University of Dundee

School of Dentistry

Fitness to Practise Procedures 2016-17
Introduction

1. Dental students have a responsibility to develop professional values and conduct while the School of Dentistry must provide the opportunities to learn and practise the standards expected and ensure that graduating students are fit to practise. Dental students are defined in this document as those undertaking registrable dental degrees (BDS or BSc in Oral Health Sciences). The following procedures also apply to those undertaking postgraduate clinical studies.

The General Dental Council (GDC) sets out its principles of professional behaviour in its ‘Standards for the Dental Team’ document and provides guidance in the application of these principles to dental students in its booklet ‘Student Professionalism and Fitness to Practise Standards for the Dental Team Student Guidance’. [Link](http://www.gdc-uk.org/Newsandpublications/Publications/Publications/StudentProfessionalismGuidanceForStudents.pdf)

All students should read and be familiar with this document.

2. The 9 core ethical principles of dental practice as set out in the GDC’s ‘Standards for the Dental Team’ are

- Put patients’ interests first
- Communicate effectively with patients
- Obtain valid consent
- Maintain and protect patients’ information
- Have a clear and effective complaints procedure
- Work with colleagues in a way that is in patients’ best interests
- Maintain, develop and work within your professional knowledge and skills
- Raise concerns if patients are at risk
- Make sure your personal behaviour maintains patients’ confidence in you and the dental profession

Students are expected to behave in a professional and responsible manner and the standards expected are based on these principles. The GDC guidance indicates that a student’s fitness to practise is called into question when their professional behaviour falls below expected levels, when there is an issue with their clinical/technical and academic work or when concerns about their health may impact on their ability to achieve the learning outcomes as set out in ‘Preparing for Practice’ document or affect patient safety.

3. In looking at a student’s fitness to practise the School of Dentistry will take account of issues relating to disability, wider access and additional support needs. In doing so, the School will undertake all reasonable adjustments to enable progression in the course and safe dental practice.

4. The Dundee School of Dentistry’s Fitness to Practise Policy seeks to address all levels of concerns involving dental students’ clinical/technical and academic work and/or professional behaviour and/or health. The overriding principles are first that patients and the public (and sometimes the individual student and/or their colleagues) should not be placed at risk, and second that trust in the dental profession is maintained.

5. The policy permits a range of outcomes from no further action or appropriate notation in a student’s file to formal Fitness to Practise Committee hearing which has a range of possible outcomes (warnings, sanctions which could be conditions or remedial undertakings, suspension for a specific period, and ultimately termination of dental student studies with whatever other penalty ensues - e.g. failure to register with the GDC). A Fitness to Practise Committee will be convened to consider serious or persistent concerns about a student’s ability to continue on the course or to practise after graduation.
Initial Assessment of Concerns

6. The School of Dentistry will accept information or concerns about the behaviour of its students from any source, including NHS and University staff, patients and fellow students or from the public. This may be through established feedback mechanisms (e.g. Lapses in Professionalism points) or through individual approaches (e.g. to the School Manager). The initial response to concerns will normally be for the student to be interviewed by the appropriate Year Lead who will report serious or persistent concerns to the School of Dentistry’s Professionalism and Capability Committee.

Any student receiving more than 6 Lapses in Professionalism Points must be considered by the Professionalism and Capability Committee.

7. The Professionalism and Capability Committee and Progress Committee considers students who are having difficulties in the course for whatever reason. They will decide on an individual basis whether these difficulties may impair fitness to practise, and whether any further investigation is needed: if so, they will consider the evidence that would be required by a formal Fitness to Practice Committee, and make recommendations for any additional pastoral support necessary for the student during the investigation.

8. The membership of the School of Dentistry’s Professionalism and Capability Committee can include:

- Professionalism Theme Lead (Chair)
- Associate Dean for Learning and Teaching
- School Manager
- Senior Adviser
- Year Leads from BDS Years 1-5
- BSc Oral Health Sciences Programme Lead
- Quorum 3 (including Chair)

Anyone who provides pastoral care to a student about whom concerns have been raised should not be involved in investigating or making decisions that could affect the student’s fitness to practice. Similarly, the nominated investigating officer (see below) in a case should not be involved in making decisions that could affect the student’s fitness to practice.

9. Concerns which may trigger an investigation include criminal conviction; drug or alcohol abuse; aggressive, violent or threatening behaviour; persistent inappropriate attitude or behaviour (e.g. non-attendance or failure to follow educational advice), cheating or plagiarism; dishonesty or fraud; unprofessional behaviour or attitudes (e.g. breach of confidentiality or persistent rudeness to patients or colleagues); health concerns, particularly where there is a lack of insight and/or refusal to follow medical advice. Further examples of areas of concern related to student fitness to practise may be found in the ‘What actions and behaviours are expected of those preparing to become dental professionals?’ section of the GDC’s ‘Student Professionalism and Fitness to Practise Standards for the Dental Team Student Guidance’ document.

