

University of Greater Manchester Medical School

Fitness to Practise Regulations MBChB

1. Introduction

This Fitness to Practise Policy for the University of Greater Manchester Medical School MBChB programme is derived directly from that of our contingency school, Leicester Medical School. In the main document minor adaptations serve only to apply to the University of Greater Manchester's local circumstances. The Appeals Appendix is from the University of Greater Manchester regulations.

Where a programme of study requires the student to undertake clinical practice or training with patients, clients or service users or where the qualification provides a direct licence to practise, the University of Greater Manchester must ensure that a student is fit to practise. To protect present or future patients, clients or service users and to comply with the requirements of professional/regulatory bodies, the University of Leicester has established a procedure for dealing with student-related fitness to practise issues. It is expected that issues surrounding professional behaviour will be monitored and investigated initially within the relevant Department or School. The Fitness to Practise Committee will therefore normally only consider those cases that have been brought to it, following the initial investigation, via appropriate staff and the relevant Health & Conduct Committee or other equivalent body at which a student's health and/or conduct is considered.

These regulations set out the policies and procedures to be followed by the Institute of Medicine's Fitness to Practise Committee and others involved in fitness to practise issues. They reflect the fitness to practise guidelines of the relevant professional bodies.

These regulations apply to the following degrees:

- Bachelor of Medicine and Bachelor of Surgery (MBChB)

These regulations are supplemented by the University of Greater Manchester's Student Non-Academic Conduct and Disciplinary Policy and the Academic Misconduct Regulations and Procedures.

In the case of students who are subject to a fitness to practise procedure, an allegation under the University's disciplinary code will, almost inevitably, raise an issue of concern to the relevant fitness to practise committee. In such cases, the University's disciplinary process shall take priority and any fitness to practise procedure will be postponed or adjourned until the University's disciplinary procedure is completed under these Regulations. The University's disciplinary processes and the fitness to practise procedures are separate processes to the Medical School, the latter being concerned exclusively with the suitability of an individual to pursue a career in medicine.

Following the completion of the disciplinary process, the Medical School Fitness to Practise Committee may initiate or continue its own procedure if it considers it appropriate to do so. In so doing it would not normally reinvestigate the facts and would, instead, adopt the findings of the University disciplinary committee or the authorised officer. In considering the appropriate outcome of its proceedings, while the Fitness to Practise Committee should have regard to any disciplinary sanction which has been imposed, it should use its judgement to determine the separate issue of the individual's fitness to practise.

These regulations and the procedures described therein adhere to the University of Greater Manchester's Equal Opportunities Policy and the GMC guidance on Equality and Diversity. These policies are themselves governed by the Equality Act 2010. The Medical School's Fitness to Practise Committee will ensure that these regulations and the procedures that arise from them do not discriminate unfairly based on gender, pregnancy and maternity, gender reassignment, disability, race, ethnic or national origin, age, sexual orientation, socio-economic background, religion and belief, political beliefs, family circumstances including marriage and civil partnership and trade union membership.

2. The Fitness to Practise Committee

There shall be a Fitness to Practise Committee, which will be appointed by and report to the Medical School Health and Conduct Committee. It will have responsibility for maintaining an overview of matters relating to fitness to practise and make recommendations to the Student Conduct Group from time to time on matters relevant to this regulation.

The Fitness to Practise Committee will receive the outcomes of cases that have been considered by Fitness to Practise Panels and receive and review the progress of students

who have been before a Panel, paying particular attention to whether a student has fulfilled any requirements or conditions placed upon the student.

The Fitness to Practise Committee will receive reports from the Medical School Health and Conduct Committee in cases where a student has been referred to that Committee for monitoring.

The Fitness to Practise Committee will be responsible for ensuring that those members who are eligible to sit on a Panel are appropriately trained and with the latest General Medical Council regulations and guidelines. Committee members will also receive training in good practice of equity, diversity and unconscious bias.

The Medical Schools Chief Operating Officer, or his/her nominee, shall be Secretary to the Fitness to Practise Panel and shall be responsible for convening Fitness to Practise Panels under these regulations.

