

EIA Fitness to Practice Procedure

School/ Directorate

Academic and Corporate Governance

Person Responsible

Karen Stulka

Created

27th March, 2018

Last Review

27th March, 2018

Status

Complete

Next Review

29th March, 2019

Screening Data

What is the name/title of the policy/activity?

Fitness to Practice Procedure

Describe the aim, objective and intended consequences of the policy/activity.

To ensure that students within the Schools of Dentistry, Education and Social Work, Medicine and Nursing and Health Sciences, can demonstrate that they are fit to practice in their chosen profession. This is a requirement of the professional statutory regulatory bodies for each of the Schools. The Procedure sets out clearly the process by which any concern about fitness to practice can be raised and is investigated.

Who is responsible for the policy/activity and who implements it?

The Compliance Manager (Student), with the University Legal Team, is responsible for the Procedure and monitoring its compliance, however on a day to day basis, School Managers and Deans have responsibility for ensuring the operating of the Procedure.

Who is effected by this policy?

All students in the Schools identified and pre registration (FY1) Doctors.

Is there any indication that this policy is relevant to equality and the protected characteristics or that those with any of the protected characteristics will have a different experience in relation to the intended outcomes of the policy?

There is some potential for relevance to the protected characteristics, particularly in relation to race and gender. This should be minimal and is related to the understanding of culture and also selection of members of Committees.

In relation to our student cohort in these Schools there are a significant number of students from across the world. This can result in a lack of understanding of different communication styles and cultural expectations and norms. That said, the Procedure document is clear in its aims and intent and so the risk should be minimal.

Recommend this EA for Full Analysis?

Yes

Comments

The Procedure is relevant to equality and in particular to the protected characteristic of race, gender and disability. In relation to race, cultural norms and communication barriers may present issues both within the study environment, but in particular in the case of these procedures, in relation to the Committee understanding

and communication.

In relation to gender, the imbalance of men and women at senior levels within the University generally and in particular within these Schools may create an opportunity for bias in the committee structure.

In relation to disability, the availability of the necessary support mechanisms through the introduction of reasonable adjustment is important and has not been reflected in the procedure.

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Rate this EA

Low

Impact Assessment Data

Is this policy relevant to the protected characteristic of Age?

- No

There is no indication that the procedure is relevant to different age groups in different ways, although there is specific legislation relating to children and young people which has to be met in relation to fitness to practice.

Is the policy relevant to the protected characteristic of Disability?

- Yes

It may be where the individual under investigation has a disability and is supported by the introduction of reasonable adjustments. Throughout the procedure of investigation, those reasonable adjustments should be available to the individual.

Is the policy relevant to the protected characteristic of Gender Reassignment?

- No

This procedure is related to their actual fitness to practice and the fact that someone has re-assigned their gender or has expressed their intent to re-assign their gender, should not be relevant unless their behaviour has breached the core standards.

Is the policy relevant to the protected characteristic of Marriage and Civil Partnership?

- No

There is no relevance to the intentions behind this procedure and marriage and civil partnership.

Is the policy relevant to the protected characteristic of Pregnancy and Maternity?

- Yes

Only where a case is due to be heard whilst the individual is on pregnancy or maternity related leave. The Procedure looks at incidents on a case by case basis and pregnancy and maternity leave would be considered when arranging hearings etc.

Is the policy relevant to the protected characteristic of Race?

- Yes

The Schools to which this Procedure applies, have a large number of students from overseas. There will be potential for cultural and communication differences and these need to be considered when proceeding with a case. The understanding of the Committee of these differences is important, as is the selection of the Committee members. Again the Procedure looks at matters on a case by case basis and culture and communication differences should be taken into account at that point.

Is the policy relevant to the protected characteristic of Religion and Belief?

- Yes

The relevance would be minor and would be in the main related to the investigation being carried out on a day of religious adherence. However there may also be religious issues relating to gender where the Committee is not balanced. The Procedure looks at matters on a case by case basis and considerations should be given to these matters. However an individual's faith or adherence to that faith should not be assumed.

Is the policy relevant to the protected characteristic of Sex?

- Yes

This is likely to be on the balance of the Committee members. Where at all possible the Committee should be diverse and have representatives from both sexes to minimise any potential for bias or creating an uncomfortable environment, where gender bias may be assumed.

