

# Liverpool John Moores University Fitness to Practise Policy



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| <b>Document Authors</b>   | Student Policy & Regulation, Faculty of Health and Applied Social Science, Faculty of Science, Faculty of Education Community and Leisure         |   |
| <b>Relevant to</b>  | All LJMU Students on Professional Programmes  |   |
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| <p><i>Please note that the SPR WebPages version of this document is the only version that is maintained. Any printed copies should be viewed as 'uncontrolled' and as such may not necessarily contain the latest updates and amendments.</i></p> |   |   |

## **1. Overview**

- 1.1. As part of the contractual agreement with professional bodies, Higher Education Institutions are required to monitor good health, character, discipline, standards of conduct and performance on application and throughout all pre-registration / qualification programmes and other programmes leading to professional qualifications.
- 1.2. The University has a responsibility regarding students following programmes which lead to professional qualifications and / or which entitle the individual to register [either provisionally or fully] with a statutory professional body and / or to practise under license.
- 1.3. Some programmes may require students to undertake external placements and/or work based practise and the University has a duty to both the student and to the public to ensure that any risk of harm is minimised.
- 1.4. Where appropriate, the University is responsible for ensuring that students meet the relevant professional standards in addition to academic standards. The University may also be required to sign a declaration confirming that an individual is a safe and suitable entrant to the given profession and is 'Fit to Practise'.
- 1.5. An offer of a place to study on some programmes offered by the University may be conditional upon the applicant being deemed fit to practise.
- 1.6. Directors of Schools must ensure that students are informed of the seriousness of maintaining professional standards and the regulations associated with the programme of study.
- 1.7. The fitness to practise of students on professional programmes will be assessed throughout the duration of the programme and if there are any concerns over the student's fitness to practise the University is required to investigate and address the issue.
- 1.8. 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 the Independent Safeguarding Authority (ISA).
- 1.9. The student may be required to declare any issues of fitness to practise, (ongoing issues or issues that have been dealt with and investigated) to the professional body on registration.

## **2. Operating Principles**

- 2.1. The University is required to manage issues that may arise in this context and which may impact upon a student's suitability to continue with their programme of study or to be recommended for a license to practise in a particular profession. Different disciplines may have different external regulatory requirements and so Faculty Fitness to Practise Panels have been established to meet these different obligatory requirements. [see Appendices]
- 2.2. The Faculty Fitness to Practise Panels exist to consider and respond to such issues and to ensure that the relevant Professional / Statutory body requirements

are met in an appropriate and timely manner. The University works in partnership with professional practitioners and Fitness to Practise Panels include relevant professional representation.

2.3. The University will be required to consider circumstances where members of LJMU staff or work based placement staff, or other appropriate individuals, have concerns regarding a student's fitness to practise with regard to:

- Breaches of professional responsibility
- Breaches of the LJMU Code of Conduct
- Breaches of University Regulations [particularly where this relates to attempts to deceive or gain unfair advantage]
- Failure to declare a Criminal Conviction/ caution
- An enhanced CRB with undeclared information
- A recently acquired conviction / caution
- An on-going or pending criminal investigation
- Ill health (including mental health issues) where this may be relevant to the profession
- Conduct contrary to professional regulatory body guidance
- Conduct contrary to the work based placement code of conduct.
- Inappropriate behaviour

The above list is not exhaustive

2.4. University procedures are based on standards set by statutory regulatory bodies and upon the principles of natural justice. Where concerns are raised regarding a student's fitness to practise, the student will be informed of the concerns and the actions of the University. Students will have access to the evidence [except where such evidence may be in contravention of the Data Protection Act 1998], and will be able to respond formally to those concerns.

2.5. Information collated will be treated as 'sensitive, confidential data' in line with University Policy and the Data Protection Act 1998.

2.6. Statistical data will be collated by Student Policy & Regulation (SPR) in order to monitor policy, process and issues of principle.

2.7. LJMU staffs involved in investigating concerns about fitness to practise or as members of Fitness to Practise Panels are independent for this purpose.

2.8. Students can obtain individual advice and support from the Liverpool Students Union Welfare and Advice Team, The Haigh Building, Maryland Street, Liverpool, L1 9DE Tel: 0151 231 4900 Email: [lsuadvice@ljmu.ac.uk](mailto:lsuadvice@ljmu.ac.uk)

2.9. Students have the right to be accompanied by a friend, colleague or representative at all stages of the procedure.

2.10. The University reserves the right to amend the Fitness to Practise policy in the light of prevailing circumstances such as government legislation, changes to professional body requirements or operational experience.