The composition of the Fitness to Practise Committee shall be as follows:

- a) lay Chair;
- b) up to three further lay members, one of whom shall be Vice-Chair;
- c) the Dean of the Undergraduate School;
- d) the Head of the Faculty of Health & Wellbeing, or nominee;
- e) the Chair of the Medical School Fitness to Practise Panel;
- f) four members of the clinical academic staff of the Institute of Medicine, at least one of whom shall be a psychiatrist;
- g) one member of the non-clinical academic staff of the Institute of Medicine;
- h) up to three senior clinicians, not being employees of the University, with experience in teaching healthcare students;
- i) a recently qualified representative from clinical practice related to each of the programmes covered by these regulations.

Members in categories (a), (b), (f), (g), (h) and (i) shall be appointed for a three-year term, which may be renewed for a maximum continuous period of nine years. Members in categories (c), (d) and (e) will not have a maximum continuous period of appointment.

Members in categories (a) and (b) shall be appointed by the MBChB Management Team on the recommendation of the Head of the Institute of Medicine; they shall be independent of the University, not employees of the NHS or a Social Services department, and have appropriate experience in public life.

Members in categories (e), (f), (g), (h) and (i) shall be appointed by the Head of the Institute of Medicine in liaison with the Chair.

Efforts will be made to ensure that Panel membership is representative of the diverse makeup of the student body.

3. Panels of the Fitness to Practise Committee

Cases relating to the consideration of fitness to practise issues for individual applicants and students shall be considered by a Fitness to Practise Panel with full delegated authority to determine the outcome of each case. Panels will be convened by the Secretary of the Fitness to Practise Committee.

The Fitness to Practise Committee shall appoint a Chair of its Fitness to Practise Panels. A Deputy Chair will also be appointed. The Panel Chair and Deputy Chair will be clinical academic staff who are not members of the Schools of the Institute of Medicine which host the programmes covered by these regulations and who do not hold a strategic or administrative role in the delivery of these programmes.

The Head of the Faculty of Health and Wellbeing (or nominee), the Dean of the Medical School, and the student members of the Committee are not eligible for Panel membership.

A Panel will have a minimum of three members:

Chair or Deputy Chair

One lay member of the Committee

One other member of the Committee from eligible categories of membership.

A Panel may co-opt other suitably qualified individuals (who may or may not be associated with the student's School or the University) subject to the agreement of the Chair of the Fitness to Practise Committee.

Efforts will be made to ensure that Panel membership is representative of the diverse makeup of the student body.

The outcome of cases heard by Panels shall be reported to the Fitness to Practise Committee.

4. Admissions Cases

The responsibility for deciding to refer the circumstances of an applicant for consideration by a Fitness to Practise Panel rests with the Admissions Tutor for the course. Normally the circumstances giving rise to concern will relate either to the health or disability of the applicant, to the applicant's criminal record, or the applicant's general honesty.

Where a case relating to an applicant is considered by a Fitness to Practise Panel, the Panel shall normally determine the outcome without holding a hearing. A Panel may co-opt other suitably qualified individuals (who may or may not be associated with the student's School or the University) subject to the agreement of the Chair of the Fitness to Practise Committee.

4.1 Health and Disability

The GMC's guidance on supporting disabled learners in medical education and training states that having a health condition or disability alone is not a fitness to practise concern. It is important to look at the impact a health condition is having on a person's ability to practise medicine safely, which will be unique for each case.

Where an Admissions Tutor is concerned that the health of an applicant, especially disability or illness likely to pose a risk to patients or clients, will affect an applicant's fitness to practise, the Admissions Tutor should, with the consent of the applicant, seek to obtain in confidence appropriate medical or other reports and, if necessary, an Occupational Health opinion.

If, in the light of such reports, the Admissions Tutor concludes that the applicant would be fit to practise following successful completion of the course, the circumstances causing concern will be set aside and the applicant assessed using the standard entry criteria and procedures. The Admissions Tutor will maintain a record of such cases for the information of the Committee.

If, in the light of such reports, the Admissions Tutor is in no doubt that the applicant will not be able to meet the guidelines mandated by the relevant accrediting body such as to be deemed fit to practise, the Admissions Tutor will inform the Senior Leadership Team of the Medical School and the application will be dealt with accordingly.

If the Admissions Tutor requires an independent opinion, s/he should forward details of the applicant, including the medical reports, to the Secretary of the Fitness to Practise Committee along with a recommendation on the applicant's fitness to practise.

