by the student or applicant.
* Criminal records, including criminal convictions, cautions, conditional discharges, warnings etc.
* Allegations, complaints or information about a student.
* Character references.
* Findings against a student by a professional body regulator either in this country or overseas.

This list is not exhaustive.

When assessing a student’s health, the university will consider:

* The medical reports and opinions on the nature of any condition and how serious it is, when the condition was diagnosed and how the student manages and controls the condition.
* Any reasonable adjustments which can be made in university and in practice placements.
* Whether the student is capable of safe, effective unsupervised practice with/without reasonable adjustments.
* The risk to the public, colleagues or the profession.
* If the student informed the university of their condition when they applied.
* Any supporting information about the student’s condition and its impact on future practice.

The University will consider the following factors to be serious:

* If the student’s condition or lack of insight into the condition poses a risk to the public, colleagues, employers or the student’s chosen profession.
* If the student’s condition requires adjustments in practice that are not reasonable.
* If the student’s condition means that they are not capable of safe, effective unsupervised practice with reasonable adjustments.

To assess evidence of conduct, the university will consider:

* How serious it is.
* How relevant it is to the student’s time at the University and to their chosen profession.
* How relevant it is to the honour and integrity of the University, Faculty and the student’s chosen profession.
* How recently the incident or incidents took place.
* The student’s age at the time.
* If the student has made any effort after the incident to rehabilitate themselves.
* The student’s insight into their past behaviour.
* Testimonials and character references about the student’s behaviour and conduct.
* If such behaviour is typical of the student or indicates that the student may behave like that in future.
* If the student was honest and upfront in telling us about the incident or incidents when they applied to study here or, if already a student here, immediately after the event.
* If the student cooperated with the University when it requested further information.

The university may require further information from the student or make further enquiries about the evidence.

* 1. **‘What does the University consider as serious?’**

The university considers the following conduct or behaviour to be serious:

* If the student’s conduct involved violence.
* If the student’s conduct or behaviour resulted in a criminal conviction or a finding of misconduct or unfitness to practise by any regulator.
* If the student’s conduct or behaviour involved non-consensual sexual acts.
* If the student’s conduct or behaviour involved sexual acts with children or vulnerable adults.
* If the student’s conduct or behaviour involved trafficking in, or illegally manufacturing, any controlled drug.
* If the student’s conduct or behaviour posed a threat to public health, safety or welfare.
* If the student’s conduct or behaviour involved discrimination, for instance on the grounds of race, colour, religion or sex.
* If the student’s conduct or behaviour involved, or indicated, a blatant disregard for the law, the university’s regulations or a regulator’s Code of Conduct.
* If the student’s conduct involved dishonesty, fraud, deceit or misrepresentation.
* If the student’s conduct indicated drug or alcohol dependency.

This list is not exhaustive.

* 1. As part of the contractual agreement with PSRBs and as part of the assessment of professional standards and competencies, the University is required to monitor and assess a student’s fitness to practise on application and throughout the programme.
  2. For some programmes, the University is required to sign a declaration confirming that an individual is a safe and suitable entrant to the given profession and is fit to practise or has achieved Qualified Teacher Status (QTS).

## Operating principles

* 1. Concerns about a student’s fitness to practise may be reported to the university by students, LJMU staff, staff from placement providers or any other appropriate individual.
  2. Placements in a professional setting may be suspended or terminated because of concerns about a student’s fitness to practise.
  3. Where the University is notified of such concerns and/or where a placement has been suspended or terminated by a placement provider because of concerns about a student’s fitness to practise, the university is required to consider those concerns under this policy.
  4. Concerns and allegations may be considered under other university procedures such as academic misconduct procedures, student disciplinary procedures or criminal convictions procedures where applicable. The relevant procedures will be determined by the Director of School (or nominee) and Student Governance.
  5. Where a student is subject to police investigation and/or criminal proceedings, the fitness to practise procedures will normally be deferred pending the conclusion of the police investigations and the outcome of any criminal proceedings.
  6. Where a student is subject to police investigations, criminal proceedings and/or other statutory or professional body investigations (as a victim or alleged perpetrator) the university will consider whether any interim precautionary measures are required (see section 5) and will advise the students involved of the support services available (see section 4).
  7. If the applicant or student declares that they have obtained a criminal record, or the DBS certificate displays evidence of a criminal record, then the matter may be referred to the Applicant and Student Criminal Convictions Procedure and to the relevant Criminal Convictions Panel.

Students are provided with the opportunity to make written representations to the Criminal Convictions Panel which can include personal statements, probation officer reports, pre- sentencing reports and character references.

Students may be suspended from placement and/or the university pending the conclusion of the process.

* 1. LJMU’s fitness to practise procedures operate under the principles of natural justice. The burden of proof is on the university and the standard of proof applicable is the civil standard of proof i.e., ‘on the balance of probabilities’. This means that students will be notified of any concerns, provided with relevant documents and have an opportunity to respond to any concerns. Students will have the opportunity to provide evidence to rebut any concerns, and to submit evidence of any mitigating factors. Students will be allowed to have a friend at any stage of the procedure. The University will make decisions based on the evidence available to determine whether the concerns or allegations are proven or justified.
  2. The university reserves the right to review and amend the Fitness to Practise Policy at any time in light of changes to PSRB requirements, changes to professional standards and competencies, or in light of operating experience and to ensure best practise.
  3. The university may be required to report issues of fitness to practise to the relevant professional body and if applicable to the student’s employer and/or Disclosure and Barring Service (DBS).
  4. Some professional bodies and regulators reserve the right to set aside the university’s fitness to practise decision.
  5. While the university may be willing to admit an applicant on a programme of study or allow a student to continue, successful completion of the programme does not guarantee that the student will be able to practise or take up a related profession. This decision may be made by the appropriate professional body or regulator.
  6. Information collated will be treated as ‘sensitive confidential data’ in line with University policy and the General Data Protection Regulations (GDPR). Further information about how students’ data is used in the Fitness to Practise procedures is available in the Student Governance Privacy Notice [https://www.ljmu.ac.uk/legal/privacy-and-](https://www.ljmu.ac.uk/legal/privacy-and-cookies/external-stakeholders-privacy-policy/student-governance-privacy-notice) [cookies/external-stakeholders-privacy-policy/student-governance-privacy-notice](https://www.ljmu.ac.uk/legal/privacy-and-cookies/external-stakeholders-privacy-policy/student-governance-privacy-notice)
  7. LJMU staff involved in investigating concerns about fitness to practise or as members of Fitness to Practise Panels are independent for this purpose.
  8. Students have the right to be accompanied by a friend at all stages of the procedure. A definition of a friend is available at [https://www.ljmu.ac.uk/about-us/public-information/student-regulations/guidance-](https://www.ljmu.ac.uk/about-us/public-information/student-regulations/guidance-policy-and-process) [policy-and-process](https://www.ljmu.ac.uk/about-us/public-information/student-regulations/guidance-policy-and-process)

## Responsibilities

* 1. **Directors of Schools (or nominee)** are responsible for ensuring that:
     + The professional requirements and standards of the course are clearly set out and are provided to applicants and students, on application, during induction and throughout the programme. This information will be available in applicant programme literature and programme guides.
     + Applicants and students are aware of what information they will be required to disclose when they apply before they go on placement and throughout their programme**.**

Such information may include relevant criminal convictions, safeguarding concerns including concerns about close family members, whether the applicant or student has previously been found not fit to practise, whether the applicant or student has a physical, mental or cognitive impairment or health conditions that may be relevant to their ability to reach the necessary professional requirements, any other information that may be relevant.

