Fitness to Practise Procedure

School of Dentistry

School of Education and Social Work

School of Medicine

School of Nursing and Health Sciences

Policy Owner: Academic and Corporate Governance (Legal)
Review Date: January 2027
Version 1

University of Dundee

dundee.ac.uk

Contents

Introduction	3
Core standards and principles	4
What support is available for students going through FTP Procedure?	4
Timescales within this Procedure	4
Raising a concern	5
Who is the first point of contact to raise a FTP concern with?	5
Who can raise a FTP concern?	5
Who will respond to a FTP concern?	5
What information should a person reporting a concern provide?	6
Initial Assessment of concern (Stage 1)	7
What are the criteria for assessing FTP?	7
'Lapse in Professionalism' points	7
Membership of Committees – who can hear whether a FTP concern should be investigated	8
What does the Committee do?	8
What happens after a concern is raised and FTP is not impaired but the conduct is still inappropriate?	8
The concern does not constitute FTP – what next?	9
Timescales at Initial Assessment	9
Investigation (Stage 2)	10
Role of the Investigation	10
Temporary suspension of studies?	10
Who will be appointed as investigator and who will help coordinate the investigation?	10
What evidence will the Investigation take into account?	11
Who will the investigator report to and what potential outcomes can be concluded?	11
Potential outcomes	11
What are the thresholds for proceeding with a FTP?	11
What happens if the investigation is not referred to Stage 3, a FTP Committee Hearing?	12
Timescales at Investigation (Stage 2)	12
What possible interim orders can be applied between Stage 2 (Investigation) and Stage 3 (FTP Committee Hearing)?	12
FTP Committee Hearing (Stage 3)	13
Role of the FTP Committee	13
Membership of the FTP Committee	13
Quorum of FTP Committee	14
When will the FTP Committee meet?	14
Student representation at the FTP Committee Hearing	14
What documentation will be considered by the FTP Committee?	15
What is the order of proceedings at the FTP Committee Hearing?	15
What is the process/procedure at the FTP Committee Hearing?	15
Cross examination during the FTP Committee Hearing	16
What happens if the student does not attend the FTP Committee Hearing?	16
Can the student progress/graduate before a FTP Committee Hearing decision has been reached?	16
What happens if the student withdraws from their studies during the FTP process?	16
If FTP is not impaired what are the outcomes?	16
It FTP is impaired what are the outcomes?	17
How is an outcome reached when a decision is split within the FTP Committee?	17
Explanation of the sanctions and outcome letter	17
Will the outcome be disclosable to the relevant Professional Body?	17
Can the student appeal the decision of the FTP Committee?	18

What happens if further allegations are raised following completion of the FTP Committee Hearing whilst the student continues their studies?	18
FTP Appeals Committee Hearing (Stage 4)	19
What is the timescale to appeal against a decision of the FTP Committee?	19
On what grounds can the student appeal the decision of the FTP Committee?	19
Membership of the FTP Appeals Committee and Quorum	19
Submitting an appeal and information available to the FTP Appeals Committee	20
Can the student bring a representative?	20
What information will be considered by the FTP Appeals Committee?	21
What is the order of proceedings at the FTP Appeals Committee Hearing?	21
Casting vote	21
Outcome of the FTP Appeals Committee Hearing	21
What are the possible outcomes if an appeal is upheld by the FTP Appeals Committee?	21
Internal reporting	21
Appendix 1 - FTP Committee Hearing (Stage 3) - Procedure Note	22
Appendix 2 - FTP Appeals Committee Hearing (Stage 4) - Procedure Note	24
Appendix 3 - FTP Flowchart	26

Throughout this document 'Fitness to Practise' will be referred to as 'FTP'.

Introduction

1 This Procedure is the consolidated FTP Procedure for the Schools of:

- Dentistry;
- Education and Social Work;
- Medicine; and
- Nursing and Health Services

(hereafter referred to collectively as the "Schools" and individually as "School") and applies to all students within these Schools. Unless stated otherwise, this Procedure also applies to international students who may be training on a University of Dundee degree programme at an overseas institution.

2 Where respective professional standards apply to individual Schools over and above what is expressed commonly these will be applied as required in line with the applicable Professional Body's guidelines, for example the General Medical Council's published professional practice guidelines "Good Medical Practice and associated guidance" as it relates to the School of Medicine.

3 Students studying within a School will come into contact with members of the public who can be physically and emotionally vulnerable. Because of this, and the fact that students will potentially be joining a trusted profession, the University expects students to understand that there is a difference in the standard of behaviour expected of them on these courses as it brings them into contact with children & young people, patients, service users and the public.

4 Students have a responsibility to develop professional values and conduct, while each School must provide the opportunities to learn and practise the standards expected and ensure that graduating students are fit to practise.

5 In looking at a student's FTP, each School will take account of issues relating to disability, wider access and additional support needs. In doing so, Schools will undertake all reasonable adjustments to enable progression in the course and safe practise in the chosen area.

5A The University is committed to diversity in its membership of committees and allowing reasonable adjustments for disability as per applicable law and regulations. These will be taken into consideration as required and where reasonably practicable in the application of the Procedure in practice.

Core standards and principles

6 The overriding principles in respect to FTP as they relate to all Schools are:

(1) Protection of the public – ensuring that members of the public (including patients, service users, students, colleagues, young persons and children) are not put at risk; and

(2) Protection of the public interest – ensuring that the public's confidence in the profession is maintained and that proper standards of conduct and behaviour are upheld.