Each case referred by an Admissions Tutor will be fully considered by a Panel. Based on the evidence presented, and taking account of previous comparable cases and any criteria the Committee may have established over time, the Panel will either decide to confirm the recommendation from the Admissions Tutor that the applicant would not be fit to practise the profession concerned, following qualification, or will decide that the circumstances of the applicant are not such as to so judge, and will instruct the Admissions Tutors to proceed with assessment of the applicant using the standard entry criteria and procedures. The Panel may, with the applicant's consent, commission further medical reports where it regards this as helpful and will, where necessary, meet with the applicant to discuss the outcome.

The Panel will relay its findings to the Undergraduate Dean, who will take these findings into account alongside any other relevant considerations in deciding whether the Admissions Tutor may proceed with assessment of the applicant using the standard entry criteria and procedures.

4.2 Criminal records

Applicants are required to declare any criminal records (including cautions and 'spent' convictions) during the admissions process and this requirement is reinforced in writing and at interviews.

For home students, an enhanced Disclosure and Barring Service (DBS) disclosure will be required for admission to the MBChB programme.

Students from overseas will be required to obtain a police report, criminal records check or Certificate of Good Conduct from any country they have lived in since age 13 before admission to the programme.

Where an applicant has declared a conviction, the Admissions Tutor shall obtain a factual statement from the applicant on the circumstances of the offence(s), including the nature of the offence, the date and the precise terms of any penalties imposed.

If, in the light of such a statement, the Admissions Tutor concludes that the applicant would be fit to practise following successful completion of the course, the circumstances causing

concern will be set aside and the applicant assessed using the standard entry criteria and procedures. The Admissions Tutor will maintain a record of such cases for the information of the Committee.

If, in the light of such a statement, the Admissions Tutor is in no doubt that the applicant will not be able to meet the guidelines mandated by the relevant accrediting body such as to be deemed fit to practise, the Admissions Tutor will inform the Medical School and the application will be dealt with accordingly.

If the Admissions Tutor requires an independent opinion, s/he should forward details of the applicant to the Secretary of the Fitness to Practise Committee with a recommendation as to the impact of the offence(s) on the applicant's fitness to practise.

Each case referred by an Admissions Tutor will be fully considered by a Panel. In such cases the Secretary will invite the applicant to submit a written statement and any supplementary evidence (testimonials to good behaviour etc.). This documentation will be considered in full by the Panel. The Panel may, with the applicant's consent, commission further reports where it regards this as helpful. On the basis of the evidence presented, and taking account of previous comparable cases and any criteria the Committee may have established over time, the Panel will either decide to confirm the recommendation from the Admissions Tutor that the applicant would not be fit to practise the profession concerned, following qualification, or will decide that the offence(s) are not sufficiently serious to prevent the applicant from practising.

The Panel will relay its findings to the Undergraduate Dean of Medicine, who will take it into account alongside any other relevant considerations in deciding whether the Admissions Tutor may proceed with an assessment of the applicant using the standard entry criteria and procedures. If the applicant is considered for entry, the Tutor will notify the applicant that, if admitted, any further breach of Professionalism would be regarded as part of a pattern of behaviour, which could jeopardise his/her position at the Medical School.

4.3 General Honesty

Where an Admissions Tutor or other officer has reason to question the general honesty of an applicant, for instance where it becomes apparent that application documentation has not been properly and frankly completed, the case will always be referred to a Fitness to Practise Panel. The Secretary will invite the applicant to submit a written statement and any

supplementary evidence, and this will be considered by the Panel together with a report by the Admissions Tutor or other officer involved.

On the basis of the evidence presented, and taking account of previous comparable cases and any criteria the Committee may have established over time, the Panel will either decide that the applicant would not be fit to practise the profession concerned, following qualification, or will decide that the offence(s) are not sufficiently serious to prevent the applicant from practising.

The Panel will relay its findings to the Undergraduate Dean of Medicine, who will take these findings into account alongside any other relevant considerations in deciding whether the Admissions Tutor may proceed with an assessment of the applicant using the standard entry criteria and procedures. If the applicant is considered for entry, the Tutor will notify the applicant that, if admitted, any further breach of Professionalism would be regarded as part of a pattern of behaviour, which could jeopardise his/her position at the Medical School.