10. Where concerns are judged to be of a nature to put patients, colleagues or the student themselves at risk, the Dean of the School of Dentistry may temporarily suspend the student from all or part of their studies without prejudice (BDS regulations/ BSc Oral Health Sciences Regulations). Such instances will be dealt with in accordance with the Dundee School of Dentistry’s Fitness to Practise guidelines by the Professionalism and Capability Committee at the earliest reasonable opportunity.

11. Where a serious or persistent concern requires further investigation before a decision is made as to whether or not to refer to a formal Fitness to Practise Committee hearing, an investigator will be nominated by the Dean of the School of Dentistry. This will normally be the Year Lead or the Lead for the BSc Programme for BDS and BSc in Oral Health Sciences respectively unless such an individual is also the student’s mentor. The School of Dentistry’s Manager will help to coordinate the investigation and make any arrangements to provide necessary support for the student. The Chair of the Professionalism and Capability Committee will forward to the School of Dentistry Manager details of any case to be investigated further.
12. Evidence required by the investigator may include, but is not limited to, a written response by the student to the concerns, the student record, witness statements, medical or other expert reports (e.g. from Occupational Health or Disability Services), and police documents. The investigator will present the findings to the Professionalism and Capability Committee who will decide if further measures are required.

13. The outcomes of a Professionalism and Capability Committee decision may be:

- No further action;
- The concern can be dealt with by supportive measures (e.g. continued studies with supportive measures, remedial training or supervisory measures);
- Referral to a formal Fitness to Practise Committee hearing.

14. The threshold for referral to a Fitness to Practise hearing will be determined on the balance of probabilities as to whether the student’s fitness to practise is likely to be impaired, paying particular attention to the future safety of patients and the public.

Fitness to Practise Committee

15. The Fitness to Practise Committee will be chaired by a Senior Member of Academic Staff from the School of Medicine or School of Nursing and Midwifery, or Dean of another Dental School. The University Director of Legal will normally be in attendance, together with the School of Dentistry’s Manager who will service the Committee.

16. The Dean of the School of Dentistry will appoint the chair who in turn will appoint the committee. Membership of the Fitness to Practise Committee will normally include up to five individuals from the following list: Chair (Senior Member of Academic Staff from the School of Medicine or School of Nursing and Midwifery, or Dean of another Dental School); Dean of the School of Dentistry; Oral Health Sciences Director or a nominee; the School of Dentistry’s Associate Dean for Leaning and Teaching; the 1-5 BDS Year Leads (with the exception of the investigating officer); the Senior Adviser; the Clinical Lead of Dundee Dental Hospital and School (NHS representative); a recent GDC registrant; a member from the student body who does not know the student being investigated (external to the School of Dentistry)- DUSA president (or deputy).

None of the members of the Fitness to Practise Committee will have had any previous role in investigating the case. If the Dean of the School of Dentistry has temporarily suspended the student or been involved in the investigatory process, the Dean will not take any further part in the decision making. The Fitness to Practise Committee will be quorate with 3 members present, excluding the chair.

17. The Committee will meet on an ad hoc basis, when a need is identified and at the request of the Professionalism and Capability Committee.

18. The Dental School Manager will, with fair notice, specify in writing to the student under which heading they are being called, i.e. clinical /technical and academic work and/or professional behaviour and/or health, and will provide advice to seek guidance from the student Counsellor, the Student Advisory Service, the University Chaplain and/or the President of the Students’ Association. The student will be invited to ask a representative to accompany them at the hearing, e.g. from a trade union or professional organisation, DUSA, or a friend.

19. The Dental School Manager will invite the student to provide copies of any supporting documentation they wish to be seen by the Committee in advance of the hearing, and will ensure that members of the Committee and the student receive copies of all the papers.
20. The Fitness to Practise Committee will consider the matter in three stages:

- After hearing the evidence presented by the investigator, the student and any witnesses, it must decide whether the facts alleged have been proven (using the civil standard of proof “on the balance of probabilities”);

- If so, it must then consider and decide whether on the basis of these facts fitness to practise is impaired;

- If so, it will then consider and decide what action should be taken, balancing patient and public safety, the interests of the dental student and the need to maintain trust in the dental profession. The Committee will consider the degree of insight shown by the student and any mitigating factors. Sanctions will be considered in order of increasing severity to determine the minimum needed to protect patients and public.

21. Should the Fitness to Practise Committee require to be adjourned and reconvened, all members of the Committee should be present at the reconvened meeting.

22. The outcome of the Fitness to Practice hearing may therefore be:

- No further action;

- Student receives a formal warning about misconduct and/or clinical competency;

- Student fitness to practise is judged to be impaired and they receive a sanction.

23. Sanctions may be one of the following or a combination as appropriate:

- Undertakings (including restrictions on clinical practice or behaviour and remedial teaching);

- Conditions (including remedial tuition and increased supervision);

- Suspension from dental studies for a specific period;

- Termination of dental studies.

24. The reasons for the decision, the duration of any sanction, and any plans for a future formal review of fitness to practise will be set out in writing and communicated to the student by the Chair of the Fitness to Practise Committee or on his/her behalf. The Professionalism and Capability Committee will monitor progress where sanctions have been applied.

25. A student will not be eligible to progress in the course or to graduate until the outcome of the Fitness to Practise Committee is known. Every effort will be made to ensure the process is carried out within a reasonable timescale.