3. **Procedure to be followed when concerns about Fitness to Practise are raised:**
- 3.1. LJMU staff and/or work based placement staff should formally report in writing any concerns related to a student's fitness to practise to the Programme/Cohort Leader who in turn will inform the Director of School (or nominee).
- 3.2. The Director (or nominee), with the advice from Student Policy & Regulation (if appropriate) will determine if any immediate action needs to be taken. This may include:
- Assessing if there are any immediate risks to staff, students, clients or visitors.
  - Occupational Health Referral
  - Referring the student to appropriate support services
  - Suspension of attendance at placement.
  - Appointment of an Investigating Officer (LJMU staff or work based member of staff) to formally investigate the allegations and to report to the Director (or nominee).
  - Referring the matter for consideration by the relevant Criminal Convictions Panel
  - Referring the matter for consideration under the University Disciplinary Procedures.
  - Referring the matter for consideration by the relevant Fitness to Practise Panel.
  - Recommend to the Vice Chancellor (or nominee) that the student is suspended from the University until the issues are investigated and addressed/outcome determined.
- 3.3. The above list is not exhaustive and a combination of the above list of actions may be deemed appropriate in specific individual circumstances. For example appropriate action may include an Occupational Health Referral followed by consideration of the Fitness to Practise Panel.
- 3.4. Judgement as to whether a Fitness to Practise Panel should be convened will rest with the University, [normally the Director or nominee] with each case being considered in the light of the prevailing circumstances.
- 3.5. All action taken must be formally recorded in the student's file (with a rationale for the decision) and written notification of any recommendation sent to the student.
- 3.6. **Exceptional circumstances – misconduct within the practice/placement area**
- 3.7. An appropriate member of LJMU or work based placement staff may, in exceptional circumstances, suspend a student immediately from work based placement settings. Such action must be notified to the Director of School (or nominee) at the earliest opportunity and no later than 24 hours after the event.
- 3.8. Exceptional circumstances may include acts of violence or serious aggression by the student or where the student's behaviour gives cause for concern with regard to the safety of others or themselves, theft or damage to property whilst on placement. However this list is not exhaustive.

3.9. The Director of School (or nominee) must notify Student Policy & Regulation with details of the incident and if applicable recommend that the student should also be suspended from academic study pending Fitness to Practise consideration.

3.10. 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.

#### 4. **Operation of the Panel**

4.1. The Director of School (or nominee) will convene a Faculty Fitness to Practise Panel to consider evidence related to professional/behavioural problems, health matters, criminal offences or other issues that give rise to concerns regarding a student's fitness to practise.

4.2. In determining a schedule for the meeting of the Faculty Fitness to Practise Panel, the Director (or nominee) should give consideration to other relevant factors, for example the student's overall assessment programmes.

4.3. The student should be given a reasonable period in which to seek advice and prepare their response.

4.4. Advice may be sought from the Student Policy & Regulation Team.

4.5. The Chair of the Faculty Fitness to Practise Panel will:

- Nominate a member of LJMU staff to be the presenting officer to the Panel (normally the Investigating Officer).
- Notify the student of the allegation/issue that is subject to consideration by the Panel.
- Invite the student to make representation to the Panel either orally or in writing if they wish.
- Advise the student that they have the opportunity to invite witnesses to attend the Hearing to substantiate their representation.
- The student will be advised that they have the right to be accompanied by a friend, colleague or representative at all stages of the procedure; however the students must make their own arrangements in this matter.
- Advise the student that they can obtain independent advice from Liverpool Student Union Advice Centre.
- Provide a copy of the papers for consideration by the Fitness to Practise Panel to the student (except as outlined in 4.8 below).
- Notify all parties of the names and roles of the attendees, including if applicable the names of any witnesses that may be interviewed by the Panel

4.6. The Panel will consider the evidence with regard to:

- Safeguarding vulnerable groups
- Child protection and safety
- Public protection and safety
- Professional codes of conduct
- Access to the relevant profession
- The student's progression on the programme