4.4 Outcomes of Admission Cases

Where an admissions case has been considered by a Fitness to Practise Panel, the applicant will be notified of the Panel's conclusions in writing by the Admissions Tutor.

In all cases, a student subject to pre-admission Fitness to Practise procedures will be referred to the Health and Conduct Committee (in respect of medical students).

5. Cases involving registered students

A student may be referred to a Fitness to Practise Panel of the Fitness to Practise Committee where evidence emerges, which brings into question a student's fitness to practise. This may include, for example, issues of behaviour and attitudes, dishonesty, criminal conduct, or conduct likely to bring the profession into disrepute. Illness may also require the consideration of a Fitness to Practise Panel. At all times the consideration of patient or client safety shall be paramount. There may be circumstances that do not present a direct risk to patients, service users or clients, but still bring into question a student's fitness to practise:

- a) Investigation of allegations against currently registered and former students
- b) Concerns relating to the fitness to practise of a currently registered student will normally arise in one of the following ways:

1. from the relevant School's Health and Conduct Committee (HCC) in respect of students in Medicine.
2. following a complaint from a patient or client, service user, carer, health professional colleague (including students), or member of the public;
3. following disclosure by a body such as the Police, Crown Prosecution Service, Disclosure and Barring Service or a professional, statutory or regulatory body, or by the student themselves, of a criminal offence or other inappropriate behaviour;
4. following disclosure by the student themselves of ill health capable of affecting fitness to practise.

All such reports which refer to a student on the MBChB programmes should be forwarded to the Secretary of the Medical School's HCC who in the case of 2), 3) and 4) above will refer the student to the Chair of the Medical School's HCC. The HCC will investigate the allegations as described in the Code of Practice for the HCC. Any case deemed to warrant further proceedings under the Fitness to Practise regulations will require the Secretary to the Fitness to Practise Committee to convene a Panel.

6. Exclusion of Students

The Institute of Medicine can, in certain circumstances, recommend to the University Academic Registrar that the student has no or limited access to university facilities or premises or to clinical placements pending investigation under Fitness to Practise procedures. Such suspension must be justified to protect the interests of patients, service users or clients, the student concerned, other students or members of staff of the University.

7. Proceedings of a Fitness to Practise Panel

When a student's case is referred to the Secretary to the Fitness to Practise Committee, a Fitness to Practise Panel will be convened with members who have had no previous sustained individual contact with the student for teaching or pastoral care such that there is no conflict of interest.

Support will be made available from the outset to students who are going through formal fitness to practise procedures. Students who have been referred by the Health and Conduct Committee will be appointed a mentor to help guide them through the process. If

the referral has come from another source, the Secretary to the Fitness to Practise Committee will ask the Medical School to appoint a mentor.

The normal maximum timeframe between initial referral to the Fitness to Practise Committee and the Panel hearing taking place shall be 90 days.

7.1 Information given to the student and the Panel

The Secretary to the Fitness to Practise Panel shall send to the student, not later than 20 working days prior to the date of the hearing, a written summons stating:

- The membership of the Panel;
- the date, time and place of the hearing;
- the reason(s) for referral to the Fitness to Practise Committee and the identity of the person who will be presenting the concerns raised about them;
- information on the order and conduct of proceedings in hearings as set out in this policy;
- the right of the Panel to proceed in the student's absence if, having been given due notice of the date of the hearing and sufficient notice of the documentary evidence available to the hearing, he or she fails to appear without providing prior good reason for absence. The decision of the Chair of the Panel as to whether to proceed in the student's absence shall be final.
- Where practicable, the identity of any witnesses who are already expected to be in attendance.

The Secretary to the Panel will also enclose with the summons written comments from the person presenting the case against the student and/or members of staff connected with the case explaining their concern as to the student's fitness to practise, together with factual information about the student's progress in the course and any other relevant documentation including the statements of any relevant witnesses.

Prior to consideration of his/her case by a Fitness to Practise Panel, a student may be required to attend the Occupational Health Service in order that a report can be made on his or her fitness to practise on medical grounds. The report will be sent to the Committee Secretary and copied to the student and the Undergraduate Dean of Medicine.