* + - Applicants and students are aware that they may be referred to the LJMU Occupational Health team for an assessment on application, prior to starting the programme or placement, or at any time during their programme.
    - Any concerns or allegations relating to conduct, attitude, competence or health that may impair a student’s fitness to practise are considered, investigated and addressed.
    - Students are supported to achieve fitness to practise, by providing information, advice and guidance and where applicable use developmental and supportive measures to provide opportunities for students to improve their practise and approach (See Section 9, Preliminary Stage/Cause for Concern Stage).
    - Applicants and students who have a disability are advised to access the services of the Disability Advice team so that appropriate reasonable adjustments can be made to the student’s learning and working environment.
    - Applicants and students are informed at the earliest opportunity that acceptance onto a programme of study does not automatically guarantee that the student will be able to practise in the profession. This would be applicable for applicants and students who have to apply to relevant professional body registers, complete further training or require reasonable adjustments that the University can accommodate but a workplace cannot.
    - If applicable, the issues of fitness to practise are reported to the relevant professional body and/or the Disclosure and Barring Scheme (DBS).
    - The operation of fitness to practise procedures, including information provided to students and applicants and supportive measures, are reviewed and monitored on a regular basis by appropriate staff within the Faculty.
    - Ensuring that staff involved in the fitness to practise procedures are provided with appropriate training, support and resources.
    - That confidentiality is maintained and that appropriate records are kept. Section 2.12 refers.
  1. **Students** are required to:
     + Declare to the university on application and at any time during their programme any issue that may impact or impair on their fitness to practise. For some programmes, students will be required to complete an annual declaration for each year of study.

Such information may include relevant criminal convictions, safeguarding concerns including concerns about close family members, whether the applicant or student has previously been found not fit to practise, whether the applicant or student has a physical, mental or cognitive impairment or health conditions that may be relevant to their ability to reach the necessary professional requirements, and any other information that may be relevant.

Failure to disclose relevant issues will result in the fitness to practise procedures being instigated and may result in expulsion from the programme.

* + - Familiarise themselves with the relevant regulations and professional standards and competencies and ensure that they endeavour to practise them and adhere to them.
    - To seek advice and support from their placement provider, programme team and support services if they are unclear on what is expected of them or have any concerns or issues that may impact on their fitness to practise.
    - If applicable, declare any issues of fitness to practise (ongoing issues or issues that have been dealt with) to the professional body on registration.
    - Students working in health or social case settings are required to declare to their employer if they are being investigated regarding any issues of fitness to practise.
  1. **Student Governance** are responsible for:
     + Providing advice and guidance to staff at any stage of the procedure on procedural or operational matters as well as individual cases.
     + For monitoring and reviewing the Fitness to Practise Policy and its operation, in collaboration with the relevant Schools.
     + Managing the fitness to practise appeals procedure (Section 11).
     + Processing and recording any recommendations for student exclusions or expulsions managing any subsequent appeals.
     + To identify any resources or training that would support school staff involved in the fitness to practise procedures.
     + Collate statistical data in order to monitor policy, process and issues or principle.

## Representations, Advice and Support

* 1. Students have the right to be accompanied by a friend at all stages of the procedure. A definition of a friend is available at [https://www.ljmu.ac.uk/about-us/public-information/student-regulations/guidance-](https://www.ljmu.ac.uk/about-us/public-information/student-regulations/guidance-policy-and-process) [policy-and-process](https://www.ljmu.ac.uk/about-us/public-information/student-regulations/guidance-policy-and-process)
  2. Students can obtain professional and independent advice from a qualified adviser at Liverpool John Moores Students’ Union Advice Centre, telephone number 0151 231 4900 or email [JMSUadvice@ljmu.ac.uk](mailto:JMSUadvice@ljmu.ac.uk)

Further information is available on the Liverpool John Moores Students’ Union webpages at <https://www.jmsu.co.uk/advice>

* 1. Students involved in LJMU’s fitness to practise procedures can seek advice and support from the university’s Student Advice and Wellbeing team on a range of issues such as accommodation, finance and funding, health and wellbeing issues, disability support, counselling services and assistance and advice relating to access to specialist support services provided by external agencies, for example specialist sexual and/or violent support services or victim support services.

Further information and contact details are available on the University Web pages at <https://www.ljmu.ac.uk/discover/student-support>

* 1. Information on reasonable adjustments in student governance procedures is available on the University webpages at [https://www.ljmu.ac.uk/about-us/public-](https://www.ljmu.ac.uk/about-us/public-information/student-regulations/guidance-policy-and-process) [information/student-regulations/guidance-policy-and-process](https://www.ljmu.ac.uk/about-us/public-information/student-regulations/guidance-policy-and-process)
  2. Students can also obtain independent support and advice from relevant and recognised professional trade unions.
  3. It is the responsibility of the student to relay all relevant notices and other communications to any friend that they wish to accompany them.

## Suspension and Precautionary Measures

* 1. Where there are allegations or concerns, the Director of School (or nominee) will determine whether precautionary measures are necessary. Any such action is not a penalty or sanction and does not indicate that the University has concluded that the student is not fit to practise.
  2. Precautionary measures may be necessary in order to:
     + Ensure that a full and proper investigation can be carried out (either by the police or the university).
     + Protect all parties whilst the allegation or concerns are being dealt with as part of a criminal process or university process.
  3. Precautionary measures can include one or more of the following:

(The following list is not exhaustive as precautionary measures are dependent on the circumstances of the case):

* + - Support arrangements for example referral to support services (Student Advice and Wellbeing), reasonable adjustments to procedures, deferral of formal processes, as well as academic adjustments such as alternative attendance, assessment, marking and supervisory arrangements.
    - Conditions and undertakings.
    - Suspension from the placement, programme or university. This can be a full suspension that prohibits the student from engaging in any activity of the university and registration is on hold, or a partial suspension where a student will be prohibited from attendance at a placement or entering university premises. Some suspended students will be provided with an academic contact and may be allowed to take part in online classes and submit or take part in assessments.

The Director of School (or nominee) approves suspensions from placements. Placement providers may suspend, withdraw or terminate a student’s placement.