- Potential risk to the University, staff and students and any other relevant individuals
- 4.7. The Panel may consider evidence from a range of sources including occupational health referrals.
- 4.8. Evidence to be considered by the Panel will be made available to the student except where such evidence may be in contravention of the Data Protection Act [1998].
- 4.9. Notes of the case presented to the Panel and the decisions of the Panel will be taken and made available upon request to the individual concerned. Verbatim minutes will not be recorded.
- 4.10. The Panel will reach a decision and make recommendations based upon all the available evidence.
- 4.11. Where necessary, the Chair may decide to suspend the deliberations of the Panel and reconvene pending further information.
- 4.12. The Panel will determine based on the civil standard of proof whether the student's fitness to practise is impaired or not and will determine the most appropriate recommendations.
- 4.13. Recommendations available to the Panel can include:
- The student receives no formal warning or sanction.
  - Referring the matter to other LJMU Procedures such as Student Disciplinary Procedure 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 of time, with or without specified support and/or conditions/undertakings.
  - warning/caution on file for a specified period
  - suspension of study for a specified period
  - exclusion from the programme of study
  - expulsion from the University
- 4.14. The Chair of the Panel will inform the student in writing of the outcome and the recommendations of the Panel. The student will be advised about the applicable appeals process. Where appropriate the student's employer and/or relevant professional body will be notified of the outcome and if applicable the matter will be referred to the Independent Safeguarding Authority.
- The University works in partnership with employers in upholding professional standards and will liaise with them in the first instance regarding the reporting of Fitness to Practise findings to the relevant professional body. However, the University reserves the right to make referrals directly if this is deemed appropriate.
- 4.15. Where the Panel recommend suspension of studies, exclusion from the programme and/or the University this decision will be referred to the Vice Chancellor (or nominee) for consideration. Only the Vice Chancellor can authorise such action.

- 4.16. In cases where the Panel recommend suspension of studies, exclusion from the programme and/or the University the Chair of the Panel will forward a formal letter addressed to the Vice Chancellor outlining the recommendation of the Panel and the rationale of the decision, including the relevant documents and evidence to SPR.
- 4.17. The decision of the Vice Chancellor (or nominee) will be notified to the Panel and to the student. The student will be advised about the appropriate appeals procedure. Appeal against expulsion <http://www.ljmu.ac.uk/corporate/68195.htm> as outlined in Appendix 5.

## **5. Appeals against the decision of the Fitness to Practise Panel**

### **5.1. Appeal against expulsion**

5.2. Where the recommendation of the Panel is that the student should be 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).

5.3. The request for such an appeal must be made in writing, providing full supporting evidence and grounds for appeal, to the Pro-Vice Chancellor (Administration), Liverpool John Moores University, Egerton Court, 2 Rodney Street, L1 2UA within 10 working days of receipt of the decision. Further information on Appeals against expulsion is available at <http://www.ljmu.ac.uk/corporate/68195.htm> and is outlined in Appendix 5.

### **5.4. Appeal against other decisions of the panel.**

5.5. The student has the right to appeal against the decision of the Fitness to Practise Panel if they believe and can demonstrate that:

- The process has not been conducted correctly, in accordance with the procedures
- There has been a material administrative error
- The decision of the Panel is unreasonable.

5.6. Appeals should be made in writing, with full supporting evidence, to the Appeals Secretary (Fitness to Practise Appeals Panel) at Student Policy & Regulation, LJMU, Kingsway House (Third Floor), 24 Hatton Garden, Liverpool, L3 2AJ, within 10 working days of the receipt of the letter notifying the student of the Fitness to Practise Panel decision.

5.7. Students should be made aware that this is not a re-opening of the investigation and that they must provide reasonable evidence to substantiate their appeal.

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

5.9. 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.

5.10. 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.

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

**6. Completion of Procedures and the Office of the Independent Adjudicator for Higher Education (OIA)**

6.1. When the student has exhausted the University procedures the student will be issued with a completion of procedures letter.

6.2. Students who remain dissatisfied with the final outcome of their Appeal (and believe that the University has failed to follow this procedure correctly, may take their case to the Office of the Independent Adjudicator for Higher Education (OIA). Further information can be found at <http://www.oiahe.org.uk/>

## **Appendix 1**

### **Faculty of Health & Applied Social Sciences**

#### **1. Introduction**

1.1. Article 60 of the Health Act (1999) (amended by Health and Social Care Act 2001) identifies public protection as the primary concern when making decisions in relation to a student's continued participation on a programme of study. This includes specific consideration of standards of conduct and performance, discipline and fitness to practise.

1.2. **All decisions related to a student's fitness to practise are made with due regard to:**

- The Nursing and Midwifery Council (NMC) Guidance "Requirements for evidence of good health and good character"
- NMC Code of Professional Conduct
- Health Professions Council (HPC)
- General Social Care Council (GSCC)
- NYA & British Association of Counselling & Psychotherapy Practitioners (BACP) Codes of Professional Conduct
- LJMU Code of Conduct
- LJMU Equal Opportunity Policy
- LJMU Assessment Regulations
- All other relevant Professional and / or Statutory Body requirements which may be appropriate

1.3. Signatories of the NMC Declaration of Good Health and Good Character may consult the panel for advice on issues/concerns related to initial admission to the NMC register on completion of the programme.