Having received the written summons, the student may set out his or her response in writing with copies of any relevant documentation. This must be sent to the Committee

Secretary not less than ten working days before the meeting to allow the Panel and the Medical School sufficient time to study any additional papers and, if appropriate, for the Panel to seek an Occupational Health opinion on any medical evidence. (University working days are Mondays, Tuesdays, Wednesdays, Thursdays and Fridays, excluding weekdays when the University is closed). The Secretary to the Panel will circulate the student's written response to the Panel and the person presenting the case. All written evidence made available to the Panel will also be made available to the student and to the person presenting the case.

If the student wishes to obtain character references and or letters of support, the contact details of the referee/supporter should be e-mailed to the Secretary to the Panel. The Secretary will contact the referee/supporter to request references and will circulate copies of any documents received to the student and the Panel members.

The Chair may determine that a hearing should be postponed or adjourned if any written evidence is supplied without sufficient notice for it to be circulated and properly considered by all relevant parties.

Any written communication to the student will be e-mailed and posted to the registered semester-time address last supplied by the student, or, during vacations, to his or her home address if this is different from the semester-time address. It is the student's responsibility alone to ensure that his or her current addresses are made known to the Medical School.

The ruling of the Chair of the Panel on any point of procedure relating to the conduct of the Panel shall be final.

7.2 Abandonment/non-abandonment of cases when a student withdraws from the University:

Where a student leaves the University following the instigation of an investigation under these regulations, but prior to the conclusion of its consideration as provided for under these regulations, the Chair of the Fitness to Practise Committee shall determine whether the procedures should be continued at that time. This shall include a situation where the University deems that, due to non-response to communication, a student has withdrawn *in fact*, although they have not notified the University formally of a decision to withdraw.

If the Chair determines that the case should proceed in these circumstances, but at any point in its consideration a decision cannot be reached (for example if additional information

is required), consideration of the case may be suspended. Where consideration of a case is suspended in this manner, the University may refuse admission to any programme of study or the provision of any other service to the student concerned until consideration of the suspended disciplinary case is properly concluded.

The University will normally require the proper conclusion of a case where it deems it necessary in order to safeguard (i) its own staff, students and property; (ii) any members of the public (in particular patients, children and vulnerable adults) affected or potentially affected by the outstanding allegations against the student; or (iii) the codes of practice and/or standards established by professional, regulatory or statutory bodies.

Under the Ordinances of the University, Senate may deprive a student or former student of any award when it has good cause to do so. The University reserves the right to investigate allegations of misconduct arising against former students under these regulations, to ascertain the facts and determine any penalties which should be imposed in such cases.

8. Attendance at the Panel

The student will be required to attend the hearing in person. If the student fails to attend without reasonable explanation, the Panel may consider the case in the student's absence. The Chair will have discretion as to what constitutes a "reasonable explanation".

The student may choose to be accompanied by a friend. This may be a friend, a member of their family or a current member of the University (staff or student). Alternatively, the student may choose to be accompanied by a representative who is a member of the University or from the relevant professional association. For this procedure:

"someone from the relevant professional association" is defined as a representative of the Medical Protection Society, Medical Defence Union or similar medical defence organisation.

A representative may undertake the presentation of the case on behalf of the student, providing that the student is present. A friend may not do so. It is the responsibility of the student wishing to be accompanied to inform his or her friend or representative of the date, time and place of any meeting or hearing. The student shall, where possible, notify the Secretary to the Appeals Panel of the name of any friend or representative who will be accompanying him or her at least two days before the date of the hearing or meeting.

Fitness to Practise concerns raised about medical students will be presented by the Chair of the HCC or his/her nominee; concerns raised against students registered on the other degrees covered by these regulations will be presented by the relevant Head of Department or School or his/her nominee.

The student, the person presenting on behalf of the University and the Chair of the Panel may nominate witnesses to attend the hearing. Witness evidence should only normally be called if it is likely to give additional information to the written statements used to inform the Panel's deliberations. The Chair of the Panel's decision as to whether to accept a nomination is final. The Panel reserves the right to proceed in the absence of any witness and the ruling of the Chair of the Panel in this matter shall be final.