Suspension from the university requires approval by the Academic Registrar (or nominee). Requests to suspend a student from the University should be made to Student Governance.

* 1. The university may consider suspension or precautionary measures at any stage of the procedure.
  2. The university will reassess any precautionary measures and suspension at regular intervals or where there is a material change in the circumstances.
  3. Reasonable consideration will be given to aid with the student’s progression wherever possible whilst the student is suspended, but students should make note that this may not be possible dependent upon the nature of the programme and the nature of the concern.

## Assessment

* 1. Where concerns are raised about a student’s fitness to practise, the Director of School (or nominee) will assess whether the concerns can be appropriately addressed at Stage 1 of this procedure or whether the concerns will be escalated to Stage 2 of this procedure.
  2. This assessment may require further information. This may include a meeting with the student concerned, a review of documentary evidence, an Occupational Health referral (Section 7), or a formal investigation into the case. (Section 8).
  3. Where the case requires significant further information for an assessment or where the student disputes the events or behaviour, the concerns will be investigated by an independent Investigating Officer under the formal investigation procedures (Section 8).
  4. Where the concerns about a student’s fitness to practise are sufficiently serious, or where the student disputes the events or behaviour, or where the attempts to improve practise or approach have not met stated requirements, then the matter may be will be escalated to Stage 2 of the procedure.
  5. At the earliest opportunity, students will be informed of the concerns that have been raised about their practise or behaviour, even if the university decides to take no action.
  6. The School will keep a record of all such concerns and a record of the decisions and actions made at each stage of the procedure.

## Occupational Health Referral

* 1. The university may refer students to the LJMU Occupational Health Unit for an assessment on application, prior to starting the programme or placement or at any time during their programme.
  2. If concerns are raised in relation to a medical condition (existent, new or suspected) that may impact on a student’s fitness to practise (See Appendix 1) then the Director of School (or nominee) can refer the student for an occupational health assessment.
  3. Students will be required to attend the LJMU Occupational Health Unit for an assessment based on medical circumstances and professional body guidelines. The Unit may be required to contact medical professionals to provide additional medical records or opinions and will produce a report of their findings for consideration under these procedures.
  4. The occupational health assessment will be considered by the Director (or nominee) who will determine if the matter requires consideration under the fitness to practise procedures and if applicable whether the concerns can be addressed at Stage 1 or Stage 2 of the procedure.

## Formal Investigation

* 1. The Director of School (or nominee) may refer the matter to be investigated by an independent investigating officer as a formal investigation when:
     + The case is complex and potentially serious and requires the collation of significant amounts of information, and/or
     + There is a significant dispute about the facts of the case.
  2. The Protocol for Investigating Officers is available at Appendix 3.
  3. Where a student’s fitness to practise is being considered because of previous findings under other procedures such as disciplinary procedure, academic misconduct procedure or as a result of a criminal conviction procedure, then a fitness to practise formal investigation may not be necessary or required.
  4. A member of staff who has had no previous involvement in the case will be appointed as the Investigating Officer (IO). The IO will obtain further information and evidence in relation to the concerns. This may include interviewing the student and any relevant witnesses.
  5. Students will be notified about the concerns being investigated, how it applies to the relevant professional standards and will be provided with reasonable notice about meetings, and any other relevant information, to allow them to respond to the concerns. Students will be advised about the purpose and scope of the investigation and the possible outcomes.
  6. The university aims to conclude any investigations as soon as possible and within 30 days. However, there may be delays where the case is complex or where witnesses are unavailable. Students will always be notified if there is any delay in proceedings.
  7. The IO will submit a written report of their findings to the Director of School (or nominee).
  8. The IO report will establish the facts of the case and will contain a finding of whether the student’s fitness to practise may be impaired. The IO report may also include recommendations for further action, which will be subject to the approval of the Director (or nominee). Recommendations may include consideration of the concerns at Stage 1 or Stage 2 of the procedure.
  9. Following consideration of the IO report and any recommendations, the Director of School (or nominee) will assess whether further consideration of the matter is required and at what stage of the procedure.
  10. The student subject to investigation will receive a copy of the IO report and will be advised of the outcome of the investigation and the next stage of the procedures
  11. Subject to the requirements of GDPR, University staff and placement staff will be advised of the outcome of the investigation and the next stage of the procedures.
  12. Students may be suspended from placement and/or the university until the process is concluded.

## Stage 1 – Preliminary Stage/Cause for Concern

* 1. Stage 1 of the procedure is to be used in relation to concerns about practise or behaviour that is not serious and where there is no significant dispute to the facts.
  2. This stage of the procedure is intended to be developmental and supportive and to allow a student to improve their practise or approach. Cases where concerns can be addressed by education, support and remedial action are considered at this stage of the procedure.
  3. Students will be informed of the concerns that have been raised and invited to a meeting. Students will be allowed the opportunity to be accompanied by a friend at the meeting. Appendix 2 - Student Meeting Protocol refers.
  4. Staff and students will agree supportive improvement measures, which will be set out in an Action Plan along with associated timescales for improvement.
  5. Action Plans may include:
     + Monitoring of attendance, conduct or behaviour.
     + Student to seek further guidance on the appropriate professional conduct and professional standards e.g., online material, directed reading, one-to-one or group sessions.
     + Student to complete further work to demonstrate engagement and understanding of appropriate professional code of conduct or standards, e.g. reflective piece of work (written, practical or oral) or other such work.
     + Student to address concerns and to demonstrate improvements in conduct, attitude, practice and competence.

(*This list is not exhaustive, and the details of the Action Plans will be dependent on individual circumstances)*

* 1. Students will be advised of the consequences if they do not demonstrate necessary insight and/or do not meet the improvements in their behaviour and practise as outlined in the Action Plan. This can include escalating the matter to Stage 2 of the procedures.
  2. Action Plans should be dated and should contain a timescale by which a student is expected to demonstrate an improvement in their conduct, attitude, practice or competence. School offices are responsible for storing all Action Plans in a custom page in the Student Record System. Action Plans will only be accessible to appropriate staff. The time limit for storing Fitness to Practise Action Plans is contained within Section G of the University’s Record Retention Schedule.