#### **2. The Faculty of Health & Applied Social Sciences Fitness to Practise Panel – Membership**

2.1. The Faculty of Health & Applied Social Sciences Fitness to Practise Panel will be chaired by The Dean of Faculty (or nominee)

2.2. Panel membership will reflect the nature of the professional programmes within the Faculty and will include representation from LJMU staff and service providers / professional bodies.

2.3. LJMU staff will be nominated for membership by Directors of School.

2.4. The Panel may be advised if appropriate on matters of procedure by Student Policy & Regulation.

2.5. Directors of School will be responsible for ensuring appropriate external representation.

2.6. The Panel will meet formally once a year to review policy and consider any issues of principle.

2.7. The Chair of the Faculty Panel will submit a statistical annual report of all decisions made and any issues of principle to the Head of Student Policy & Regulation.

**3. Faculty of Health & Applied Social Sciences Fitness to Practise**

3.1. The Faculty Fitness to Practise Panel will meet as required

3.2. The Panel will be quorate with at least four members including:

- **Chair** – Director (or nominee from an area within the Faculty that is not directly connected to the student's programme of study).
- **2 Academic Staff Representatives** (1 of who should not be from the student's programme of study)
- **1 Independent Practise/Service representative**

## **Appendix 2**

### **Faculty of Education, Community & Leisure**

#### **1. Introduction**

1.1. Teachers and those training to become teachers are required to have a high standard of physical and mental health [subject to any DDA exemption] to enter or remain in the teaching profession. The health, education, safety and welfare of pupils are important in deciding on an individual's fitness to teach. Government legislation also requires child protection to be of primary concern when making decisions in relation to a student's continued participation on pre-registration/ Initial teacher Training (Qualified Teacher Status) programmes of study.

1.2. This includes consideration of standards of conduct and performance, discipline and fitness to practise.

#### **1.3. All decisions related to a student's fitness to Practise are made with due regard to:**

- DfEE Circular 4/99, Physical & Mental Fitness to Teach of Teachers & Entrants to Initial Teacher Training (May 1999)
- TDA (2004) Able to Teach Guidance for providers of Initial Teacher Training
- Guidelines for Professional Standards for Teachers (2007)
- LJMU Code of Conduct
- LJMU Equal Opportunity Policy
- LJMU Assessment Regulations
- All other relevant Professional and / or Statutory Body requirements which may be appropriate

#### **2. The Faculty of Education, Community & Leisure Fitness to Practise Panel – Membership**

2.1. The Faculty of Education, Community & Leisure Fitness to Practise Panel will be chaired by The Dean of Faculty (or nominee).

2.2. Panel membership will reflect the nature of the professional programmes within the Faculty and will include representation from LJMU staff and service providers / professional bodies.

2.3. The Panel may be advised if appropriate on matters of procedure by Student Policy & Regulation.

2.4. LJMU staff will be nominated for membership by the Faculty Director.

2.5. The Director will be responsible for ensuring appropriate external representation.

2.6. The Panel will meet once a year to review policy and consider any issues of principle.

2.7. The Chair of the Faculty Panel will submit a statistical annual report of all decisions made and any issues of principle to the Head of Student Policy & Regulation.

3. **Faculty of Education, Community & Leisure Fitness to Practise Panels**

3.1. Panels will meet as required

3.2. The Panel will be quorate with at least four members including:

- **Chair** – Director (or nominee from an area within the Faculty that is not directly connected to the student's programme of study).
- **2 Academic Staff Representatives** (1 of who should not be from the student's programme of study)
- **1 Independent Practice/Service representative**

# Faculty of Science Liverpool John Moores University Fitness to Practise Panel



## Terms of Reference

A student's fitness to practise is called into question when their behaviour or health raises a serious or persistent cause for concern about their ability or suitability to continue on a course. This includes, but is not limited to, the possibility that they could put patients, the public, other students or staff at risk, and the need to maintain trust in the profession.

### **1. Introduction**

**1.1.** Public protection is a primary concern when making decisions in relation to a student's application and continued participation on a programme of study.

**1.2.** This process is applicable to all applicants to, and students enrolled on, any of the registered healthcare professions that are offered by the Faculty of Science:

- MPharm and MPharm (MAHSA) – registered by the Regulator, General Pharmaceutical Council (GPhC)
- Biomedical Scientists and Clinical Scientists – registered by the Health Professions Council (HPC)

This process is also applicable to all applicants to, and students enrolled on, any programme where there is a work based element or specific project involving children or vulnerable adults, or is in a healthcare setting.