The Secretary to the Panel will be responsible for inviting all witnesses to attend the hearing. The party calling the witness must inform the Secretary as soon as possible of the nomination, and the request will be considered by the Panel Chair. If the nomination is approved the Secretary will issue the witness with an invitation to attend, making clear who has requested their evidence and why, explaining that attendance is voluntary and explaining the procedures. When nominating a witness, parties should provide sufficient advance notice to enable the witness to attend the hearing.

The Panel Chair will determine whether some or all the written evidence should be made available to a witness.

At the discretion of the Chair, the Panel may also call upon other persons (whether a current member of the University) to provide advice on specific aspects of the case in writing or in person.

9. Procedure for the conduct of the Panel

This section is a guide to the conduct of the Panel. The Chair has the discretion to vary these arrangements as s/he thinks fit.

Panel hearings will not be held in public.

If two or more students are involved in a single incident that has led to fitness to practise procedures, each student will appear individually before the Panel. However, to optimise conformity of process the Committee Secretary will try, if possible, to convene the same Panel members to hear all the students' cases. This may not always be possible.

Before the meeting, the Secretary to the Panel will ensure the student has copies of all documents circulated to members of the Panel and is aware of the procedures to be followed. Any late submissions of documentation will only be allowed to be put in front of the Panel at the discretion of the Chair. Such late submissions and considerations by the Chair may result in a delay or an adjournment of the proceedings. The student, friend or representative (if attending) and the person presenting the fitness to practise concerns on behalf of the University will join the Panel at the same time.

The Chair of the Panel will welcome the student and invite them to provide some background to themselves. At this stage the Chair will invite 'the friend', if accompanied, to provide background on themselves and how long they have known the student. The Chair will introduce the Panel by name and explain the responsibilities of the members of the Panel, the other staff attending, and any others present.

The Chair of the Panel will explain the powers of the Panel, as set out above.

The Chair of the Panel will invite the person presenting the case against the student to make a brief opening statement highlighting any points of particular significance and then invite the Panel and then the student to ask questions. The person presenting the fitness to practise concerns on behalf of the University may then call witnesses to give evidence. The Panel and the student (or their representative) will have the opportunity to question the witnesses.

The Panel Chair will invite the student or their representative to make a statement. The Chair will explain that the Panel will wish to hear directly from the student in his/her own words.

The student may then call witnesses to enter the hearing room to give evidence. The Panel and the person presenting the fitness to practise concerns on behalf of the University will have the opportunity to question the witnesses. The witnesses may then be asked to leave the room but to remain available to return if called.

Any other person(s) called upon by the Chair to attend the Panel will be invited to enter the hearing room to make a brief statement and may then be asked questions by the student and/or their representative, the person presenting the fitness to practise concerns on behalf of the University and the Panel. These persons may then be asked to leave the room but remain available to return if called.

Once the Chair is satisfied that the Panel has completed its questioning and all parties have had a full opportunity to convey information to the Panel and ask questions of the other attendees, all parties except for the Panel and the Secretary will withdraw from the room.

The Panel will then discuss the case in private.

If the Panel requires further clarification of any aspect of the case from any of the parties or witnesses, all parties and the relevant witnesses must be invited back into the meeting while the questioning takes place. They will then all leave the meeting again.

Any application made by a party on behalf of their witness to leave the hearing after assisting the Panel will be at the discretion of the Chair.

The Panel may adjourn but will make its decision as soon as is reasonably practicable.

The standard of proof used by the Panel is proof on the balance of probabilities; a fact will be established if it is more likely than not to have happened. Decisions of the Panel shall be taken by simple majority. Where the votes are equal, the Panel shall decide the issue under consideration in favour of the student.

The decision, and any findings of fact, will be conveyed to the student and the other parties as soon as practicable, and will in any event be conveyed to the student in writing by e-mail and recorded delivery, normally within seven working days of the Panel reaching its decision. For the protection of the public and to ensure continuing support to the student, it may be necessary for a copy of the written determination to be sent to the Occupational Health service, the University's Disability Office, or the relevant body concerned with the supervision of newly graduated medical students, e.g. the Foundation School.

The Secretary will ensure that a record or note of the meeting is kept. The form of the record shall be a matter for the Chair's discretion.