7 Specific relevant standards and principles can be found in the following Professional Body Codes:

School	Code
Dentistry	• https://www.gdc-uk.org/professionals/students-and-trainees/student-professionalism/sp-guidance
Education & Social Work	• http://www.sssc.uk.com/fitness-to-practise • http://www.gtcs.org.uk/professional-standards/professional-standards.aspx • http://cldstandardscouncil.org.uk/
Medicine	• http://www.gmc-uk.org/guidance/good_medical_practice/contents.asp
Nursing & Health Sciences	• https://www.nmc.org.uk/education/becoming-a-nurse-or-midwife/when-studying-to-be-a-nurse-or-midwife/ and • https://www.nmc.org.uk/standards/code/ • http://www.hcpc-uk.co.uk/

What support is available for students going through FTP Procedure?

8 Advice and support for students will be available from the relevant School Manager and/or from the following University support services:

- Health Service;
- Disability Services;
- Occupational Health Services;
- Counselling Service; and/or
- DUSA.

Students can also seek independent legal advice.

Timescales within this Procedure

9 All reasonable efforts will be made to comply with timescales listed at each stage of this Procedure. In exceptional circumstances, these timescales may need to be extended. In such cases the School shall contact the student to inform them of the reasons for the delay and to give an indication of the possible timescale.

10 Throughout this Procedure the term "working days" refers to the days that the University of Dundee is open for business during a calendar year excluding public holidays and weekends.

Raising a concern

Who is the first point of contact to raise a FTP concern with?

11 The first point of contact shall usually be the School Manager, or their nominee, on behalf of the University. However, you can raise your concern with any member of academic staff within the School

Who can raise a FTP concern?

12 A School may accept information or concerns about the behaviour of its students from any source it deems fit. Typical examples are:

- University staff;
- Fellow students;
- Third parties;
- Members of the public;
- NHS staff or patients (in the case of Medicine, Dentistry and Nursing & Health Sciences students);
- Practice providers (in the case of Education and Social Work students);
- Anonymously (see paragraph 15).

13 Such information may be received through established feedback mechanisms (e.g. "Outcome Assessment Forms" from clinical attachments, 'Lapses in Professionalism' points or other School Procedures such as Cause for Concern/Raising Concerns Policy (i.e. in Nursing and Medicine), where concerns may be triaged and investigated – this usually also involves the NHS if the concern has any potential impact on clinical environment)) or through individual approaches to University staff.

Who will respond to a FTP concern?

14 The initial response to any concern raised will normally be for the student to be interviewed by the following nominated person within each School:

- Year Lead (*Dentistry*)
- Programme Director (*Education & Social Work*)
- Nominated individual of the School (*Medicine*)
- Cohort Lead or Professional Lead (*Nursing & Health Sciences)*

The relevant nominee will then report their findings to the relevant Committee/person within each School as follows:

- Professionalism and Capability Committee (Dentistry)
- Head of Studies and School Manager (Education & Social Work)
- Professionalism Committee (Medicine)
- Professional Lead/Head of Studies/School Manager (Nursing & Health Sciences).

What information should a person reporting a concern provide?

15 Where possible a person raising a concern should provide as full and accurate a description of the incident(s) to enable the University to investigate the allegations thoroughly. Anonymous concerns can limit a School's ability to take action, as it will be more difficult to investigate and gather evidence. The University always encourages any concerns to be made known and the University will treat such matters seriously and sensitively in accordance with applicable law and regulation.

Initial Assessment of concern (Stage 1)

What are the criteria for assessing FTP?

17 A student's FTP is called into question when their professional behaviour falls below expected levels or where their health raises a serious or persistent cause for concern about their ability to continue on their course, or to practise in their field after registration.

18 A list of examples of concerns which may trigger an Investigation are noted below but are not exhaustive – further guidance is available from relevant professional bodies:

- criminal conviction;
- drug or alcohol misuse (e.g. misuse of drugs or alcohol that has impacted on the student's performance or caused harm to the public or put the public at risk of harm) ;
- aggressive, violent or threatening behaviour;
- sexual misconduct (e.g. sexual misconduct with patients, patient's relatives, service users, service users' relatives, colleagues or members of the public);
- child abuse materials (e.g. taking, making, distributing, showing or possession of an indecent photograph or accessing or viewing or involvement in child sex abuse materials);
- abuse of professional position (e.g. use of professional position to pursue a sexual or improper emotional relationship with patients, patient's relatives, service users, service users' relatives or colleagues);
- discrimination (e.g. discriminating against patients, service users and colleagues on grounds of characteristics covered by equality legislation as well as on grounds of lifestyle, culture, social or economic status);
- persistent, inappropriate attitude or behaviour (e.g. non-attendance or failure to follow educational advice),
- lack of probity including fraud or other dishonesty, lack of integrity, cheating or plagiarism;
- unprofessional behaviour or attitudes (e.g. breach of confidentiality or persistent rudeness to children & young people, patients, service users, the public or colleagues);
- health concerns, particularly where there is a lack of insight and/or refusal to follow medical advice; and
- concerns relating to competence and conduct inappropriate for the relevant professional.