## Stage 2 – Fitness to Practise Panel

* 1. A Fitness to Practise Panel will normally be held:
     + Following an outcome of a formal investigation;
     + To consider very serious or persistent concerns relating to a student’s fitness to practise;
     + Where it is not suitable for those concerns to be addressed at Stage 1 of the procedures;
     + Where previous actions to address the concerns have failed; and/or
     + Where there are serious potential consequences for the student, including expulsion from the programme and/or university.
  2. The role of the Panel is to consider any disputed facts and whether the established facts lead to a genuine fitness to practise concern and if so what action should be taken.
  3. The Panel will consider the evidence with regard to:
     + Safeguarding vulnerable groups;
     + Child protection and safety;
     + Public protection and safety;
     + Professional codes of conduct;
     + Professional Standards;
     + Access to the relevant profession;
     + The student’s progression on the programme;
     + Competence and the impact on service users, placement providers and the public; and/or
     + Potential risk to the University, staff and students and any other relevant individuals.
  4. A Fitness to Practise Panel hearing will consist of a Chair (normally a senior member of the university or School), two members of LJMU staff and at least one external representative from the profession. Panel members will advise the Chair of their opinion of the case but if the Panel is unable to reach a consensus, the Chair will act as final arbiter in the matter.
  5. The Panel will include at least two members who are independent, with no previous involvement in the case. The university may if required invite staff from other Schools and other institutions.
  6. Students have a right to object to a panel member if they believe there is a reasonable perception of bias. Information about the case will not be disclosed to Panel members prior to the student being notified of the Panel members and their roles.
  7. Also in attendance at the Fitness to Practise Panel hearing will be:
     + A Presenting Officer (This is normally the staff member that has conducted the investigation and completed the investigation report).
     + The student against whom the allegation or concerns are made, who has the right to be accompanied by a ‘friend’; (See Definition of a Friend Policy; [ihttps://www.ljmu.ac.uk/about-us/public-information/student-regulations/guidance-](https://www.ljmu.ac.uk/about-us/public-information/student-regulations/guidance-policy-and-process) [policy-and-process](https://www.ljmu.ac.uk/about-us/public-information/student-regulations/guidance-policy-and-process)).
     + Witnesses if the facts have not already been established or are disputed; and
     + A note taker.
  8. Where appropriate, the Panel may seek advice from the Student Governance office and a member of the Student Governance team may attend the Panel.
  9. Summary notes of the proceedings and decisions of the Panel will be taken and made available upon request to the individual concerned. *Verbatim* minutes will not be recorded.
  10. A Fitness to Practise Panel will normally be convened within 28 days unless varied by mutual agreement. However, in some cases due to the complexity of the case and/or availability of attendees, this may result in delays, and students will be notified.
  11. The Fitness to Practise Panel protocol is outlined in Appendix 4.
  12. In cases where it is found that the student’s fitness to practise is impaired the Panel should consider an appropriate outcome.
  13. Outcomes available to the Panel can include one or more of the following:
* That there is no evidence that the student’s fitness to practise is impaired.
* The student receives no formal warning or sanction.
* Referring the matter to other LJMU Procedures such as Student Code of Behaviour and Student Disciplinary Procedures if there is evidence of misconduct but the student’s fitness to practise is not impaired.
* Formal monitoring of the student’s progress for a specified period, with or without specified support and/or conditions/undertakings.
* Fitness to practise Action Plan.
* Final Warning on file for a specified period.
* A requirement to re-sit a specific module and/or placement (subject to the programme rules)
* Exclusion from the programme of study or University for a specified period.
* Expulsion from the programme of study or University.
  1. The Panel will also note whether a referral to the Disclosure and Barring Scheme, the relevant professional body or any other external agency is required.
  2. When a Fitness to Practise Panel recommends to the Vice Chancellor that a student be expelled from a programme of study or the University, the Panel should also recommend whether this is with or without any award that they might otherwise be entitled to.
  3. If the Panel recommends exclusion or expulsion from the programme or the University, this will be referred to the Vice Chancellor (or nominee) via the office of Student Governance for consideration.
  4. The decision of the Vice Chancellor will be notified to the Panel and to the student. Students will be advised about the appropriate appeals procedure by a Student Governance Adviser (See Section 11).
  5. A student studying on a Tier-4 visa who is to be suspended, excluded or expelled from the programme shall be reported to the LJMU Compliance Officer for advice and guidance on the implications for their immigration status and right to remain in the UK. Once this has been considered and if the decision is maintained, the LJMU Compliance Officer will report this as appropriate to the Home Office (UK Visas and Immigration).
  6. Prospective students who have previously been expelled from the programme or University must disclose this in any future applications to any LJMU programmes. The decision whether or not to offer a place on any programme will rest with the Director of School and the Academic Registrar. Failure to disclose such information will result in applications being rejected. Students who enrol without declaring that they have been previously expelled from LJMU or another Higher Education Provider may be subject to further disciplinary or fitness to practise proceedings, which may result in their expulsion from LJMU.

## Stage 3 – Appeals against the decision of the Fitness to Practise Panel.

* 1. **Appeal against exclusion or expulsion.**
  2. Where the recommendation of the Panel is that the student should be excluded for a defined period of time or expelled from the programme and/or the University, the student has a right of appeal to the Board of Governors, once this recommendation has been confirmed by the Vice Chancellor (or nominee).
  3. The request for such an appeal must be made in writing, providing full supporting evidence and grounds for appeal, to the Appeal against Expulsion Panel, via Student Governance at Email: [StudentGovernance@ljmu.ac.uk](mailto:StudentGovernance@ljmu.ac.uk) **within 10 working days** of receipt of the decision.

Students should be made aware that disagreement with the decision of the panel is not in itself sufficient reason to appeal.

The university will deem an appeal to be 'not eligible' if there is no reference to or evidence to support their claim.

The Fitness to Practise Appeals Panel will convene to consider whether the documentation of the case suggests that the decision of the original Fitness to Practise Panel was reasonable and the procedure was followed correctly.

The Fitness to Practise Appeals Panel may:

* Amend the decision of the original Fitness to Practise Panel.
* Uphold the decision of the original Fitness to Practise Panel.
* Refer the case back for reconsideration.
* Defer the decision pending further information and advice.
* Reject the Appeal.

The decision and any recommendations of the Fitness to Practise Appeals Panel will be notified to the student and to the original Fitness to Practise Panel.

* 1. Further information on appeals against exclusion/expulsion is available at <https://www.ljmu.ac.uk/about-us/public-information/student-regulations/student-appeals>

## Appeals against other decisions of the Fitness to Practise Panel

* 1. Students can appeal a decision of the Fitness to Practise Panel. The grounds for appeal are:

1. The procedures were not followed correctly.
2. That the Panel’s decision was not reasonable in the circumstances.
3. That the student has new material evidence that they were unable, for valid reasons, to provide earlier in the process.
4. That there was reasonable perception of bias during the procedure.
5. That the outcome is disproportionate, or not permitted under the procedures.
   1. Disagreement with the decision of the Fitness to Practise Panel is not in itself grounds for appeal. The University will deem an appeal to be not eligible and will reject the appeal if there is no reference to the appeal criteria in 11.6 and/or there is no evidence to support the appeal.
   2. Appeals must be submitted in writing via the Student Governance office at [StudentGovernance@ljmu.ac.uk](mailto:StudentGovernance@ljmu.ac.uk) within 10 working days of the formal notification of the Fitness to Practise Panel decision. Appeals submitted after this deadline will only be accepted if there is evidence of exceptional reasons for late submission.
   3. The appeal is not a reopening of the investigation and is a review of Stage 2 of the procedure.
   4. Normally, appeals will be responded to within 30 calendar days of being lodged, unless varied by mutual agreement. However, in some cases the complexity of the case may result in delays, and students will be notified if there is any delay in proceedings.
   5. The appeal will be considered by a member of the university Directorate who has had no previous involvement with the case. The appeal will be reviewed via the case file as a paper-based exercise and the student will not be required to attend a meeting.
   6. The appeal respondent will be advised on matters of procedure by the Student Governance office.
   7. The appeal review will consider whether the procedures were followed correctly and whether the decisions made were reasonable in the circumstances.
   8. The appeal respondent will determine whether the appeal is upheld, upheld in part or not upheld and will determine one or more of the following:
      * No Further Action (decision and outcome remain the same)
      * Refer the matter back to Stage 2 of the procedure for reconsideration.

