

# **School of Medicine**

## **Health and Conduct Committee for MBChB Regulations**

### **1. Introduction**

It is a GMC requirement that, when a University places the names of students on a pass list to graduate for the degrees of MBChB, the University is confirming that these students are fit to practise. The obligations of the School of Medicine are set out in the GMC document [Promoting Excellence](#), which presents the requirements for the management and delivery of undergraduate and postgraduate medical education and training. The relevant advice is contained in The Annex, paragraph 2, of the GMC's guidance entitled [Achieving good medical Practice: guidance for medical students](#)

The School of Medicine has a responsibility to the public, to employers and to the profession thus the role of the HCC is to ensure the future safety and care of patients. The HCC conducts processes intended to support students who are giving cause for concern, and to manage them to successful completion of the programme or, conversely, through referral to the Fitness to Practise committee.

### **2. Relevance to students**

These School of Medicine Health and Conduct Committee (HCC) regulations apply to all of the following students:

- i) A100 MBChB medical students
- ii) Medical students who have stepped out of the MBChB course to undertake an intercalated degree either at the University of Bolton or any other educational institution in the UK or elsewhere.
- iii) Medical students who are currently in suspense of their studies at the University of Bolton School of Medicine.

### 3. Functions of the School of Medicine Health and Conduct Committee

The overall function of the HCC is to consider and investigate matters referred to it concerning a student's health and conduct, as directed by:

- i) The University of Bolton's regulations and policies, such as those on attendance, plagiarism, conduct and discipline, and criminal offences (these, for example, may include issues raised by the Disclosure and Barring Service enhanced disclosures and self disclosures).
- ii) The GMC's guidance and regulatory framework relating to undergraduate medicine. These are: [Achieving good medical Practice: guidance for medical students](#) and [Professional behaviour and fitness to practise: guidance for medical schools and their students](#).

These documents cover both conduct and health. The circumstances when Medical Schools should consider fitness to practise procedures for a student with health conditions are documented in paragraph 81 of [Professional behaviour and fitness to practise: guidance for medical schools and their students](#).

The Committee may, depending on the circumstances of each case, investigate, review and consider the student's health, conduct and discipline issues (including attendance), and then determine the consequences and course of action to be applied in relation to each student with regard to any of the following:

- When a report of unprofessional behaviour or unsatisfactory conduct has been received.
- When a notification of a criminal offence, conviction, caution, warning or reprimand has been received.
- When a report of unsatisfactory attendance has been received.
- When a student's health is of concern.
- When a student has had to take time out of the Programme for health, attendance or conduct reasons. In such cases, the Committee will

consider the most appropriate point at which the student is permitted to re-join the Programme.

- When a student has appeared before a Fitness to Practise Panel and the Panel has required monitoring/review by the HCC.

This list gives an indication of the most common grounds for referral to the Health and Conduct Committee, but it is not an exhaustive list.

The HCC **must** manage and maintain comprehensive records about students giving concern for any reason, in order, if possible, to effect remediation and successful transition to clinical practice, or if not to provide robust evidence for course termination decisions based upon academic failure (as evidenced from a student's e-portfolio and Personal Tutor reports) or issues of Fitness to Practise. Pastoral support of students **must** be kept strictly separate from (but, not in ignorance of) the operation of the HCC process so that whatever the level of concern and whatever action, disciplinary or otherwise that may need to be taken, the students continue to be supported in a non-judgmental way.

#### **4. Membership of the Health and Conduct Committee**

The membership of the Committee will be drawn from a pool of 10 to 12 personnel selected from University of Bolton staff and non-University of Bolton staff working in the NHS who have an honorary contract with the University of Bolton and from lay people who will be required to familiarise themselves with the relevant University and GMC guidance. The Chair will be a senior member of the Medical School, appointed by the Undergraduate Dean. The Chair of the Committee will appoint a Deputy Chair(s) to act in their place if the Chair is unavailable. The Chair will invite members to attend regular meetings throughout the academic year.