'Lapse in Professionalism' points

19 Dentistry & Medicine students only - Students receiving more than 6 'Lapse in Professionalism' points may be considered by the relevant Committee (see paragraph 14).

Membership of Committees – who can hear whether a FTP concern should be investigated?

20 Each School forms its own Committee to consider FTP concerns as follows:

School (& appropriate Committee)	Membership
Dentistry (Professionalism and Capability Committee and Progress Committee)	• Professionalism Theme Lead (**Chair**), • Associate Dean (Learning & Teaching), • School Manager, • Senior Advisor, • Year Leads from BDS Years 1-5, • BSc Oral Health Sciences Programme Lead.
Education & Social Work	• Associate Dean (Learning & Teaching) • Head of Studies and/or Discipline Lead • School Manager.
Medicine (Professionalism Committee)	• Chair of Professionalism Committee • Committee Members representing o Medical Practitioners o Other Health Care Professionals o University Staff o Lay members
Nursing & Health Sciences	• Professional Lead or Programme Lead as appropriate • School Manager.

What does the Committee do?

21 Each Committee considers students who are subject to a concern being raised under FTP. They will decide on a case-by-case basis whether the highlighted concern may indicate impairment of FTP, and whether a formal Investigation should be initiated under the FTP Procedure. If an Investigation is initiated the Committee may make recommendations for any additional pastoral support necessary for the student during the Investigation.

What happens after a concern is raised and FTP is not impaired but the conduct is still inappropriate?

22 Should the Committee decide that the concern is such that the student's FTP is not impaired but there is *prima facie* evidence of inappropriate conduct, the process may be referred under the University's Disciplinary Procedures (see paragraphs 23 – 25 below).

The concern does not constitute FTP – what next?

Informal Procedures

Where the concerns do not warrant progression under the FTP Procedure a School may decide to utilise an Informal Procedure. This will be at the discretion of each individual School. For example, 'Under the Auspices of FTP' in the School of Nursing & Health Sciences. This is not usually disclosable to the relevant Professional Body (see paragraph 57).

Alternative Formal Procedures

Where the concerns do not warrant progression under the FTP Procedure, but are sufficiently serious, a School may decide to utilise an alternative Formal Procedure as set out below.

23 Concerns over the conduct of students studying at the University of Dundee would normally be considered under University Ordinance 40, which also sets out a right of appeal. (http://www.dundee.ac.uk/governance/dca/discipline/student-discipline/).

24 In addition, the University has Procedures for dealing with matters of plagiarism and academic dishonesty. (http://www.dundee.ac.uk/governance/dca/discipline/plagiarism/).

25 If there is doubt concerning which Formal Procedure to utilise the School may, through an appointed representative from the School, consult with the Director of Academic and Corporate Governance to decide the appropriate route for dealing with the concern and identifying any support needed for the student.

Timescales at Initial Assessment

26 Schools should aim to complete stage 1 Initial Assessment of concern within 20 working days of the concern first being raised and accepted for assessment.

Investigation (Stage 2)

Role of the Investigation

27 Once a concern has been considered at stage 1, Initial Assessment and the relevant School Committee has decided that the student's FTP may be impaired as a consequence of the subject matter of the concern raised and therefore there is a *prima facie* case to answer, the concern raised will move to stage 2, Investigation.

28 Following Investigation of the concern and consideration of the investigator's report by the relevant School Committee (see paragraph 20), a decision will be made by the relevant School Committee as to whether or not there is a real or realistic prospect of the student's FTP being found to be impaired and whether or not the student should be referred to a FTP Committee.

Temporary suspension of studies

29 Where concerns are deemed to be of a nature to put the public (including patients, service users, students, colleagues, young persons and children or the student themselves at risk), the Dean of School may temporarily suspend the student from all or part of their studies, pending a FTP Committee Hearing.

29A If a student is temporarily suspended by the Dean, as set out in paragraph 29, the School shall send such notice of suspension in writing, setting out any conditions, (if any, for example, a student may be allowed to attend classroom teaching only for the duration), in relation to such suspension. Any suspension will be kept under review for any material change in circumstances.

30 **Who will be appointed as investigator and who will help coordinate the Investigation?**

School	Appointment of investigator
Dentistry	An investigator will be nominated by the Dean.
Education & Social Work	An investigator will be nominated by the Dean.
Medicine	An investigator will be nominated by the Professionalism Committee.
Nursing & Health Sciences	An investigator will be nominated by the Head of Studies.

In all Schools, the School Manager (or nominee) will help to coordinate the Investigation and make any arrangements to provide necessary support for the student.

What evidence will the Investigation take into account?

31 An investigator will look at all available evidence they consider to be relevant to the concern raised. Examples of the type of evidence that the investigator may request are noted below, but are not exhaustive. Each investigation may not require each category of evidence:

- information obtained at a face to face meeting with the student;
- a written response by the student to the concern raised;
- the student record;
- witness statements;
- medical or other expert reports (e.g. from Occupational Health or Disability Services);
- reports from practice-based mentors;
- mitigating or supporting evidence in the student's favour;
- police documents; and/or
- any other information that the investigator believes is relevant in respect of investigating the allegations of FTP.