10. Outcomes of the deliberations of a Fitness to Practise Panel

A Panel may determine one or more of the following actions concerning the fitness to practise of the student:

1. that there are no concerns about the student's fitness to practise and to take no action.

2. that the student's fitness to practise is not impaired but his/her behaviour has significantly departed from expected standards such that he/she should be issued with a warning or advice
3. that the student is suffering an illness sufficient to impair his/her fitness to practise and to suspend his/her registration until such time as a satisfactory Occupational Health report is received. The maximum length of suspension shall be specified by the Panel;
4. that the student is suffering an illness sufficient to impair his/her fitness to practise and that, notwithstanding his/her academic progress, the award of the degree(s) be withheld, or s/he be not permitted to graduate until such time as a satisfactory Occupational Health report is received. The maximum length of suspension shall be specified by the Panel;
5. that the student's fitness to practise is impaired and that s/he therefore be required to make an undertaking as to his/her future conduct;
6. that the student be warned that his/her behaviour, attitude, or conduct is such that s/he is at significant risk of having his/her registration terminated, not being awarded the degrees, or not being permitted to graduate, on the basis his/her fitness to practise is impaired;
7. that the student's behaviour, attitude, or conduct is such that that his/her fitness to practise is impaired and that his/her registration be suspended for a specified period until satisfactory reports are received;
8. in the case of medical students, the student's fitness to practise is impaired and s/he is in Neglect of his/her Professionalism Obligations. The student will be referred to the next Board of Examiners with a recommendation that the student should not progress (irrespective of whether the student has met all other progression requirements) due to Neglect of Professionalism Obligations. The Board of Examiners will normally allow a repeat of the year. However, if there are student health issues that need addressing then the Board of Examiners may require the student to suspend their studies before repeating the year. A student may repeat a year as a consequence of Neglect of Professionalism Obligations on a single only occasion during the Programme;
9. that the student's fitness to practise is impaired such that conditions must be placed on work, placement, monitoring and examinations. The Panel shall request further

reports until it is satisfied itself that the issues giving rise to concern have been addressed;

10. that the student's registration be terminated on grounds that s/he is unfit to practise

11. that, notwithstanding a student's academic progress, s/he be not awarded the degrees, or not be permitted to graduate on the basis s/he is unfit to practise;

12. in cases where a student has left their course for any reason before the conclusion of the process, that s/he is unfit to practise

In deciding on the length of a student's suspension and/or the date of his/her return to the course, the Panel may consult the Medical School and consider its academic calendar and progression regulations.

Students on the MBChB programmes who are deemed unfit to practise will be considered by the MBChB programme Board of Examiners for the appropriate exit award subject to the year of study, their academic progress and University Regulations.

The Panel may, where there is a duty to do so or a requirement under UK law, disclose any information arising from these procedures, or details concerning the outcomes of the consideration of cases to professional, statutory or regulatory bodies, or law enforcement officers, or to any NHS Trust.

Any medical student who appears before a Fitness to Practise Panel will need to declare this on their Transfer of Information form. The GMC is responsible for registration decisions and will carry out its own separate test of fitness to practise.

Where a medical student is found by a Panel to be unfit to practise and is excluded from the Medical School, or withdraws voluntarily from or has his or her course terminated by the Medical School and is subsequently found by a Panel to be unfit to practise, or leaves the course without satisfying any conditions imposed on him/her by a Fitness to Practise Panel, his or her details will be passed to the Medical Schools Council for inclusion on the Medical Schools Council Excluded Students Database.

A student may appeal against their addition to the database via the route for appeals against Stage One decisions of Fitness to Practise Panels. Students who are successful in appealing a fitness to practise judgment will have their record removed from the database.

11. Right of Appeal

The University of Greater Manchester appeal process is adopted by the Medical School.

In the letter confirming the outcome of the Fitness to Practise hearing, the student will be notified of his/her right to appeal.

An Appeal is heard by an “Appeal Officer”.

When an appeal is against any sanction other than expulsion, the Appeal Officer will be a Dean of Faculty who has experience of the Fitness to Practise Procedure but has not had any previous involvement with the case, as far as is reasonably possible.

When an appeal is against expulsion, the Appeal Officer will be the Chair of the Governing Body (or their nominee in the event of their unavailability).