**Heads of Year, Members of the Pastoral Support Unit,  
Professionalism Support Unit, Academic Support Unit, and**

**Fitness to Practise Committee will not be members of the HCC.**

At least one member of the Committee must be a registered medical practitioner who holds a current licence to practise.

In addition, each meeting of the committee will normally comprise members constituted as follows:

- A Chair; who will normally be non-voting.
- Representatives who hold leadership positions, from across the programme.
- At least one lay representative.

The Chair will remain consistent across all committee meetings, where possible. In the Chair's absence, a Deputy Chair will act as Chair of the Committee. A meeting will be quorate if any 4 members are in attendance as long as one of the members is a registered medical practitioner who holds a current licence to practise; if the Chair is counted to achieve quoracy, the Chair will be permitted to vote if the votes of the other 3 members are not decisive.

The Secretary for HCC will be an individual with appropriate skills and knowledge, drawn from the Professional Services team within Bolton School of Medicine. A Deputy Secretary also drawn from the Professional Services team will support the Committee as cover for the Secretary and to provide administrative support with case files.

**5. Procedure for Referral to the Health and Conduct Committee**

- i) Initial notifications will be made by e-mail to the Chair or Secretary to the HCC. Such initial notifications will be received from, among others:
  - The Professionalism Support Unit
  - The Academic Support Unit

- Senior Medical School staff
- University Student Complaints, Quality Transformation Unit
- NHS staff with teaching responsibilities
- NHS Trust staff
- Student self-declarations
- Other students
- Patients/members of the public

ii) The Chair will determine if the initial referral should be considered by the full Health and Conduct Committee. Referrals not taken forward will be recorded and will be available to the Committee should further, related or unrelated concerns be referred to the Committee.

iii) The Chair of the HCC will decide whether to request a formal report for consideration to support the initial referral. This formal report will not be compiled by a member of the HCC or the Fitness to Practise Committee. The report will normally be produced by a member of academic staff. Formal reports to the Chair of the HCC will be made in writing and a copy of the report will be sent to the student. The Chair will respond in writing to the referrer. The student will receive a copy of this correspondence.

iv) If the Chair or Deputy Chair decides there is a *prima facie* case to be heard by the Committee, the student will be informed in writing and invited to attend the next available HCC meeting by the Secretary. Students will be given at least 14 calendar days' written notice of the date of the meeting.

The written invitation will:

- Either summarise the reason(s) for referral or make reference to the details in the original referral if it has been shared with the student.
- Outline the date and time of the HCC meeting.
- Normally enclose all relevant documents. However, on occasion relevant documents may follow a few days later.

- Invite the student to attend in person and to bring a supporter if they wish.
- Offer the student the option to submit a written statement, to be submitted no later than 7 calendar days before the Committee meeting.

v) If they wish, students may ask to re-schedule their appointment to the next scheduled meeting of the Committee.

vi) A referred student should reply to the Committee Secretary by email, by return, or as soon as possible thereafter, to indicate their intention to attend the meeting.

If the student chooses to submit a supporting statement, including any mitigating circumstances, or if they wish to bring in one or more witnesses, they should send in a supporting statement and the names of the witnesses who will be attending, along with the witness statement(s). Under normal circumstances, the Chair will not accept a witness statement if the witness does not attend the meeting. The student must provide the contact details of all those providing supporting statements so that the Secretary can check their validity. All of this information must be submitted to the Secretary of the HCC at least **7 calendar days before the Committee meeting**. This will ensure that all the papers will be circulated to the Committee and the student in advance of the meeting. The HCC will generally not consider supporting statements from family or friends, but will consider documentary evidence from general practitioners (GPs) and/or other healthcare professionals.

**NB: In accordance with GMC recommendations, the School does NOT accept GP certification where the GP is a relative of the student concerned.**

vii) The Secretary to the HCC is responsible for checking that all relevant documentation/evidence has been made available to the student and to Committee members prior to the meeting. The Committee will not consider any written material that has not been made available to it in advance of the meeting.