32 **Who will the investigator report to and what potential outcomes can be concluded?**

School	**Investigator to report to**
Dentistry	The Professionalism and Capability Committee
Education & Social Work	The School Manager
Medicine	Professionalism Committee
Nursing & Health Sciences	The School Manager

Potential outcomes in all Schools are:

(1) supportive measures (e.g. remedial training or a treatment plan);

(2) a formal warning;

(3) whether a formal FTP Committee Hearing should be held; or

(4) no further action.

What are the thresholds for proceeding with a FTP?

33 The threshold for referral to a FTP Committee Hearing will be determined by whether or not there is a real or realistic prospect of the student's FTP being found to be impaired, paying particular attention to (i) the protection of the public, ensuring that members of the public (including patients, service users, students, colleagues, young persons and children) are not put at risk, and (ii) protection of the public interest, ensuring that the public's confidence in the profession is maintained and that proper standards of conduct and behaviour are upheld.

What happens if the Investigation is not referred to Stage 3, a FTP Committee Hearing?

34 The relevant Committee may:

(a) give the student a formal warning at this stage if there is evidence of inappropriate behaviour but FTP is judged not to be impaired, and offer any support necessary.

(b) agree that no further action should be taken.

(c) agree specific undertakings.

35 Rejection of the warning will lead to escalation of the matter to stage 3, a formal FTP Committee Hearing.

Timescales at Investigation (Stage 2)

36 The time from a concern being passed for Investigation to the outcome of the decision of the investigator should normally be no more than 20 working days.

What possible interim orders can be applied between Stage 2 (Investigation) and Stage 3 (FTP Committee Hearing)?

37 Whilst waiting on an Investigation or Committee Hearing, the student's studies may be temporarily suspended if the nature of the concern is sufficiently serious (see also paragraphs 29 and 29A). Any suspension will be kept under review for any material change in circumstances.

FTP Committee Hearing (Stage 3)

Role of the FTP Committee

38 The role of the FTP Committee is to make an independent decision on the student's FTP, based on the evidence gathered and presented to them by the School and student. The FTP Committee should take into account (i) the protection of the public, ensuring that members of the public (including patients, service users, students, colleagues, young persons and children) are not put at risk and (ii) protection of the public interest, ensuring that the public's confidence in the profession is maintained and that proper standards of conduct and behaviour are upheld.

39 **Membership of the FTP Committee**

School	Eligible Members of the FTP Committee (see paragraph 41 for quorum)
Dentistry	• Dean of another School – **Chair**; • Oral Health Sciences Director or a nominee; • School of Dentistry's Associate Dean for Learning and Teaching; • 1-5 BDS Year Leads (with the exception of the investigating officer); • Senior Adviser; • Clinical Lead of Dundee Dental Hospital and School (NHS representative); • Recent GDC registrant; • Member of DUSA Executive.
Education & Social Work	• Dean of another School - **Chair** • Associate Dean; • Discipline Lead; • Head of Studies • External representative from the relevant professional discipline; • Member of DUSA Executive.
Medicine	• Dean of another School – **Chair**; • Two senior clinicians (hospital consultant, senior clinical academic or general practitioner); • Trainee doctor; • Member of the DUSA Executive; and • An external representative from another Scottish Medical School.
Nursing & Health Sciences	• Dean of another School – **Chair**; • Head of Studies; • One further senior academic with preference being given to one of these being a Professional Lead from one of the other Fields of

	nursing; and, where possible, for Postgraduate Students, one further Programme Lead • Senior academic from another School of Nursing; • Member of DUSA Executive; • Senior representative from the clinical area; • Representative from either the School of Medicine or the School of Dentistry; and • Lay user and carer representative. Additional representatives may be co-opted to ensure there is representation from the same field of practice as the student.

In all Schools the University Director of Legal (or their nominee) will be in attendance to provide legal advice to the Committee. The Committee will be serviced by the School Manager (or their nominee).

40 No member of the FTP Committee will have had any previous role in investigating the case. If the Dean has temporarily suspended the student, the Dean will not take further part in the decision making and a suitable replacement will be nominated by the School.

Quorum of FTP Committee

41 The FTP Committee will be quorate with 3 eligible members present, including the chair and a senior clinician or professional.

When will the FTP Committee meet?

42 The FTP Committee will meet on an *ad hoc* basis as required by the relevant School Committee (see paragraph 20 for further details).

Student representation at the FTP Committee Hearing

43 The School Manager (or nominee) will indicate to the student the circumstances that satisfy the headings under which concern about FTP is being raised i.e. health and/or conduct. The School Manager will provide advice to seek guidance from the Student Counsellor, the Student Advisory Service, the University Chaplain and/or the President of DUSA. The student may be accompanied to the FTP Committee Hearing by a representative, e.g. typically a trade union, DUSA or other professional representative. The student shall give prior notice to the School Manager of the name of the representative accompanying them.

What documentation will be considered by the FTP Committee?

44 The School Manager (or nominee) will ensure that members of the FTP Committee and the student receive copies of all papers (including an inventory of all documents to be considered at the FTP Committee Hearing) a minimum of 10 working days before the Hearing. The School Manager will also invite the student to provide copies of any supporting documentation they wish to be put in evidence and considered by the FTP Committee at least 10 working days in advance of the FTP Committee Hearing.

What is the order of proceedings at the FTP Committee Hearing?

45 See the document entitled 'FTP Committee Hearing – Procedure Note' at Appendix 1.

What is the process/procedure at the FTP Committee Hearing?