Is the policy relevant to the protected characteristic of Sexual Orientation?

- No

The Procedure has no differential relevance to sexual orientation.

Taking account of the findings so far, is there a possibility that the implementation of this policy would result in a different experience or a detriment for those with protected characteristics?

- Yes

There is a potential for detriment or different experiences because of race and gender in particular. However the Procedure is clear in its structure and behind the procedure are mechanisms for providing training to Committees and matters such as cultural and communication barriers should be part of that training. Whilst it is not suggested that Committees that are not diverse or gender balanced are biased, there may be a perception that that is the case and the risk of unconscious bias is always possible. Ensuring as far as possible diversity on committees should be a priority.

The Procedure will reflect the requirement for reasonable adjustments for those with disabilities who require them and where at all possible hearings will take cognisance of days for religious adherences.

Based on your findings so far, what recommendations or changes (if any) would you make in relation to the policy and how it is implemented?

1. The Procedure include a reference to the introduction of reasonable adjustments for those with disabilities who require them
2. That Committees when selected are diverse and gender balances as far as is possible
3. The Committee members be made aware of cultural communication barriers and unconscious bias
4. That where possible account is taken of days for religious adherence

The first point will require an introduction of statement into the Procedure. However the last points will be relevant to the training requirements and planning of Committees.

Reasonable adjustments are a statutory requirement and failure to provide support may result in direct discrimination.

The awareness of the issues affecting the other protected groups will support the process by ensuring a fair and reasonable process.

Where you have recommended actions/changes to the policy, what are the timescales for completion of these

30-04-2018

What monitoring arrangements do you have in place to identify changes in any impact or relevance?

The Procedures are overseen by the Legal Team and at an early stage the equality considerations will be introduced into the training mechanisms to support the Committees and School Managers, who manage the process. Further down the line it may be helpful to assess how well these considerations have been embedded into the Procedure and that would be the responsibility of the Monitoring and Advisory Group on Complaints, Appeals and Discipline Procedures.

Comments

The Procedure has relevance of the protected characteristics of Disability, Pregnancy and Maternity, Race, Religion and Belief and Sex.

In relation to disability there is a need to be specific within the procedure about the availability of reasonable adjustments for those students who require them to support them with their disability.

For Pregnancy and Maternity, where a student is on leave for legitimate reasons relating to pregnancy and maternity, that should be taken into account when planning for hearings etc.

In relation to Race, the main concerns with this assessment is the potential for different cultural and communication matters resulting in a different outcome or experience for those students from minority ethnic backgrounds. Research has shown that a lack of understanding of cultural communication differences have resulted in greater sentences of young black men appearing in Court. This can be addressed in part with awareness training.

In terms of religion and belief the adherence to a faith differs from one person to another. With a large cohort of students from across different faith groups, it would be advisable for any hearings or Committees to avoid days for religious adherence or festivals.

There is a significant gender imbalance in the leadership teams in the University and this also applies to the Schools concerned with this Procedure. Gender imbalance in Committees should be considered and addressed as far as possible. This will meet the University commitment in their Gender Action Plan and Athena SWAN action plans, as well as reduce the risk of unconscious bias based on gender and the perception of students that the Procedure is biased.

The Actions required are ;

1. The Procedure include a reference to the introduction of reasonable adjustments for those with disabilities who require them
2. That Committees when selected are diverse and gender balanced as far as is possible
3. The Committee members be made aware of cultural communication barriers and unconscious bias. This should be part of the training of Committees.
4. That where possible account is taken of days for religious adherence

Organisation Sign-off Data

Having read the EIA, do you approve its findings and recommendations?

- Yes

What are your reasons for approving/not approving the EIA?

The guidance received from E&D and the analysis of the FTP process.

If you have approved the EIA, do you agree with the monitoring arrangements in place?

- Yes

Where you have not approved the monitoring process, what other steps do you require to be taken?

The Guidance will be monitored on an annual basis. Any material issues can be identified on a case by case basis as they arise within the FTP process.

Comments

The FTP process is required for compliance purposes for individual professional schools within the University. The Committee members will require to adhere to the standards and guidance provided by the University, including the guidance within this EIA.

Next Review Date

2019-03-29

Outstanding Actions

No outstanding actions