- viii) 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.
- ix) It is strongly recommended that any student referred to the HCC seeks and obtains advice from their Personal Tutor, their Clinical Academic Tutor, the Pastoral Support Unit, University Student Support Services or a relevant experienced clinician prior to attending.
- x) Students are expected to attend the HCC, but they may choose not to do so. If a student informs the Secretary that they do not want to attend or if they miss the meeting without submitting a prior request for a postponement, the HCC will consider the reasons for referral and, where available, any written submission presented by the student, and will have the option to decide in absentia.
- xi) The HCC is keen to hear the student's point of view in the student's own words, and therefore students are encouraged to attend. In addition, the student will be permitted to bring to the meeting a supporter of their own choosing; this may be a current member of the University of Bolton (staff or student), a family member/friend, or someone from a relevant professional association or union (e.g. the MPS or MDU). Whoever attends as a supporter is there to support the student personally at the meeting and is not there to represent the student at the Committee or to engage directly with the Committee in any other way on the student's behalf.

## **6. Procedure of the Health and Conduct Committee Meeting**

- i) Usually, the Chair, who has the discretion to vary these arrangements, will introduce himself/herself and members of the Committee, and will explain the powers of the Committee, as set out in Section 5 (below). The Chair makes an opening statement regarding the matters referred to the HCC, and the student is then invited to make a statement. The Chair and Committee members may ask questions of the student to clarify the student's situation.

- ii) If there are witnesses, the Chair will invite them to make a statement, or read out their already- submitted witness statement, and the Chair will explain that the Committee may wish to hear directly from a witness in their own words. A witness shall only appear before the Committee in the presence of the student, and will leave the meeting with the agreement of the Chair. Under normal circumstances, the Chair will not accept a witness statement if the witness does not attend the meeting. The only exception to this rule will be when a medical student or group of medical students has raised concerns about a fellow student, and has not given consent for their name(s) to be revealed, but wants to submit a witness statement to the Committee. In these circumstances, the Chair will decide on the weight to give such evidence.
- iii) If for any reason the Committee requires further clarification on any aspect of the case, from any provider of the information before it, and this can be obtained from the parties present at the meeting, then all the parties must be invited back into the meeting while the questioning takes place. The witness and the student will then leave the meeting together. If any information is not available at the time, the Committee may adjourn, and recall the meeting as soon as it has the relevant information.
- iv) If, at the first appearance before the HCC, there are doubts about matters of fact, then the student involved and/or the HCC may request an adjournment and the Committee will reconvene at a later date.
- v) Following appearance before the Committee, the student will receive written notification of the Committee's decisions and the reasons for them.
- vi) In the event that two or more students are involved in a single incident that has led to an appearance before the HCC each student will appear individually before the Committee. However, in order to optimise conformity of process the Committee Secretary will try if possible to convene the same Committee members to hear all of the students' cases. However, this may not always be possible.

vii) The HCC will normally decide on the day of the meeting and, usually, will inform the student of the timescale in which they will be notified of the outcome at the end of the meeting. The decision will normally, but not always, be confirmed in writing within 7 calendar days, and sent by e-mail to the student's University of Bolton email address. The student will receive full written reasons for the decision in terms that the student should be able to understand easily. The letter will also state whether the student has to declare their attendance at the HCC meeting to the GMC and/or Foundation School via the Supporting Trainees Entering Practice (STEP) Form.

## 7. Outcomes of the Health and Conduct Committee Meeting

Having carefully considered the circumstances, the HCC will decide, based on the following four categories ('Conduct & Behaviour', 'Attendance', 'Health' and 'Progression'), and select outcomes from within these categories based on the particular circumstances of the case.

Outcomes of the HCC are:

(i) Conduct & Behaviour<sup>1</sup> (including outside the University and clinical environment<sup>2</sup> and criminal offences)

- **No case to answer.**
- **Case considered. No further action necessary.**
- **Case considered. Final outcome as yet undetermined.**  
Continue to monitor student health, engagement, performance, attendance, conduct or any combination of these.