**1.3.** Regulated programmes that lead to inclusion on a professional register e.g. MPharm, Biomedical Science, etc, are required to specifically consider standards of conduct and performance, discipline and fitness to practise issues on application and throughout the student's participation in the programme.

**1.4.** Applicants to, and students enrolled on programmes that lead to inclusion on a professional register e.g. MPharm, Biomedical Sciences, etc., are required to declare any issues of fitness to practise on application to, and annually throughout their course and prior to registration with the 'regulator' e.g. GPhC, HPC, etc.

**1.5.** We define good character as the absence of evidence that a person has committed (and/or has any disposition towards) conduct or behaviour that is inconsistent with the standards set out in the University's regulations and/or the regulator's Code of Conduct (as appropriate). To assess Good Character, we use the GPhC's Good Character Assessment Framework. A copy of which can be found at [www.pharmacyregulation.org](http://www.pharmacyregulation.org)

- 1.6.** We define good health as the absence of evidence that a person has a physical or mental condition(s) that may impair their fitness to practise, or may lead to behaviour inconsistent with the University's regulations and/or the regulator's Code of Conduct (as appropriate). To assess your health we utilise the expertise of the University's Medical Unit who will ask you to undertake full health screening, on our behalf. When assessing your health for fitness to practise purposes we will refer to the GPhC's Health Assessment Framework. A copy of which can be found at [www.pharmacyregulation.org](http://www.pharmacyregulation.org).
- 1.7.** Each student's fitness to practise case will begin with an initial investigation, then, if there is a case to answer, proceed to a student fitness to practise hearing. The preliminary investigation will be undertaken by an investigator (also known as the presenting officer) and the hearing will be heard by the Faculty's Fitness to Practise Panel. The investigator/presenting officer should not be the student's personal tutor. In appropriate cases the student may be suspended on the authority of the Vice Chancellor pending a completion of a full investigation.
- 1.8.** The panel will action in a proportionate way by weighing the interests of the patients and the public against those of the student.
- 1.9.** Any mitigating factors will be considered by the panel when it is deciding on the appropriate outcome.
- 1.10.** The School will consider whether it is necessary to suspend a student temporarily while the fitness to practise investigation or hearing takes place.
- 1.11.** Possible outcomes of hearings are based on the GPhC's guidance (available at <http://www.ljmu.ac.uk/Faculties/SCS/114612.htm>) and include:
- The student receives no warning or sanction;
  - The student receives a warning as there is evidence of misconduct but the student's fitness to practise is not impaired to a point requiring a sanction;
  - The student's fitness to practise is judged to be impaired and they receive a sanction. Beginning with the least severe, the sanctions are a) conditions or undertakings, b) suspension from a pharmacy course, c) expulsion from a pharmacy course'.

The School will consider the options available starting with the least severe and moving to the next outcome only if satisfied that the warning or sanction is not sufficient.

- 1.12.** Warnings, conditions and sanctions will remain on the student's record for a specified period, normally for the duration of the student's course. Warnings need not be declared to the GPhC. The School however, MUST inform the Regulator of any sanctions it imposes.
- 1.13.** The Pharmacy Regulator and the Health Professions Council reserve the right to set aside the university's fitness to practise decision, if there are grounds for doing so.
- 1.14.** While LJMU may be willing to admit an applicant on a programme of study or allow a current student to continue, successful completion of the programme does not

guarantee the applicant/student will be able to practise, or take up a related profession. This decision is made by the appropriate regulator e.g. GPhC, HPC, etc.

**2. All decisions related to a student's fitness to practice are made with due regard to the University's regulations and the Regulators' Code of Conduct, Rules & Regulations as appropriate:**

**2.1 MPharm and MPharm (MAHSA) (and all other programmes accredited by the Pharmacy Regulator):**

- The General Pharmaceutical Council Code of Conduct for Pharmacy Students (2010)
- The General Pharmaceutical Council Guidance of Student Fitness to Practise Procedures in Schools of Pharmacy (2010)
- The General Pharmaceutical Council Code of Ethics for Pharmacists and Pharmacy Technicians
- The General Pharmaceutical Council Assessment of Good Character
- The General Pharmaceutical Council
- LJMU Code of Conduct
- LJMU Equal Opportunity Policy
- LJMU Assessment Regulations
- ISA Safeguarding Guidelines
- All other relevant Professional and / or Statutory Body requirements which may be appropriate.