46 After hearing the evidence presented by the Dean (or their nominee), the student and any witnesses, the FTP Committee will consider the matter in three stages:

(1) It must decide whether the facts alleged have been proven (using the civil standard of proof "on the balance of probabilities");

(2) If so, it must then consider and decide whether on the basis of these facts FTP is impaired;

(3) If so, it will then consider and decide what action should be taken, taking into account that the primary purpose of any sanction is the (i) protection of the public, ensuring that members of the public (including patients, service users, students, colleagues, young persons and children) are not put at risk, and (ii) protection of the public interest, ensuring that the public's confidence in the profession is maintained and that proper standards of conduct and behaviour are upheld.

The level of sanction to be applied will be determined by weighing up the interests of children & young people, patients, service users and the public against the interests of the student.

The FTP Committee will consider the degree of insight shown by the student and any aggravating and mitigating factors.

The FTP Committee will take into consideration any prior FTP concerns for purposes of the sanctions stage only.

Sanctions will be considered in order of increasing severity to determine the minimum needed to protect the public and the public interest.

The FTP Committee will start by considering the least severe sanction available to it and consider whether this sanction is sufficient to protect the public and the public interest.

Only if the FTP Committee determines that this sanction is not sufficient to protect the public and the public interest will it go on to consider the next least severe sanction available to it and so forth.

Cross examinations during the FTP Committee Hearing

47 The Chair has retained discretion to allow reciprocal questioning by the various parties subject to any conditions that the Chair may impose.

What happens if the student does not attend the FTP Committee Hearing?

48 Should the student decide not to attend after due notification, the FTP Committee Hearing may proceed in their absence. In exceptional circumstances, attendance can be arranged by telephone or electronic means (such as Skype) on acceptance of the Chair.

Can the student progress/graduate <u>before</u> a FTP Committee Hearing decision has been reached?

49 The student will not be eligible to progress in the course (for example, to the next academic year) or to graduate until the outcome of the FTP Committee Hearing is known. Every effort will be made to ensure the process is carried out within a reasonable timescale.

What happens if the student withdraws from their studies during the FTP process?

50 If the student withdraws from their studies before a conclusion is reached, the FTP Committee Hearing shall continue and the FTP Committee shall decide the case based on the evidence presented in absentia if need be. The student will be given full opportunity to participate in the FTP Committee Hearing. An outcome letter will be sent to the student (see paragraph 56).

If FTP is not impaired what are the outcomes?

51 If FTP is judged **<u>not</u>** to be impaired, then the FTP Committee may decide either that:

(a) no further action is warranted against the student; or

(b) that the matter before them is sufficiently concerning and amounts to inappropriate behaviour and/or professional incompetency rather than an impairment of FTP. Additional support should be offered if necessary.

52 In the event of the FTP Committee finding for 51(b) above the FTP Committee may issue a formal warning to the student as follows:

(a) Verbal warning - 6 months

(b) First written warning - 1 year

(c) Final written warning - 2 years;

The warning shall appear on the student's file for the minimum period of time specified above. For Medical students all warnings will remain on their file for the duration of their studies.

If FTP is impaired what are the outcomes?

53 If the student's FTP **is** judged to be impaired the FTP Committee may shall apply one or more the sanction(s) noted below:

- Conditions or undertakings from the student as the FTP Committee deems fit in order to satisfy the University's applicable professional, legal and regulatory obligations – examples which are not binding or exhaustive include repeating the year, counselling, formal warnings on the student's file as noted in 52 above;
- Suspension/withdrawal from studies for a specific period (for example, an academic year or part thereof);
- Review Hearing before the FTP Committee before the conclusion of any period of conditions/undertakings or suspension/withdrawal applied;
- Termination of studies.

54 This list is not limited and the FTP Committee has the freedom to make appropriate judgements on a case by case basis subject to applicable law, regulation and professional standards.

How is an outcome reached when a decision is split within the FTP Committee?

55 The FTP Committee may carry a majority verdict and in the event of a stalemate, the Chair will have the casting vote.

Explanation of the sanctions and outcome letter

56 The outcome, reasons for the decision, the duration of any sanction, and any plans for a future formal review of FTP will be set out in writing in the form of a letter and delivered via pdf attachment in an e-mail and followed optionally with a hard copy delivered by first class post to the student by the Chair of the FTP Committee normally within 10 working days. The relevant School will monitor progress where sanctions have been applied.

Will the outcome be disclosable to the relevant Professional Body?

57 It is important for students to note that when a student has been subject to an Investigation, a formal warning is issued or concerns are formally passed to the FTP Committee the matter becomes disclosable to the relevant Professional Body, or any similar body, e.g. at the time of provisional registration or thereafter. Professional Bodies are responsible for decisions about registration and may include a separate test of FTP over and above the University's FTP Procedure.

Any formal warnings about misconduct may be disclosable. Other concerns that are dealt with solely by the relevant School Committee are not disclosable but will be retained on the student record for the relevant period of time.

In the case of Medicine and Dentistry, it should be noted that if a student's studies are terminated by the FTP Procedure, then their details are required to be added to a national database. This database will flag up any application the student makes to a professional degree in the future.

Can the student appeal the decision of the FTP Committee?