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<sup>1</sup> [Good Medical Practice](#) details the behaviour and conduct required of (paragraphs 1 to 4), including the need to act with honesty and integrity (paragraphs 65 to 71).

<sup>2</sup> Students must be aware that their behaviour outside the clinical environment, including in their personal lives, may have an impact on their fitness to practice. Being able to provide good clinical care is fundamental to becoming a doctor. This objective should guide a student's behaviour in both their clinical and academic work. This is set out clearly in both [Good Medical Practice](#) and [Achieving good medical practice: guidance for medical students](#).

- **The student will receive a verbal reprimand.** This verbal warning is recorded in the student record and remains there throughout their undergraduate studies.
- **The student will receive a formal written warning** in the form of a letter that will remain on their student record. The letter will state the reason for the referral to HCC, and the consequences of further breaches of appropriate conduct and behaviour.
- **The student will be referred to the Undergraduate Dean** with a recommendation that the student be referred to the Academic Registrar for consideration of student misconduct under Senate Regulations.
- **The student will be referred to the Fitness to Practise Committee** should the HCC consider that the student's fitness to practise may be impaired or if the HCC consider that the student is unfit to practise. If a student is referred to the Fitness to Practise Committee they will be allocated a 'mentor' who will be an academic member of staff of their department who is not directly involved in the case. The role of the mentor is to guide the student through the Fitness to Practise process.

If the outcome is **anything other** than 'No case to answer', 'Case considered. No further action necessary' or a 'verbal reprimand', the student is required to disclose the fact that they have attended a meeting of the Health and Conduct Committee, and the circumstances leading to it, to the GMC when applying for registration, and to their Deanery via the Supporting Trainees Entering Practice (STEP) Form, prior to commencing Foundation Training (this information is accurate as of December 2021). In the case of a verbal reprimand the decision regarding declaration to the GMC and/or the Supporting Trainees Entering Practice (STEP) Form will be made on a case-by-case basis.

(ii) Attendance

- **No case to answer.**
- **Case considered. No further action necessary.**

- **Case considered. Final outcome as yet undetermined.**  
Continue to monitor student health, engagement, performance, attendance, conduct or any combination of these.
- **The student will receive a verbal reprimand.** This verbal warning is recorded in the student record and remains there throughout their undergraduate studies.
- **The student will receive a formal warning** letter outlining that they risk being in neglect of their academic/apprenticeship obligations. This warning will remain on their student record. The letter will detail the reason(s) for the referral to the HCC and the consequences of a further referral to this Committee on the grounds of misconduct, misbehaviour or non-attendance.
- **The student will be found to be in neglect of academic/apprenticeship obligations and referred to the Undergraduate Dean,** who will deal with the matter as detailed in Senate Regulations.
- **The student will be referred to the Fitness to Practise Committee** should the HCC consider that the student's fitness to practise may be impaired or if the HCC consider that the student is unfit to practise. If a student is referred to the Fitness to Practise Committee they will be allocated a 'mentor' who will be an academic member of Medical School staff who is not directly involved in the case. The role of the mentor is to guide the student through the Fitness to Practise process.

If the outcome is anything other than 'No case to answer', 'Case considered. No further action necessary' or a 'verbal reprimand', the student is required to disclose the fact that they have attended a meeting of the Health and Conduct Committee, and the circumstances leading to it, to the GMC when applying for registration, and to their Deanery via the Supporting Trainees Entering Practice (STEP) Form, prior to commencing Foundation Training. In the case of a verbal reprimand the decision regarding declaration to the GMC and/or the Supporting Trainees Entering Practice (STEP) Form will be made on a case-by case basis.

