



GUIDANCE FOR INVESTIGATING OFFICERS  
Fitness to Practise Panels

To be used in conjunction with:  
LJMU Fitness to Practise Policy  
<http://www.ljmu.ac.uk/corporate/SPR/90523.htm> (2008)

LJMU Criminal Convictions Policy  
<http://www.ljmu.ac.uk/corporate/SPR/84204.htm>

LJMU Student Disciplinary Procedures <http://www.ljmu.ac.uk/corporate/68195.htm>

Liverpool John Moores University

GUIDANCE FOR INVESTIGATING OFFICERS

# Protocol for Investigating Officers



1. Investigating issues of concern/allegation(s) regarding fitness to practise
2. Interviewing Parties to the issues of concern/allegation(s)
3. Summary of interview
4. Referral to Faculty Director
5. Investigating Officer's Summary to the Panel

Appendix 1 Template: Referral to Fitness to Practise Panel

Appendix 2 Fitness to Practise Hearing Protocol

# Protocol for Investigating Officers



## Introduction

When a formal complaint or an applicant or students fitness to practise has been made, the Faculty Director (or nominee) will appoint an Investigating Officer to investigate the circumstances of the issues of concern/allegation(s). The Investigating Officer will be a senior member of the Faculty and not directly involved with the student. If the issues of concern/allegation(s) are sufficiently serious, the student may well be temporarily suspended from studies, (either practise only, or both theory and practise). The decision to suspend a student must be made in conjunction with the Faculty Director (or nominee) and must be reported to Student Policy and Regulation.

Students should be advised that suspension from the placement and/or the University is not at this stage a disciplinary sanction but is a measure invoked where it is considered essential to do so to allow time for an appropriate investigation.

All actions must be communicated immediately to the student and formally recorded in the student's file.

These notes are to support the Investigating Officer so that they can:

- Follow an agreed process that ensures consistency and fairness when investigating issues of concern/allegation(s) regarding a student's fitness to practise.
- Produce a short report, including relevant evidence making recommendations to the Faculty Director

Support the Faculty Director (or nominee) in finding whether there is a case to answer and how the matter should be addressed, for example a Fitness to Practise Panel.

- Produce a summary with evidence if the matter is referred to the Fitness to Practise Panel, or any other appropriate formal LJMU process.

## Investigating the issues of concern/allegation(s)

The Fitness to Practise Policy follows the Principles of Natural Justice:

- There are two sides to every dispute.
- Relevant parties are given the opportunity to provide evidence to substantiate their version of the issues of concern/allegation /incident.
- The investigating officer where possible should discuss the evidence provided by relevant parties and produce statements as evidence for any subsequent panel.
- Full disclosure of any issues of concern/allegation(s) or evidence will be made to those parties involved in the issues of concern/allegation /incident.

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- Students who have had issues of concern/allegation(s) made regarding their fitness to practise have the right to be accompanied by a friend /LSU /Trade Union representative at each stage of the procedure.

It is important to ensure the investigation process is fair and transparent. This entails allowing the parties to give their evidence, normally in an interview and to be allowed to know who else will be interviewed.

It is essential that the investigation is conducted in a timely manner. Issues of concern and allegation(s) should be investigated and brought to a conclusion with the minimum of delay.

All information provided regarding issues of concern/allegation(s) which question a student's fitness to practise will remain confidential for use within the process and is subject to the requirements of the Data Protection Act. Only staff directly involved with the matter will be given access to confidential information.

## **Interviewing the complainant / witnesses**

Having initially reviewed the issues of concern/allegation(s) the Investigating Officer will meet with the student and other relevant parties, where possible including witnesses.

The Investigating Officer will decide who s/he deems relevant to interview. In exceptional circumstances, (e.g. where there may significant delays due to witness availability), the Investigating Officer may request signed witness statements to be provided in lieu of interview.

Notes must be taken during the interview – this will form the Interview Summary. The interviewee will be given a copy of this and asked to confirm or amend as necessary, following the interview.