**2.2 Biomedical Science (and all other Faculty of Science programmes leading to registration with the Health Professions Council)**

- Health Professions Council Guidance on Conduct and Ethics for Students
- Health Professions Council Guidance on Health and Character
- LJMU Code of Conduct
- LJMU Equal Opportunity Policy
- LJMU Assessment Regulations
- All other relevant Professional and / or Statutory Body requirements which may be appropriate.

**2.3 All other programmes within the Faculty of Science that include a work based learning element or project that may involve children or vulnerable adults, or is based in a healthcare setting.**

- LJMU Code of Conduct
- LJMU Equal Opportunity Policy
- LJMU Assessment Regulations
- All other relevant Professional and / or Statutory Body requirements which may be appropriate.

**3. The Faculty of Science Fitness to Practise Panel Composition and Training**

3.1 The Faculty of Science Fitness to Practise Panel will be chaired by a School Director (or nominee).

- 3.2 Panel membership will reflect the nature of the professional programmes within the School and will include representation from LJMU staff and experienced practitioners.
- 3.3 LJMU staff will be nominated for membership by Directors of School.
- 3.4 Directors of School will be responsible for ensuring appropriate external representation.
- 3.5 The full Panel will meet formally once a year to review policy and consider any issues of principle.
- 3.6 The Faculty Panel will submit a statistical annual report of all decisions made and any issues of principle to the Head of Student Policy & Regulation at LJMU.
- 3.7 All cases will be reported to the relevant Regulator in accordance with their regulations by the School Director.
- 3.8 The Faculty Fitness to Practise Panel will meet as required.
- 3.3. The Panel may be advised if appropriate on matters of procedure by Student Policy & Regulation.
- 3.9 The Panel will be quorate with at least four members including:
- **Chair** – Director (or nominee from an area within the Faculty that is not directly connected to the student’s programme of study)
  - **2 Academic Staff Representatives** (1 of whom should not be from the student’s programme of study, the 2<sup>nd</sup> should be a practitioner relevant to the programme). A student’s personal tutor should not act as an investigator or as a member of the fitness to practice panel.
  - **1 Independent Experienced Practitioner (registered with the appropriate Professional Body)**
- 3.10 The Presenting Officer leaves with the student, and is not present for the decision making process.
- 3.12 All panel members should be appropriately experienced and have access to all relevant documentation. In full accordance with the GPhC guidance, ‘panel members must:
- Know and understand the rules and regulations of fitness to practise and disciplinary matters at the School;
  - Know and understand relevant guidance as illustrated in section 2.
  - Be fair-minded and willing to hear the full facts of the case before reaching a decision;
  - Be prepared to take into account appropriate expert advice;
  - Make sure the fitness to practise proceedings are fair and proportionate;
  - Know and understand the legal requirements and good practise of equality and diversity.
  - Be willing to undertake training for the role as appropriate.

#### **4. Faculty of Science Pre Hearing Protocol**

Once grounds for a case have been established, a standard letter (see Appendix 4a Faculty SCS Fitness to Practise procedures) *must* be sent to the applicant/student, which contains the following information:

- The precise nature of the case and the evidence for it (this must be communicated to the applicant/student at least four weeks before the date of the Panel Hearing;
- The date of the Fitness to Practise Hearing;
- The requirement for the student to attend the Hearing;
- The student's right to be accompanied at the Hearing by a 'supporter';
- The requirement for the student to ensure that all relevant evidence is made known to the Chair at least one week in advance of the hearing;
- The requirement for the Panel to provide the student with all relevant evidence relating to the case at least two weeks before the hearing;
- Both the student and the panel will not be allowed to produce any new evidence during the hearing. If there is new relevant evidence from the panel, or the applicant/student then the Hearing will be reconvened;
- The outcome of the hearing will be reported to the appropriate Regulator in accordance with their procedures.
- Whilst there is guidance issued by the 'regulators', 'regulators' will not participate in student fitness to practise cases. The regulators are not a fitness to practise adjudicator or an appeal body for students in schools. Regulators however, are the final arbiter in relation to an individual's eligibility to enter into pre-registration training; and their inclusion on the appropriate profession's register.
- The 'Regulator' reserves the right to set aside a school's fitness to practise decision, if there are grounds for doing so.
- That independent advice and guidance is available from the LJMU's Student's Union.