## Completion of Procedures and the Office of the Independent Adjudicator (OIA)

* 1. A Completion of Procedures letter will be provided to students when the internal procedures have been completed.
  2. Students who have completed the internal procedures and remain dissatisfied with the outcome and/or considers that the University has failed to follow this procedure may take their case to the Office of the Independent Adjudicator for Higher Education (OIA).
  3. The Office of the Independent Adjudicator for Higher Education (OIA) runs an independent scheme to review student complaints. Liverpool John Moores University is a member of this scheme. If a student is unhappy with the outcome of a fitness to practice procedure, they may be able to ask the OIA to review their complaint. Students can find more information about making a complaint to the OIA, what it can and can’t look at and what it can do to put things right if something has gone wrong at <https://www.oiahe.org.uk/students> .

A student normally needs to have completed the fitness to practise procedure before they can complain to the OIA. Liverpool John Moores University will send a student a letter called a ‘Completion of Procedures Letter’ when they have reached the end of processes and there are no further steps the student can take internally. If the student’s appeal is not upheld, Liverpool John Moores University will issue the student with a Completion of Procedures Letter automatically. If the appeal is upheld or partly upheld the student can ask for a Completion of Procedures letter if they want one. Students can find more information about Completion of Procedures letters and when they should expect to receive one at https://[www.oiahe.org.uk/providers/completion-of-procedures-letters](http://www.oiahe.org.uk/providers/completion-of-procedures-letters)

# Appendix 1

**Examples of concerns that may be considered under the LJMU Fitness to Practise procedures**

|  |  |
| --- | --- |
| **Examples of concerns or allegations considered under Fitness to Practise** | |
| **Professional Misconduct**  **(“conduct and character”)** | **Examples (This list is not exhaustive)** |
| **External proceedings (Includes, criminal conviction, cautions, police investigations, court orders or social care proceedings)** | Child pornography, child abuse, other sexual offences Violence  Abuse  Possession, supply or manufacturing any controlled drug Theft or fraud, bribery or corruption  Any criminal conviction of a nature which is not compatible to the programme or placements |
| **Drug or alcohol misuse** | Driving under the influence of alcohol or drugs  Alcohol or drug consumption that affects the work environment or conduct indicates dependency  Dealing, possession or misusing drugs even if there are no legal proceedings |
| **Aggressive, violent or threatening behaviour (by word or deed, including**  **social media)** | Assault  Physical violence  Verbal Abuse  Bullying |
| **Unprofessional and/or inappropriate behaviour (by word or deed, including social media)** | Neglect of duties  Neglect of administrative tasks  Any act or omission that may place a service user’s safety or wellbeing at risk  Inappropriate or unprofessional behaviour to patients, pupils, their relatives or members of staff, placement staff or fellow students.  Demonstration of inappropriate attitudes, discrimination or demonstration of bias e.g. race, religion, gender, sexuality, disability or social background  Malicious and/or wilful damage to property  Failure to keep professional and sexual boundaries  Misuse of the internet or social networking sites  Misleading patients about their care or treatment  Failure to respect service users as individuals  Failure to follow relevant codes of behaviour and policies |
| **Dishonesty and Fraud** | Academic misconduct  Forgery of signatures  Falsifying documents  Fraudulent CVs and/ or misrepresentation of qualifications Bribery or theft. |
| **Confidentiality** | Breach of confidentiality  Disclosure of service users personal and sensitive data Failure to obtain proper consent  Publishing information and photographs in relation to a service user |
| **Termination of Placement** | Termination of placement by placement provider or by the University |

|  |  |
| --- | --- |
| **Professional competence (conduct, competence**  **and character)** | **Examples (This list is not exhaustive)** |
| **Inappropriate attitude or behaviour both in placement or in University** | Poor communication skills  Non-attendance at class or placements  Poor attendance or pattern of absences  Poor punctuality and poor organisational skills  Failure to accept and follow advice from the University or placement provider  Failure to follow procedures and practices  Lack of motivation, interest and/or non-participation or engagement in learning activities and/or placement  Failing required professional competencies or proficiencies Poor application to and failure to submit work.  Termination of placement by the provider or by the University |
| **Academic and/or professional competence** | Failure to meet academic standards  Failure to meet relevant practice and professional standards and competencies  Termination of placement by the provider or by the University |

|  |  |
| --- | --- |
| **Health** | **Examples (This list is not exhaustive)** |
| **Health concerns and insight or management of concerns** | Failure to seek medical treatment or other support  Refusal to follow medical advice or care plans, including monitoring and reviews  The results of testing for immunity from or infection by serious communicable diseases  The results of health assessments  Failure to recognise limits and abilities or lack of insight into health concerns  Ongoing poor health that limits engagement with learning opportunities  Ongoing poor health that limits capacity to respond to feedback  Ongoing poor health that limits retention of information and ability to respond in an appropriate and timely fashion.  Ongoing poor health where reasonable adjustments threaten acquisition or demonstration of standards of profession (e.g. ability to satisfactorily complete placements, ability to work in teams, ability to communicate, ability to reflect of practise and learning)  Termination of placement by the provider or by the University |

# Appendix 2: Student meeting protocol

## Student meetings

This protocol is applicable to any meetings with students under the fitness to practise procedure, including stage 1, assessment and investigations. Please note the separate protocols for Investigating Officers.

Meetings with students should not be unduly formal and should follow the principles of natural justice.

## Prior to any meeting

It is good practice to inform students at the earliest opportunity of any concerns that may impact on their fitness to practise. Providing students with details of the concerns and the evidence supporting those concerns will allow the student the opportunity to respond more effectively and is a key principle of natural justice.

Students should be contacted by email or letter and provided with the following information:

* The meeting details (e.g. date, time, location, persons attending etc);
* The purpose of the meeting (the details of the concerns to be discussed and any evidence available);
* The remit of the meeting e.g. supportive meeting under Stage 1 of the Fitness to Practise procedures or to investigate and assess the concerns to establish the facts of the case/procedure to follow;
* The student will be advised of their right to be accompanied by a friend and referred to the Definition of a Friend Policy; and
* The student will be advised of the support and advice services available e.g. John Moores Students Union and Student Advice and Wellbeing.