(iii) Health

- **No case to answer.**
- **Case considered. No further action necessary.**
- **Case considered. Final outcome as yet undetermined.** Continue to monitor student health, engagement, performance, attendance, conduct or any combination of these.
- **The student will be referred to Student Welfare Unit and/or Pastoral Support Unit** for ongoing support.
- **The student will be referred to Occupational Health for advice/assessment.**
- **The student will be referred to Occupational Health for regular review** (this may be required in complex cases and may involve a case-conference-style approach using a team of relevant staff).
- **The student will be referred to Occupational Health for monitoring** (in the case of alcohol or drug abuse).
- **The student will be referred to the Fitness to Practise Committee** should the HCC consider that the student's fitness to practise may be impaired or if the HCC consider that the student is unfit to practise. If a student is referred to the Fitness to Practise Committee they will be allocated a 'mentor' who will be an academic member of Medical School staff who is not directly involved in the case. The role of the mentor is to guide the student through the Fitness to Practise process.

**NB:** It is a requirement that a student acts on the reasonable recommendation(s) of the HCC in relation to matters of health. Not to do so will be deemed unprofessional, and may result in disciplinary action. ([Achieving good medical practice: guidance for medical students](#) paragraphs 34 and 35)

(iv) Progression (where a student's health, attendance or conduct may preclude their progression to the next stage of the Programme)

- **No case to answer**, so student permitted to progress as per Programme regulations.

- **Case considered. No further action necessary.**
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- **The student is permitted to progress, subject to conditions agreed by the HCC.**
- **The student is permitted to progress, subject to completion of outstanding elements of the Programme at the next available opportunity.**
- **The student is required to suspend studies and complete outstanding elements of the Programme before agreeing a reintegration plan and progression to next stage.**

If the outcome is anything other than either 'No case to answer' or 'Case considered. No further action necessary' the student is required to disclose the fact that they attended a meeting of the Health and Conduct Committee, and the circumstances leading to it, to the GMC when applying for registration, and to their Deanery via the Supporting Trainees Entering Practice (STEP) Form, prior to commencing Foundation Training.

## 8. Appeals Process

- i) The HCC is not a formal University Disciplinary Panel and therefore falls outside of the scope of Senate Regulations, which sets out processes for appeal in respect of such formal Panels.

It is nevertheless recognised that a student may seek to appeal but it should be noted that the only grounds for appeal in respect of the Health and Conduct Committee are on grounds of maladministration impacting on the findings of the Panel – that is to say, on the basis that the regulations set out in this document were not correctly adhered to, with an attendant impact on the outcome. An appeal may not be made on the grounds of dissatisfaction or disagreement with the judgement of the Panel, which is constituted as set out above to ensure that the matter at hand is considered fully by a range of appropriate Panel members, with suitable experience, knowledge and in some cases, professional registration, sufficient that they may reach a sound conclusion.

Any appeal must therefore set out not just how the regulations were not followed, but also make clear how this omission is deemed to have adversely

affected the outcome of the Panel hearing. If this extends to the identification of information having not being made available to the Panel at the time of the hearing, then a clear case as to why this was not raised prior to or during the Panel hearing must be made.

**Appeals must be submitted within 28 days of the date of the Panel hearing and will be referred to the Head of School for consideration.**

- ii) In the case of medical students who are required by the HCC to take a period of suspension of studies, but where the student does not accept the suspension, then, as suggested by the GMC, the School of Medicine may use its Fitness to Practise procedures to address the disagreement. This is a neutral measure to ensure the decision is made in a fair and impartial manner.

See paragraph 106 of [Supporting medical students with mental health conditions](#)

## 9. Record of Events

- i) Formal minutes of HCC meetings are not recorded due to the highly sensitive nature of issues discussed. Summaries of each HCC meeting, including a log of cases considered and progress updates against ongoing cases, will be kept as electronic files by Bolton School of Medicine. Relevant correspondence between the HCC and each student under consideration will be placed in their student record.
- ii) Summaries of the Committee's activities and recommendations will be submitted annually to the MBChB Learning and Teaching Committee for noting and the summary will also be sent to the Fitness to Practice Committee.
- iii) A report on the activity of the Health and Conduct Committee will be provided to the GMC as requested. Internal requests for the identification of students considered by the HCC at any point throughout of the course of their studies may be shared with relevant individuals in order to fulfil the School of Medicine's GMC obligations.



## 10. Document Version Information

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**Originator:** Professor John C. Clapham

**Contributors:**

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