A request for an appeal should be lodged in writing with the Quality Transformation Unit within five working days of written notification being sent to the student of the outcome of the disciplinary hearing. The request for an appeal should state the full grounds for the appeal. The grounds for an appeal may be:

There was a procedural irregularity in the conduct of the Fitness to Practise Panel or the investigation that may render the original decision unsafe;

New material evidence is available which the student was unable, for valid reasons, to provide earlier in the process and which may have resulted in a different outcome;

The outcome (whether the decision or sanction) was unreasonable.

The Quality Transformation Unit will determine if the request for an appeal is to be permitted or is to be rejected based on the grounds that the student has identified, and the student will be informed of that decision in writing.

If the appeal is rejected the letter explaining the reasons why will also be the Completion of Procedures Letter which indicates that the internal procedures have now been completed.

If the appeal is permitted, the student will be notified in writing of the arrangements for the appeal, whether the appeal will be considered by the written submission or at a hearing, and his/her right to be accompanied at a hearing by a companion who will normally be a representative of the University of Greater Manchester Students’ Union. If a hearing is to

be held, the notice will also invite the student to inform the Quality Transformation Unit of any reasonable adjustments that are required which will be accommodated where reasonably practicable. An appeal hearing will be held, where possible, within ten working days following receipt of the request. An appeal hearing may be via face-to-face meeting or via telecommunication systems.

The Appeal Panel will consist of the Appeal Officer, a senior member of academic staff from an area which is familiar with Fitness to Practise concerns and, where the Appeal Panel may substitute the decision of the Fitness to Practice Panel with its own decision, it should include at least one member of the relevant profession. All the Appeal Panel members will not have been involved at a previous stage. The Appeal Panel may obtain advice from others internal and external to the University if necessary to inform its decision.

The student should attend the hearing. If the student cannot attend at the date/time specified he/she should inform the Quality Transformation Unit immediately who will seek to agree an alternative date/time.

If the student does not attend the appeal hearing without giving notice and/or without good reason the hearing will go ahead, and a decision will be made by the Appeal Officer based on the information and evidence available to him/her.

At the appeal hearing records and notes from the Fitness to Practise hearing and any new evidence will be made available to the Appeal Officer who will review the evidence. Any new supporting evidence that will be considered at the appeal hearing should be provided by all parties no later than five working days before the appeal hearing.

After the appeal hearing the Appeal Officer will decide as to whether the original disciplinary sanction(s) should be upheld, amended or revoked.

The student will be informed of the outcome of the appeal in writing within five working days of the appeal hearing.

There is no further right to appeal, and the procedure is exhausted at this stage.

In circumstances where the Appeal Officer determines to uphold an appeal by a student the following action will be taken:

In the case of a formal warning being given the warning will be removed from the student's record;

In the case of the student being permitted to continue on the programme with appropriate treatment and support in place and as informed by the Health, Wellbeing and Supported Study Policy (as appropriate) with or without a period of monitoring – the arrangements will be revoked

In the case of the student being required to re-sit a specified part or parts of the Programme where permitted – this requirement will be rescinded;

In the case where other actions have been required by the Panel enable the student's successful completion of the remainder of the Programme – these requirements will be rescinded;

In the case where the student's studies on the Programme leading to a professional qualification are to be terminated but that the student be permitted to apply to transfer his/her registration to an alternative academic qualification – the decision will be revoked

In the case of exclusion for a specific time or expulsion, the student's status will be reinstated from the date the exclusion or expulsion took effect and the student will not be deemed to have had any break in their studies.

12. Completion of Procedures and the Office of the Independent Adjudicator

In the letter confirming the outcome of the appeals hearing, the student will be notified by way of the accompanying Completion of Procedures letter of his/her right to request an independent review by the Office of the Independent Adjudicator.

13. Keeping of Records

Where the case against the student is upheld, the Panel will refer the decision to the Quality Transformation Unit and the relevant internal and external bodies will be notified of the decision.

Records of the Fitness to Practise case will be kept for the period of the active sanction and comply with relevant statutes and will be destroyed thereafter. These records will include the issues raised against the student, the student's defence, findings made, and action taken, the reason for action taken, whether an appeal is lodged and the outcome. Notes of any formal meetings will also be kept.

14. Document Version Information

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Originator: Professor John C. Clapham

Contributors:

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