Staff should prepare for such meetings to ensure a suitable location and that they are clear on what information they are presenting. Where possible, staff should consider suitable questions that may be asked during the meeting. Where possible, staff should request a note taker to provide a summary of the meeting.

## During the meeting

* The meeting should not be unduly formal and the information contained in the notification letter should be reiterated e.g. the purpose and remit of the meeting.
* Students should be allowed to present information and respond to the concerns raised.
* Staff and students should ask any questions they may have about the matter or the process.
* Any further action or measurements for improvement are discussed.
* Staff should explain the next steps and if any further action is required.
* Students should be advised of the Support Services.

## After the meeting

A summary of the meeting should be taken along with a record of any Action Plan, deadlines and any further action required. This can be either as a follow-up email to the student or a separate meeting note record.

The student should be provided with a follow-up email or letter confirming the details of the meeting, a summary of discussion and a summary of any further action.

If it is decided that the student should be set supportive improvement measures in an Action Plan, this should be provided to the student and be clear, proportionate, with realistic timeframes, and have clear and demonstrable outcomes. Students should be made aware that the concerns may be escalated if there is no improvement or there are further concerns. Action Plans should be stored in the relevant place in the Student Record System.

# Appendix 3: Investigating Officer Protocol

**Introduction**

This investigation protocol is applicable to all formal student-related investigations. For example, where a Fitness to Practise investigation is particularly complex and/or contains serious allegations an independent, impartial Investigating Officer (IO) may be appointed to investigate the circumstances of the matter. The decision to appoint an Investigating Officer is taken by the Faculty.

The IO will be a senior member of Faculty staff with no direct involvement with the party involved in the investigation.

These guidance notes are to support the IO to:

* Better understand the process of investigation.
* Reach a conclusion based on the evidence.
* To support a finding that:
  + - * The allegation(s) are proven, proven in part or not proven.
      * The matter should be referred to another university procedure e.g The Student Code of Behaviour or Criminal Convictions Policy
      * The matter should be referred to a Fitness to Practise Hearing

# Student investigation protocol

University procedures follow the principles of natural justice and procedural fairness:

* There are two sides to every dispute.
* All parties are given the opportunity to provide evidence to substantiate their version of the incident.
* All parties are entitled to have their case considered by an independent, impartial and unbiased decision maker.
* Full disclosure of allegations or evidence will be made to the student involved in the investigation prior to any formal interview or hearing.
* There should be no unreasonable delay in investigating the matter.
* All students involved in an investigation have the right to be accompanied by a friend at each stage of the process. See the *Definition of a Friend and Representative in Student Governance* guidance.

The investigation process must be fair and transparent. This entails allowing all parties to present their evidence, usually in separate interviews with the IO, to know who else will be interviewed and to see all of the available evidence. Evidence will not normally be disclosed to witnesses.

Failure to observe the basic requirements of fairness will allow any decision to be challenged.

Investigations should be concluded with the minimum of delay**.** If a case is unreasonably delayed, there is the potential for challenge on the basis that the student has been compromised; by witnesses being unavailable, by evidence being more difficult to investigate and witness memories waning. Delay also enables an argument that, irrespective of the outcome of the investigation, the individuals involved have been under stress due to the length of time taken to consider the matter.

Where there may be delay due to the availability of parties involved in the investigation (during the vacation periods for example), the IO should consider the potential implications of the delay. Where delay is unavoidable but essential to ensure a fair investigation, then this should be made clear to the relevant parties. In exceptional circumstances, the Investigating Officer may request signed statements to be provided in lieu of interview. Interviews may be conducted online where appropriate.

The IO will have access to all documents relating to the case but may request further information or documents as appropriate.

All information provided regarding the investigation is normally confidential for use within the investigation process and subject to the requirements of data protection legislation. Normally, only staff directly involved with the Fitness to Practise investigation will have access to confidential information. However, confidentiality cannot be guaranteed; for example, where the matter may be escalated by the student to the Office of the Independent Adjudicator or the courts. Exceptionally, where there are issues of safeguarding, risks of harm to students or others, or criminal activity, information may be provided to a third party without an individual’s consent.

# Interviewing the parties

Following an initial review of the documents the Faculty will arrange interviews with the student(s) who is the subject of the allegation(s), any witnesses and other relevant parties.

The student who is the subject of the allegation(s) will normally be interviewed first. Other parties may be interviewed or contacted on more than one occasion if further clarification is needed.

The order of interviews is subject to the discretion of the IO and the availability of the parties.

The student who is the subject of the allegation(s) will be provided with the relevant documentation and any submitted evidence prior to meeting with the IO.

Interview meetings are not recorded. Non-verbatim notes will be made of each interview and a copy provided to the interviewee (usually within 7 working days), who will be asked to confirm or amend factual details, following the interview.

# Conducting an Investigation Interview

At the start of the interview, the IO must ensure that**:**

All parties present at the interview are introduced and their roles explained.

The interviewee, if unaccompanied, was informed of their right to be accompanied prior to the interview. Where the interviewee is accompanied, then the name of the friend or trade union representative is included in the interview notes.

The interviewee is aware of the procedure that is being followed, relevant timescales and (if known at this stage) any potential delays.

The involvement of the interviewee in the matter / incident is clear (for example whether they are a complainant, a respondent or witness) and that all relevant details are within their knowledge. Wherever possible, second-hand (hearsay) evidence should be avoided.

A complainant is aware that full disclosure of the allegations and evidence will be made to the relevant parties.

The respondent(s)has been provided with all documentary evidence and information (any outstanding evidence must be provided by a specified date). This must be noted and agreed at the initial interview. The respondent is given the opportunity to respond to the allegations, provide their own documentary evidence where applicable and/or arrange to provide relevant documents by a scheduled date.

The IO will confirm to the respondent or complainant (where applicable)who they deem relevant to interview.

# Interview Notes

Summary (not verbatim) notes of the interview will be taken.

Interview notes will be sent to the interviewee normally within 7 working days of the interview requesting that the notes are agreed or amendments proposed, signed and returned within 7 days.

# The interview notes should:

* Note the procedure that is being followed.
* Clearly record the specific allegation(s).
* Record the response to the allegation(s)
* Refer to any relevant documents that support the allegations, or have been received from respondents and witnesses
* Record any further information required and agreed deadlines for providing such information.
* Not include irrelevant or prejudicial material.
* Be written in such a way that it can be read by someone with no knowledge of the case, so that they would be able to understand the circumstances of the complaint and the relevance of the evidence of the witness.

Interviewees should note that a copy of the original notes and their amendments will be retained for consideration by the IO and the Faculty during the investigation and when determining their findings

# Investigating Officer’s report

Once the investigation has been completed, the Investigating Officer will submit their findings in the form of a written report.