26. It is important for students to note that when concerns are formally passed from the Professionalism and Capability Committee to the Fitness to Practise Committee the matter becomes disclosable to the GDC, or any similar body at the time of registration or thereafter. Any formal warnings about misconduct will be disclosable to the GDC. Other concerns that are dealt with solely by the Professionalism and Capability Committee are not disclosable but will be retained on the student’s record.
Fitness to Practise Appeals Committee

27. Any student judged unfit to practise by the Fitness to Practise Committee will have the right of appeal. The student will have 21 working days after they have received the decision from the Chair of the Fitness to Practise Committee to submit an appeal.

28. The decision of the Fitness to Practise Committee may be appealed only on the following grounds:

• Alleged irregular procedure or incorrect material facts being taken into account;

• Alleged unreasonable exercise of discretion or bias on part of the Fitness to Practise Committee or any one of its members;

• New information being available which could not reasonably have been available to the Fitness to Practise Committee at the time of its consideration.

28. The Appeals Committee will be chaired by the Dean of another School of the University of Dundee. It will include two senior members of academic staff one of whom will be drawn from the clinical staff of another dental school and the other from another School of the University of Dundee. The University Director of Legal will normally be in attendance.

29. The student will submit their case for appeal and any related documentation or oral evidence to the Director of Academic and Corporate Governance and this will be circulated to members of the Appeals Committee in advance of the meeting, together with the material submitted to the original Fitness to Practise Committee and the written decision of that committee.

30. The Appeals Committee will first consider whether there are grounds for the appeal. Only if this is confirmed will they proceed to hear the appeal itself.

31. The student may be accompanied to the hearing by a representative, e.g. from a trade union or professional organisation, solicitor, DUSA representative or friend.

32. The Appeals Committee shall be empowered to obtain all such information or opinions as it may consider desirable and may request a representative of the Fitness to Practise Committee to attend the Appeals hearing to provide evidence.

Relationship to University Disciplinary Procedures

33. Concern over the conduct of a non-dental student 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/

In addition, the University has procedures for dealing with matters of plagiarism and academic dishonesty.

http://www.dundee.ac.uk/governance/dca/discipline/plagiarism/

34. During initial consideration of a concern about a dental student’s conduct, the Chair of the Professionalism and Capability Committee will liaise with the University Office of Policy, Governance & Legal Affairs to decide the appropriate route for dealing with the concern and identifying support needed for the student. For example, plagiarism in the early part of dental course may sometimes be more appropriately dealt with under the University policy, whereas academic dishonesty at a later stage is likely to raise serious questions about fitness to practise.

35. If the matter falls within the potential remit of fitness to practise, it would normally be dealt with under the Fitness to Practise policy, in consultation with the University Director of Academic and Corporate Governance.

36. Outcomes of Fitness to Practise hearings are reported to the Senate of the University via the Dental School Board.
APPENDIX 1 - Procedure for School of Dentistry Conduct of Fitness to Practise Committee

1. The Secretary to the Committee will ensure that the student receives notification of the hearing together with copies of all documents circulated to members of the Committee, and that he/she is aware of the procedure to be followed.

2. Should the student decide not to attend after due notification, the hearing may proceed in his/her absence.

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

4. The Chair will explain the powers of the Committee.

5. The Chair will ask the Dean (or nominee) to make an opening statement. Members of the 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 Committee would like to hear directly from the student in his/her own words.

7. The Chair will invite the student to answer questions from the members of the 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 Committee to make a brief statement, and will then invite the 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 their 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.

11. Once the Chair is satisfied that the Committee has completed questioning and that the student and anyone else present has had full opportunity to convey information to the Committee, all non-committee members will withdraw and be asked to wait for a short time as indicated by the Secretary.

12. The Committee will discuss the case.

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

14. The Committee will decide, on the balance of probabilities, whether the facts of the case are proven and if so whether the fitness to practise of the student is impaired. If it decides that fitness to practise is impaired, the Committee will then consider whether any sanction is to be recommended. The primary purpose of any sanction is to protect patients and the public from risk: the level of the sanction to be applied will be determined by weighing up the interests of patients and public against those of the student.

15. The Committee Chair will convey the Committee’s decision to the student, with the reasons for the decision, normally within seven working days of the decision being made.

16. The Dean of the School of Dentistry will be informed of the outcome.
APPENDIX 2 – Procedure for School of Dentistry Conduct of Fitness to Practise Appeals Committee

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

2. The Chair will ensure the student and members of the Appeals Committee have received copies of all related documentation and are aware of the procedures to be followed.

3. The Chair will explain the powers of the Appeals Committee and invite the student, and/or any accompanying representative or supporter, to make an opening statement of appeal.

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

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

6. The student will be given the opportunity to ask any questions in response and to make a final summary of their case.

7. All non-committee members will then be asked to withdraw and the Appeals Committee members will deliberate: the student may be invited to wait for their decision.

8. If any point requires clarification the parties may be recalled.

9. The Appeals Committee will come to its decision and the Chair will convey in writing this decision to the student and the Dean of the School of Dentistry.