58 Any student whose fitness to practise in found to be impaired in terms of paragraph 46(2), who is issued with a formal warning in terms of paragraph 52 or who is issued with a sanction in terms of paragraph 53 by the FTP Committee, will have the right of appeal. The student will have 10 working days from the date they receive the decision from the Chair of FTP Committee to submit an appeal to the School Manager. The three grounds under which an appeal can be heard are noted in paragraph 61.

What happens if further allegations are raised following completion of the FTP Committee Hearing whilst the student continues their studies?

59 If further concerns are raised into the student's studies after the completion of the FTP Procedure, then the FTP Procedure will be implemented again in relation to these new concerns which may require to be assessed, investigated and referred to a further FTP Committee in terms of stages 1, 2 and 3 of the FTP Procedure. Students who have previously received a warning and/or sanction should have received ongoing supervision and monitoring regarding their FTP.

FTP Appeals Committee Hearing (Stage 4)

What is the timescale to appeal against a decision of the FTP Committee?

60 Any student whose FTP is judged to be impaired by the FTP Committee will have the right of appeal. The student will have 10 working days after they have received the decision from the Chair of the FTP Committee to submit an appeal to the relevant School Manager including written grounds of appeal.

On what grounds can the student appeal the decision of the FTP Committee?

61 The decision of the FTP Committee may be appealed strictly on the following grounds only:

(a) The decision of the FTP Committee is flawed because of serious procedural irregularities in the proceedings before the FTP Committee;

(b) The decision of the FTP Committee was wrong, the FTP Committee having erred in either fact or in law or both including (but not confined to) the giving of insufficient weight or drawing incorrect conclusions from the evidence before it, making a finding of impaired FTP not supported by the evidence before it and imposing an excessive sanction in light of the findings made in fact and in respect of impaired FTP;

(c) The student has acquired new information which could not reasonably have been made available to the FTP Committee by the student at the time of the FTP Committee Hearing and which had it been submitted to the FTP Committee would have been likely to have influenced its decision.

62 The FTP Appeals Committee will first consider whether there are grounds for the appeal. This may be by informal electronic means (such as email, Skype) or by telephone conference. Only if grounds are confirmed will they proceed to meet and hear the appeal itself.

Membership of the FTP Appeals Committee and Quorum

63 The following table indicates who may be appointed as members of the FTP Appeals Committee within each School. The University's Director of Legal (or their nominee) will be in attendance in an advisory capacity. The quorum for each FTP Appeals Committee shall be no less than 4 eligible members (including the Chair).

School	Eligible Members of the FTP Appeals Committee
Dentistry	• **Chair** - Dean of another School; • Senior members of academic staff, (including one of whom will be drawn from the clinical staff of another dental school and one from another School of the University of Dundee); • Member of DUSA Executive.

Education & Social Work	• **Chair** - Dean of another School; • Senior members of academic staff (including one drawn from a relevant discipline within another University and one from another School of the University of Dundee); • Member of DUSA Executive.
Medicine	• **Chair** - Dean of another School • Senior members of academic staff (including two senior clinicians (hospital consultant, senior clinical academic or general practitioner)); • Member of DUSA Executive.
Nursing & Health Sciences	• **Chair** – Dean of another School; • Senior members of staff nominated by the Dean of the School (including one senior member of staff from either the Medical or Dental School); • Member of DUSA Executive.

64 Any person who has been closely involved in giving support to the student, has been involved previously in the case and/or those who served on the FTP Committee to consider the student's case, shall not be eligible to sit on the FTP Appeals Committee.

The administrator (School Manager or their nominee) of the FTP Appeals Committee Hearing shall be appointed from another School and shall be mindful when appointing members of the FTP Appeals Committee that they can each demonstrate sufficient knowledge and expertise of the FTP Appeals process and its application to the relevant professional standards.

Submitting an appeal and information available to the FTP Appeals Committee

65 The student will submit their case for appeal and any related documentation to the School Manager at the time of submitting an appeal (see paragraph 60). This information will be circulated to the members of the FTP Appeals Committee a minimum of 10 working days before the meeting, together with the material submitted to the original FTP Committee and the written decision of the FTP Committee.

Can the student bring a representative?

66 The student may be accompanied to the FTP Appeals Hearing by a representative, e.g. typically a trade union, DUSA or other professional representative and shall give prior notice to the School Manager if this is the case.

What information will be considered by the FTP Appeals Committee?

67 The FTP Appeals Committee shall be empowered to obtain all such information or opinions as it may consider desirable.

What is the order of proceedings at the FTP Appeals Committee Hearing?

68 See the document entitled 'FTP Appeals Committee Hearing – Procedure Note' at Appendix 2.

Casting vote

69 For all Schools other than Nursing and Health Sciences (see below), if there is not a majority decision resulting in a stalemate within the FTP Appeals Committee, the Chair shall have the casting vote.

For Nursing & Health Sciences students only – In the case of an undergraduate, pre-registration student, the nurse registered practitioner will have the casting vote in any decision having implications for registration.

Outcome of the FTP Appeals Committee Hearing

70 The FTP Appeals Committee will decide on the evidence presented whether or not to uphold the appeal in whole or in part on the relevant grounds of appeal (see paragraph 61).

71 The Chair will convey the outcome in writing in the form of a letter and delivered via pdf attachment in an e-mail and followed optionally with a hard copy delivered by first class post to the student (normally within 10 working days) with a copy to the Dean of School.

What are the possible outcomes if an appeal is upheld by the FTP Appeals Committee?