### **At the interview, the Investigating Officer should ensure:**

- That the student is aware of the procedure that is being followed and that full disclosure of any issues of concern/allegation(s) or evidence will be made to the relevant parties to the issues of concern/allegation(s) [including interview summaries].
- That the student understands the interview stage is designed to establish events and not to make judgements, that the investigating officer will refer the matter back to the Academic Director for the final decision regarding referral to the Fitness to Practise Panel.
- That the student understands the possible outcomes of the Fitness to Practise Panel should the panel find that a student is not fit to practise.

### **The interview summary should:**

- Detail the events/circumstances in chronological order, it is useful to include a timeline of events and provide all documents in chronological order.
- Cross-refer to any relevant documents which support the account of the issues of concern/allegation(s).

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- Not include irrelevant or unfair material or material that has not been verified.
- Ensure the summary could be read by somebody with no knowledge of the case so that they would be left understanding the circumstances of the issues of concern/allegation(s) and the relevance of the evidence in substantiating the student's fitness to practise.

## Investigating Officer's Report

- Once the investigation has been completed the Investigating Officer will submit a report to the Faculty Director. This will include a summary of the issues of concern/allegation(s), the findings of the investigation, along with any recommendations if appropriate. This will inform the decision regarding referral to the Fitness to Practise Panel.

The report should be in the following format:

### Introduction

This should contain the substance of the issues of concern/allegation(s) and make reference to any relevant Codes of Conduct that have allegedly been contravened

### Summary of Investigation Process

Summarise the scope of the investigation including who was interviewed and why. Cross reference to the relevant documentation in a logical order. Include a timeline of events and the investigation.

The report should address all the aspects of the issues of concern/allegation(s) as summarised in the introduction. For example if there is no evidence to substantiate all or part of the issues of concern/allegation(s), or if the Investigating Officer is unable to reach as conclusion on all or part of the issues of concern/allegation(s) due to conflicting evidence, then the report should note this.

### Outcome of the Investigation

The Academic Director will state whether there is a prima facie case to answer and for the matter to be referred to a Panel or not.

This will determine the next stage. If the investigation concludes that there is a case to answer this may normally result in referral to the Fitness to Practise Panel or to any other applicable LJMU Procedures and if the investigation concludes that there is no case to answer no further action may be required . The outcome of the investigation may also require referral of the matter to another more applicable LJMU procedure or determine that informal remedial action is taken.

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If the Faculty Director refers the matter to the Fitness to Practise Panel the investigating officer will be required to provide the panel with a report in the following format:

**Introduction** Explain the nature of the issues of concern/allegation(s and make reference to any relevant Codes of Conduct that have allegedly been contravened.

## **Summary of Investigation**

Provide a full copy of the interview, all relevant documentation, and a timeline of events. Summarise the scope of the investigation including who was interviewed and why. Cross reference to the relevant documentation in a logical order.

**The investigating officers will liaise with the Faculty Director who will convene a panel and inform the student in writing. The investigating officer will attend the Fitness to Practise Panel and formally present the case using the report as a basis.**

**The Investigating officer may be required to notify the panel of any witnesses that may be invited to substantiate the conclusions of the investigation.**

# Protocol for Investigating Officers



## Appendix 1

### Referral Letter to the Faculty Director/Fitness to Practise Panel

**NAME OF STUDENT:**

**NAME OF INVESTIGATING OFFICER:**

**Introduction:** Nature of issues of concern/allegation(s), how this brings into question the student's Fitness to Practise, making reference to relevant Codes of Conduct and how these have been contravened.

**Summary of Process:** Provide investigation notes that explain the timeline, or sequence of events leading to the/issues of concern/allegation(s). Also any other relevant documentation, for example transcript of interviews with relevant parties, emails or letters of complaint, and action plans.

**Outcome of the investigation:** If the investigation considers that there is case to answer or no case to answer and any subsequent recommendation regarding referral to the Fitness to Practise Panel or referral to other applicable LJMU processes and procedures.