#### **5. Faculty of Science Fitness to Practise Hearing Protocol**

1. The Chair will open the hearing, introduce and summarise the roles of all parties present and the purpose of the Hearing.
2. The Chair will ask members to confirm that there are no perceived conflicts of interest between the initial investigator(s), panellists and the student.
3. The Chair will confirm that the student was informed of the right to be accompanied by a person in the role of supporter.
4. The Chair will confirm that the outcome of the case will be reported to the appropriate Regulator in accordance with their procedures.
5. The Chair shall confirm to the parties the substance of the issue(s) of Fitness to Practise.
6. The Chair will ask the presenting officer (normally an academic practitioner) to outline the details and the supporting evidence of the case to all present, introducing any applicable witnesses.

7. The Panel may ask questions of the presenting officer and witnesses at any time.
8. Through the Chair the student may ask questions of the presenting officer and witnesses.
9. The Chair and Panel will ask the student to respond to the issues of fitness to practise, referring to any evidence provided.
10. The Panel may ask questions of the student at any time.
11. Through the Chair the presenting officer may ask questions of the student and witnesses.
12. After the hearing, following no further questions from the Panel or the applicant/student, the presenting officer will summarise their case.
13. The Chair will ask the student to summarise their case.
14. The Chair will then adjourn the hearing to consider the evidence that the Panel have heard. The student and Presenting Officer will leave for the Panel to consider the issues. They 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 and the hearing will be reconvened following a repeat of these procedures.
15. 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.
16. The Chair will announce their decision, either by inviting the applicant/student to return, or in writing. The outcome of the hearing will be confirmed in writing within five (5) working days of the decision.
17. The student will be notified of the appropriate appeals procedure.
18. Decisions made against individuals will be reported to the Regulator and The Independent Safeguarding Authority as appropriate.
19. The Faculty or the University cannot guarantee entry to 'The Register' as this is a decision that must be made by the appropriate 'Regulator' and can only be made at the point of application to join The Register.

## 6. **Timescales**

Fitness to practise investigations and hearings can be lengthy. Students subject to a hearing will be informed as soon as possible about it. Students will also be informed of the timetable for the case and of any subsequent changes to that timetable. Whenever possible, the hearing will take place within four weeks of commencement of the investigation.

**University Fitness to Practise Appeals Panel**

**Membership**

Chair – Director (or Nominee)  
Adviser – Student Policy & Regulation  
Staff or Academic Representatives

**Quorum**

Chair  
Adviser  
2 other panel members

The Panel (s) will be Chaired by a member of the University Management, assisted by two members of LJMU staff.

The Panel will be advised on matters of procedure by an SPR Adviser. The Panel will be facilitated by SPR.

Members of the Fitness to Practise Appeals Panel will be selected from an area unconnected with the programme of study of the appellant. Decision making members of the Panel will have no connection or prior involvement with the case or the decision of previous panels.

The applicant or student will have the opportunity to make written representations to the Panel through their appeal submission.

The Panel may request advice and attendance from appropriate members of LJMU staff and where applicable external representatives.

The Panel may convene an oral hearing if the case is particularly complex or there is ambiguity/uncertainty regarding the appeal.

Notes of proceedings will be taken; verbatim minutes will not be taken.

The University Fitness to Practise Appeals Panel will meet when required.

The Chair will act as the final arbiter in the matter after considering the opinions of all panel members.

## **Appendix 5**

### **Appeal against expulsion**

- Where a student has been notified of a decision to expel the individual will have a right of appeal to the Board of Governors.
- The request for such an appeal shall be made in writing, giving full supporting evidence, to the Pro Vice-Chancellor (Administration) within ten (10) working days of receipt of the decision and giving the grounds for appeal.
- The Governors will normally delegate the responsibility for hearing an appeal to a Disciplinary Appeals Committee consisting of the following members who will have no connection with, or prior knowledge of the case:
  - (i) an independent or co-opted member of the Board of Governors shall Chair the Appeal Proceedings advised by the University Registrar.
  - (ii) a member of staff nominated by the Academic Board
  - (iii) a sabbatical officer nominated by the President of LSU.
- In these circumstances, the expulsion shall not be confirmed until the appeal has been determined, but the student will be excluded/suspended from the University until the appeal has been determined.
- Normally appeals will be heard within 28 working days of being lodged, unless varied by mutual agreement.
- After consideration of the appeal the Disciplinary Appeals Committee shall annul or confirm the decision.
- The decision of the Board of Governors via its Disciplinary Appeals Committee shall be final and the student and the relevant Director shall be notified in writing of the decision and the grounds, by the Pro Vice-Chancellor (Administration) within five (5) working days of the decision.