72 Following the decision to uphold the appeal, the following options may be applied by the FTP Appeals Committee as appropriate:

- Quash the FTP Committee findings;
- Impose alternative sanctions, which may be more severe (in line with paragraph 53);
- In the event of the FTP Appeals Committee quashing a finding of impairment, imposing a warning;
- Refer the matter back to the FTP Committee.

73 This list is not limited and the FTP Appeals Committee has the freedom to make appropriate judgements on a case by case basis subject to applicable law, regulations and professional standards.

Internal reporting

74 Outcomes of FTP Committee and FTP Appeals Committee Hearings are reported to the Senate of the University.

Appendix 1

FTP Committee Hearing (Stage 3)

Procedure Note

1. The School Manager (or nominee) will ensure that the student receives notification of the FTP Committee Hearing together with copies of all documents circulated to members of the FTP Committee (including an inventory of documents), and that the student is aware of the procedure to be followed, a minimum of 10 working days before the FTP Committee Hearing.

2. Should the student decide not to attend after due notification, the FTP Committee Hearing may proceed in their absence. In exceptional circumstances, attendance can be arranged by telephone or electronic means (such as Skype) on acceptance of the Chair.

3. The Chair will introduce by name, and explain the functions of, the members of the FTP Committee and those in attendance.

4. The Chair will explain the process and powers of the FTP Committee.

5. The Chair will ask the Dean (or nominee) to make an opening statement. Members of the FTP Committee will then be invited to ask questions to clarify any issues around this statement.

6. The Chair will invite the student (and/or accompanying representative or supporter) to make a statement. The Chair will explain that the FTP Committee would like to hear directly from the student in their own words.

7. The Chair will invite the student to answer questions from the members of the FTP Committee. However, they will make it clear that they are not required to answer questions after giving their statement.

8. The Chair will ask any other person(s) called to provide evidence to the FTP Committee to make a brief statement, and will then invite the FTP Committee to ask further questions. Such witnesses will attend only to present their evidence and will then withdraw.

9. The student and any accompanying representative, and the Dean (or nominee) will remain throughout the presentation of the evidence.

10. The Chair has the discretion at any stage to allow reciprocal questioning by the various parties of any person giving oral evidence to the FTP Committee.

11. Once the Chair is satisfied that the FTP Committee has completed questioning and that the student and anyone else present has had a full opportunity to convey information to the FTP Committee and ask questions of witnesses giving oral evidence to the Committee, all non-FTP Committee members will withdraw, other than the Director of Legal (or nominee), and will be asked to wait for a short time as indicated by the School Manager (or nominee).

12. The FTP Committee will consider the case in private.

13. If any point requires further clarification the student, Dean or witnesses may be recalled. When the Chair decides, they will be asked to leave the meeting again**.**

14. The FTP Committee will decide, on the balance of probabilities, whether the facts of the case are proven, and if so whether the FTP of the student is impaired. If it decides that FTP is impaired, the FTP Committee will then consider whether any sanction is to be recommended.

15. **Balance of probabilities test** – if the evidence is such that the Committee decides "we think it is more likely than not" – the test is satisfied. Expressed as a percentage, if the decision maker of Committee concludes that is it 51% likely that FTP has been impaired then the matter is decided.

16. If there is a split decision within the FTP Committee, the Chair will have the casting vote.

17. The primary purpose of any sanction is the protection of the public, ensuring that members of the public (including patients, service users, students, colleagues, young persons and children) are not put at risk, and protection of the public interest, ensuring that the public's confidence in the profession is maintained and that proper standards of conduct and behaviour are upheld. The level of sanction to be applied will be determined by weighing up the interests of the public against the interests of the student. Sanctions will be considered in order of increasing severity to determine the minimum needed to protect the public and the public interest. See paragraph 53 for examples of possible sanctions.

18. The FTP Committee Chair will convey in writing in the form of a letter and delivered via pdf attachment in an e-mail and followed optionally with a hard copy delivered by first class post (normally within 10 working days) this decision to the student and Dean of School and not at the time of the Hearing. This will include the reasons for the decision and the option to appeal the decision.

Appendix 2

FTP Appeals Committee Hearing (Stage 4)

Procedure Note

1. The School Manager (or nominee) will ensure that the student receives notification of the FTP Appeals Committee Hearing and will also ensure the student and members of the FTP Appeals Committee have received copies of all related documentation and are aware of the procedures to be followed a minimum of 10 working days before the FTP Appeals Committee.

2. Should the student decide not to attend after due notification, the FTP Appeals Committee Hearing may proceed in their absence. In exceptional circumstances, attendance can be arranged by telephone or electronic means (such as Skype) on acceptance of the Chair.

3. The Chair of the FTP Appeals Committee will introduce by name, and explain the role and function of, each member of the FTP Appeals Committee and any others present.

4. The Chair will explain the powers of the FTP Appeals Committee and invite the student, and/or any accompanying representative or supporter, to make an opening statement based on the relevant grounds of appeal.

5. The Chair will invite the student to answer questions from the members of the FTP Appeals Committee. However, they will make it clear that they are not required to answer questions after giving their statement.

6. The Chair will ask any other person(s) called to provide evidence to make a brief statement on the relevant grounds of appeal, and will then invite the members of the FTP Appeals Committee to ask further questions.