The report should follow the format outlined below.

The report will state if the allegations are upheld, upheld in part or not upheld and include any recommendations for further action e.g referral to a Fitness to Practise Hearing.

# Distribution of the report

All relevant parties (not witnesses) will receive a copy of the final investigation report and will be advised of any appropriate actions to be taken and the next stage of the procedure.

Where more than one individual is named in an allegation normally those individuals will be party only to the matter(s) of allegation and outcome(s) that are directly specific to them.

Dependent on the nature of the allegation(s) and the findings, the investigation report may also (if applicable) be circulated to the director of the relevant faculty to consider any recommendations.

**Investigation Report Format**

1. **Allegation**

This section should clearly specify the nature of the allegation(s) including dates and locations etc.

# Summary of investigation process

This section should summarise the scope of the investigation including who was interviewed and why as well as referencing the evidence considered.

# Outcome of the Investigation

This section should state the findings of the investigation addressing each aspect of the allegation(s) as summarised in section 1.

If there is not enough evidence to substantiate all or part of the allegation(s) or if the Investigating Officer is unable to reach a conclusion on all or part of the allegation due to conflicting evidence, then the report should note this.

This section should state whether each allegation is upheld, upheld in part or not upheld.

# Recommendations

Where the allegation(s) is upheld or upheld in part, then the report should refer to any further actions or remedies to be taken.

# Appendices

This section should list the copies of evidence referred to in the report as appendices.

# Appendix 4: Fitness to Practise Panel protocol

## Before the Panel

When the matter is referred to a Fitness to Practise Panel, the panel administrator will send a letter to the applicant/student with the following information:

* The Panel details (e.g. date, time, location, persons attending etc.)
* The purpose of the meeting (the details of the concerns to be considered and the evidence available).
* A link to the Fitness to Practise Policy and supporting documents. (referring Panel remit, protocol and possible outcomes).
* A copy of the hearing protocol.
* The student’s right to provide any reasons and evidence to object to a Panel member.
* The student will be notified in advance of the names of any witnesses the presenting staff member intends to invite to the panel.
* The student’s right to submit any written representations and evidence that they wish to be considered, in relation to the concerns or mitigating circumstances.
* That new evidence or documents will not normally be allowed to be submitted at the Panel.
* That the student will be given the opportunity to request any reasonable adjustments to the procedure.
* The student will be advised of their right to be accompanied by a friend and referred to the Definition of a Friend Policy.
* If applicable, the student will be advised that the outcome of the panel may be reported to the relevant PSRB.
* The student will be advised if they are allowed to bring witnesses, if applicable (i.e. the facts of the case have not been established).
* The attendance of witnesses for the student is the student’s responsibility and students will need to make the necessary contact with them to ensure their agreement and availability.
* The deadlines for confirming attendance, witnesses, lodging objections and providing documents.
* The student will be advised of the support and advice services available e.g. John Moores Students Union and Student Advice and Wellbeing.

## Timeframes and Deadlines

The university endeavours to convene a Fitness to Practise Panel within 30 days of the matter being referred to the Panel. However, due to the availability of attendees and the complexity of the case, there may be delays in this process. Students should be notified of any delays in the procedure.

The Fitness to Practise Panel notification letter, with details of the concerns and evidence, should be sent to the student at least four weeks prior to the date of the Panel.

The student should provide any further information at least one week in advance of the Panel.

Panel papers should only be sent out to Panel members after the student has had the opportunity to object to the membership. All Panel members and attendees should be provided with the Panel papers no later than one week prior to the date of the Panel.

## At the Panel

The Panel should follow the hearing protocol.

**Fitness to Practise Panel hearing protocol**

1. The Chair will open the hearing and summarise the roles of all parties present, specify that staff for the purpose of the hearing are independent and clarify the purpose of the investigatory hearing.
2. The Chair will inform the student of their right to be accompanied by a friend should they arrive unaccompanied.
3. The Chair shall confirm to the parties the substance of the issue(s) of fitness to practise.
4. The Chair will ask the Presenting Officer to outline the details and the supporting evidence of the case to all present and to introduce any witnesses.
5. The Panel may ask questions of the presenting staff member and witnesses at any time.
6. Through the Chair, the students may ask questions of the Presenting Officer and witnesses.
7. The Chair will ask the student to respond to the issues of fitness to practise, referring to any evidence provided and to introduce any witnesses.
8. The Panel may ask questions of the student and witnesses at any time.
9. Through the Chair, the presenting staff member may ask questions of the student.
10. Once there are no further questions from the Panel, the Chair will ask the presenting staff to summarise their case.
11. The Chair will ask the student to summarise their case.
12. The Chair will then adjourn the hearing and the student and Presenting Officer will leave for the Panel to consider the evidence. The Panel may at this stage choose to seek additional evidence or information from other parties. Should this be the case, all parties will be informed as to the nature of the enquiry.
13. Panel members will advise the Chair of their opinion of the case. Following this discussion, the Chair will act as final arbiter in the matter.
14. The Chair will announce the Panel’s decision, either by inviting all parties to return or in writing. The outcome of the hearing and the reason for the decision will be confirmed in writing within five working days of the decision.
15. The student will be advised if the decision of the Panel will be reported to the relevant PSRB and if applicable the Independent Safeguarding Authority.
16. The student will be notified of the appropriate appeals procedure.

## Making a decision

Before reaching a decision about what action it should take, it is good practice for the Panel to consider each option starting with the least serious. The intention is not to punish the student but to act proportionality. The Panel are required to note what they have decided to do, why remedial action is not considered to be possible, and how the decision relates to the relevant professional requirements.

The Panel should also consider mitigating and aggravating factors, such as the level of insight the student has shown, evidence of good practice, the student’s personal circumstances and previous concerns or patterns of behaviour.

If the Panel decides that the student is currently unfit to practise, but that they may become fit to practise in the future, it should explain to the student what steps they may be able to take to resume their studies.

If the Panel concludes that the student is unfit to practise and should be expelled from the programme, the Panel should consider whether the student can be given an exit award or can be transferred to a different programme that does not require professional registration.

## After the Panel

The Panel will write to the student in straightforward language, setting out the outcome, giving a clear explanation of, and setting out the reasons for, its decision and any conditions. This will help the student decide whether to appeal.

The decision letter should also give information about:

* the student’s right to appeal;
* the grounds on which they can do so;
* the time limit for submitting an appeal; and
* where and how to access support.

There is a separate process for appeal against expulsion and exclusion, and students should be advised that they will be informed of the appeals procedure via Student Governance.

The decision of the panel will be confirmed in writing **within 5 working days** of the decision and any recommendations or further action where appropriate.