### **Re-admission after expulsion**

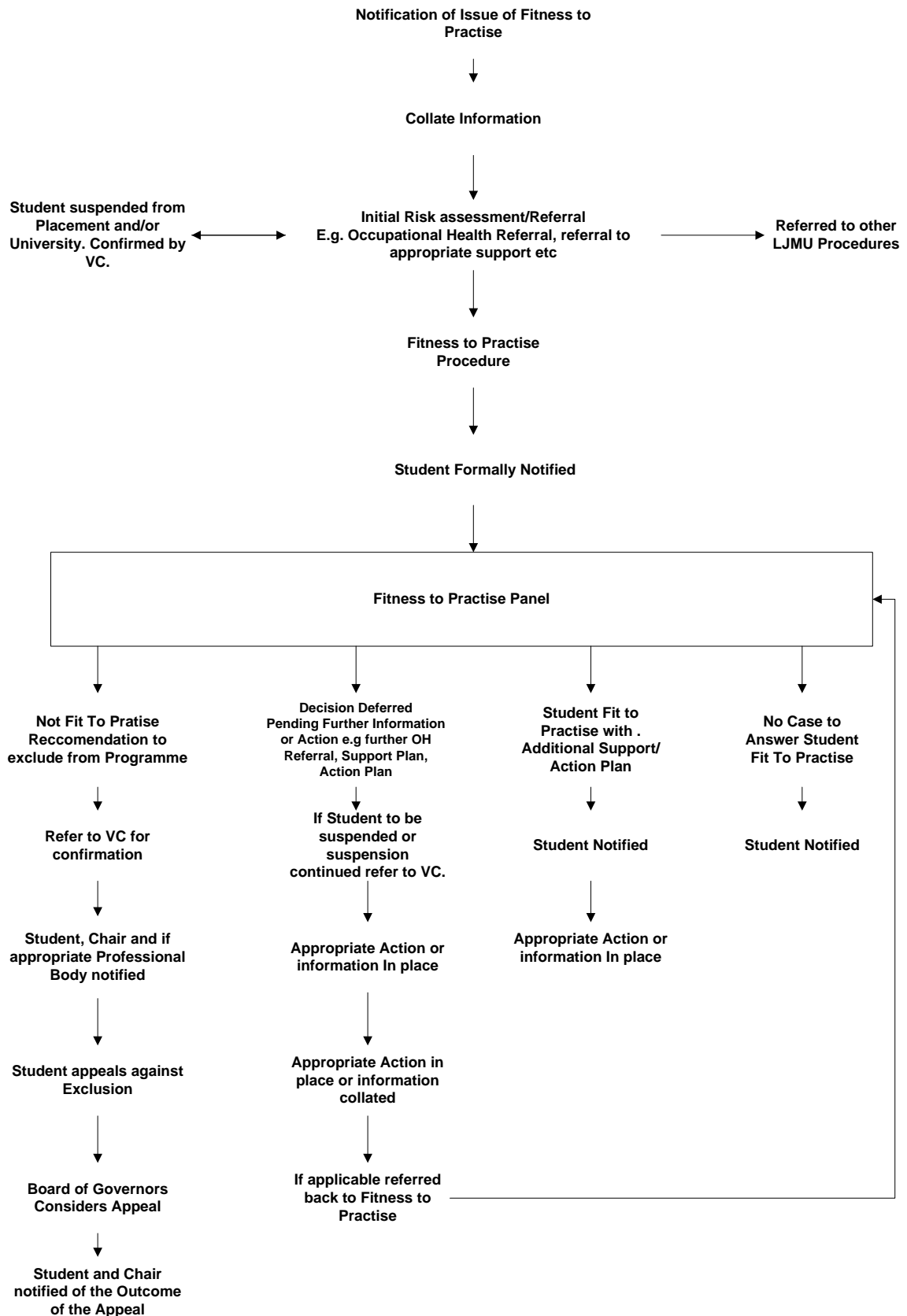
Any student expelled from the University following a disciplinary hearing and who wishes to reapply to the University must disclose that information to the Director of School for the programme for which he/she wishes to apply. The Director will decide in each case whether the student may be re-admitted and will immediately report the decision to the Director of Corporate Services. Failure of the applicant to disclose such information shall constitute gross misconduct.

## **Appendix 6**

### **Fitness to Practise 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 officer 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. After hearing following 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 the student and presenting office will leave for the Panel to consider the evidence. They 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 their 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 (5) working days of the decision.
15. The student will be advised if the decision of the Panel will be reported to the relevant professional body and if applicable the Independent Safeguarding Authority.
16. The student will be notified of the appropriate appeals procedure.

## Appendix 7 Process Chart



Please note the above outlines typical processes, however as issues of Fitness to Practise are investigated and dealt with on a case by case basis, variations in this process may be applied to accommodate specific issues and requirements.