7. The student and the representative of the FTP Committee, if present, will be given the opportunity to ask any questions in response to each other's statement and to make a final summary of their case.

8. All non-FTP Appeals Committee members will withdraw, other than the Director of Legal (or nominee), and will be asked to wait for a short time as indicated by the School Manager (or nominee).

9. The FTP Appeals Committee will discuss the case.

10. If any point requires further clarification the student, representative of the FTP Committee or witnesses may be recalled. When the Chair decides, they will be asked to leave the meeting again.

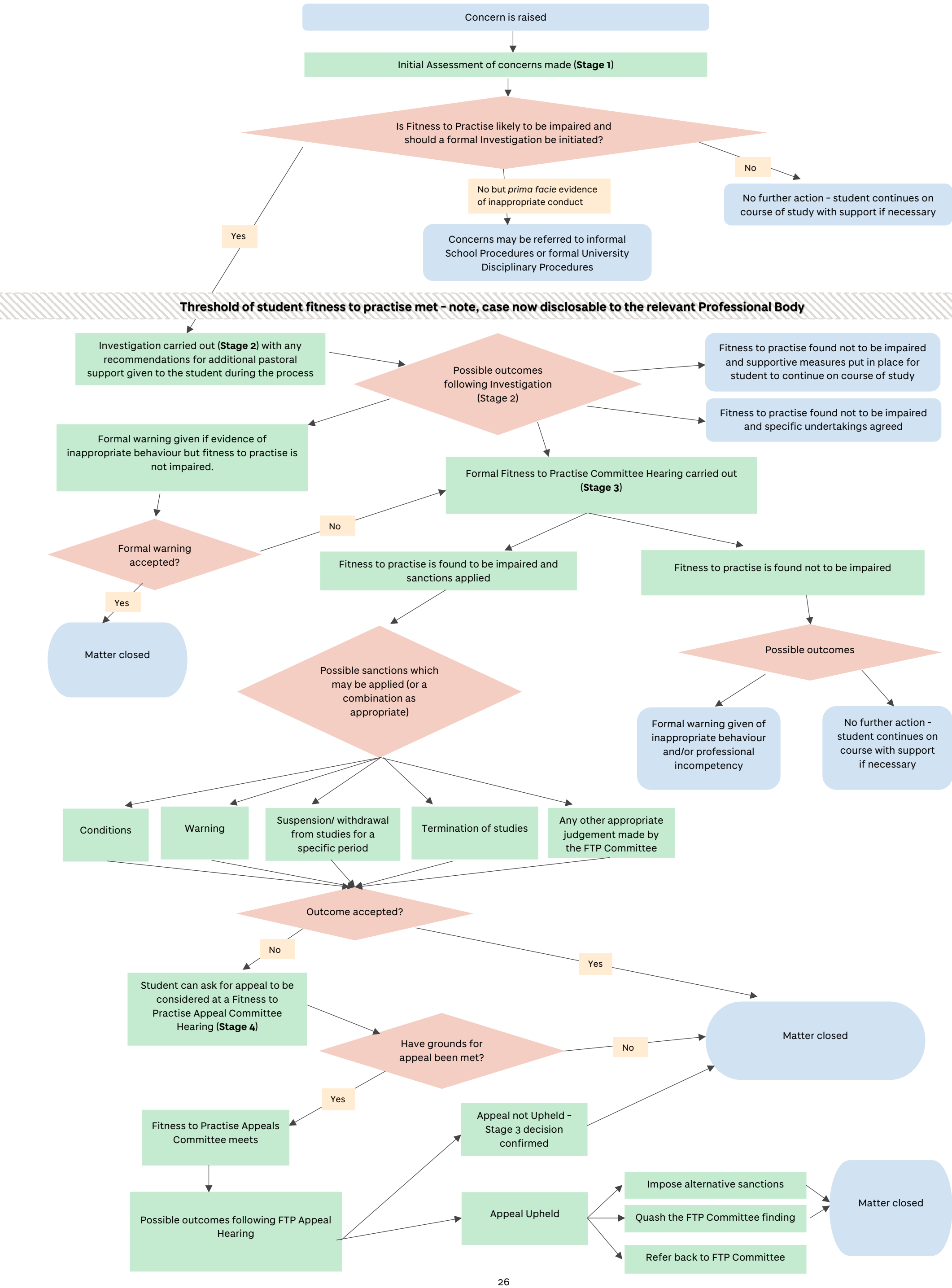
11. For the Schools of Dentistry, Education & Social Work and Medicine, if there is a split decision within the FTP Appeals Committee, the Chair will have the casting vote.

12. For Nursing & Health Sciences students only – In the case of an undergraduate, pre-registration student, the nurse registered practitioner will have the casting vote in any decision having implications for registration.
13. The FTP Appeals Committee will come to its decision based on the balance of probabilities.

14. **Balance of probabilities test** – if the evidence is such that the Committee decides "we think it is more likely than not" – the test is satisfied. Expressed as a percentage, if the decision maker of Committee concludes that is it 51% likely that FTP has been impaired then the matter is decided.

15. The Chair will convey in writing in the form of a letter and delivered via pdf attachment in an e-mail and followed optionally with a hard copy delivered by first class post (normally within 10 working days) this decision to the student and the Dean of School. Possible outcomes are shown in paragraphs 72 and 73.

FITNESS TO PRACTISE – FLOWCHART



For illustration purposes