**Appendix 5 – Warnings and Sanctions**

The conduct of a student who receives a warning or sanction, short of being expelled, will be monitored, to satisfy the university regarding the student’s fitness to practise. They should also be provided with remedial or pastoral support, or both.

It will be made clear to any student who receives a warning or sanction why they have received it, its intended purpose, its expected duration, and whether or when their fitness to practise will be considered again in a formal hearing.

# Warnings

Warnings are formal statements that indicate that a student’s behaviour represents a departure from the standards expected of students. Warnings will be imposed when a student’s behaviour raises concerns, but it is not so serious that their fitness to practise is impaired. Support will be made available as appropriate.

Subsequent incidents will be considered in the light of earlier warnings. More serious concerns may require a sanction.

Warnings will remain on the student record for a specified period.

# Sanctions

Sanctions enable the University to deal with fitness to practise issues as effectively as possible. Sanctions short of removal from the programme will be designed to enable a student to learn from their mistakes.

The Fitness to Practise Panel will consider whether or not the sanction will protect patients and the public. If the behaviour is of a serious nature, lower-level sanctions may not be appropriate.

When a panel decides to impose a sanction it will be clear in its determination that it has properly considered all options and clear reasons will be provided.

# Conditions

Conditions are appropriate where there is significant concern about the behaviour or health of a student. This sanction should be applied if the Panel is satisfied that a student might respond well to remediation and has displayed insight into their problems. The panel will consider all evidence such as reports on student performance, health, behaviour, and any other mitigating circumstances.

The objectives of conditions will be made clear so that the student has a clear understanding of what is expected from them. All conditions should be appropriate, proportionate, and measurable.

Conditions may be appropriate when most or all of the following factors are apparent:

* The student has demonstrated insight, and there is no evidence that they are inherently incapable of, or unwilling to comply with, good practice and professional values.
* There are identifiable areas of the student’s studies in need of further assessment or remedial action.
* The student is willing to respond positively to support and conditions.
* The student is willing to be honest and open with patients, other students and staff if things go wrong.
* There is evidence, in cases involving health problems, that the student has genuine insight into their health problem, is aware of the necessity of complying with the guidance on health and has agreed to abide by conditions relating their medical condition, treatment and supervision.
* Patients and the public will not be put in danger either directly or indirectly of the conditions.
* The conditions will protect patients and the public.
* If a Panel finds that a student’s fitness to practise is impaired by the reason of physical or mental health, the conditions will relate to the medical supervision of the student as well as to supervision in learning and practise environments.

# Suspensions, exclusions and expulsions

**Suspension or exclusion from the university for a defined period of time.**

Suspension or exclusion prevents a student from continuing with their course for a specified period and graduating at the expected time.

Recommendations for suspension or exclusion must be made to the Vice-Chancellor via Student Governance. The Vice-Chancellor (or nominee) is the only member of University staff empowered to suspend or exclude a student due to fitness to practise issues.

When a student returns from suspension or exclusion, they may be required to comply with further conditions, such as an occupational health assessment, formal monitoring etc.

**Suspension** is not a sanction and is normally a decision made in cases where the impairment of fitness to practise is due to health conditions.

A student’s health condition may be such that suspension of the programme for a specified period of time is considered by the Panel. In such cases suspension will normally considered by the Panel in conjunction with the advice and opinion of Occupational Health Assessments.

Although the list is not exhaustive, suspension may be appropriate when some or all of the following factors are apparent:

* Suspension may be considered for safeguarding reasons and in the interest of public safety, as well as the students own safety.
* The health condition of the student is such that it there is a risk to public safety if the student were allowed to continue on a course even under conditions.
* There is no evidence that the student is inherently incapable of following good practise and professional values.
* There will be appropriate support for the student when they return to a course.

**Exclusion** from the university from a specified period of time is considered as a sanction. Exclusion is normally considered in cases where the misconduct that is serious but not so serious as to justify expulsion from the programme and/or University.

Although the list is not exhaustive, exclusion may be appropriate when some or all of the following factors are apparent:

* A breach of professional values that is serious but is not fundamentally incompatible with the student continuing on a course, and not so serious as to justify expulsion to protect patients and the public – but, given the seriousness of the breach, any sanction less than exclusion would not be in the public interest.
* Exclusion may be considered for safeguarding reasons and in the interest of public safety, as well as the students own safety.
* There is no evidence that the student is inherently incapable of following good practise and professional values.
* The Panel is satisfied that the student has insight and is not likely to repeat the behaviour.
* There will be appropriate support for the student when they return to a course.

# Expulsion

Expulsion, the most severe sanction, will be applied if the student’s behaviour or health is considered to be fundamentally incompatible with continuing at the University and/or programme. Expulsion is an outcome of a Fitness to Practise Panel when this is the only way to protect patients and the public, other students or staff

The student will be helped to transfer to another programme of study if appropriate. However, the nature of the student’s behaviour or health may mean that they will not be accepted on any other Programme.

Although this list is not exhaustive, expulsion may be appropriate when a student has:

* Seriously departed from the principles set out in the University’s Student Code of Behaviour and Student Disciplinary Procedures and Assessment Regulations and the relevant professional body’s Code of Conduct.
* Behaved in such a way that is fundamentally incompatible with being a LJMU student and/or a student following a professionally accredited and regulated programme.
* Shown a reckless disregard for the safety of others.
* Caused serious harm to others, either deliberately or through incompetence.
* Abused their position of trust.
* Violated a patient’s rights or exploited a vulnerable person.
* Committed an offence of a sexual nature, including creating or obtaining child pornography.
* Committed offences involving violence.
* Been dishonest, including covering up their actions, especially when the dishonesty has been persistent.
* Put their own interests before those of patients, or a vulnerable person.
* Persistently shown a lack of insight into the seriousness of their actions.

Where applicable and where required the University will disclose any conditions, warnings or sanctions to the professional body. Students should be aware that they may also be required to disclose any such conditions, warnings and sanctions to the professional body. Where applicable the University is required to refer matters to the Disclosure and Barring Service, where the relevant criteria are met. Further information is available at <https://www.gov.uk/government/collections/dbs-referrals-guidance--2>

# Appendix 6: Professional Body Regulations, Guidance and Standards

## General Pharmaceutical Council:

## <https://www.pharmacyregulation.org>

## HCPC Health & Care Professions Council:

<https://www.hcpc-uk.org/concerns/what-we-investigate/fitness-to-practise/>

**NMC Aims and principles for fitness to practice:**

<https://www.nmc.org.uk/ftp-library/understanding-fitness-to-practise/using-fitness-to-practise/>

## NMC Standards for good health and good character:

## <https://www.nmc.org.uk/registration/joining-the-register/health-and-character/>

## Social Work England

<https://www.socialworkengland.org.uk/>

## Teachers’ Standards:

<https://www.gov.uk/government/publications/teachers-standards>

## UKCP:

<https://www.psychotherapy.org.uk/ukcp-members/standards-guidance-and-policies/>