fitness to practise procedures

medical students and FY1 doctors
Section 1: Medical School Fitness to Practise Procedures

- Introduction
- Initial assessment of concerns
- Fitness to Practise Committee
- Fitness to Practise appeal committee
- Relationship to University disciplinary procedures
- References

Appendix 1: Procedure for conduct of Fitness to Practise Committee

Appendix 2: Medical School Fitness to Practise appeals committee

- Flowchart outlining process for the management of professionalism concerns and fitness to practise issues

Section 2: Advice for students referred to Fitness to Practise

- Preliminary investigation
- Fitness to Practise hearing
- Before the Fitness to Practise Committee hearing
- Help and support is available
- At the hearing
- Be honest
- After the hearing
- Frequently Asked Questions
Medical School Fitness to Practise Procedures

Section 1: Medical School Fitness to Practise Procedures

Introduction

1. Medical students have a responsibility to develop professional values and conduct, while the Medical School must provide the opportunities to learn and practise the standards expected and ensure that graduating students are fit to practise. These interlinked responsibilities are set out in the *Dundee Medical School Student Charter*[^1] that is signed by all students on admission to the School and at the start of the Preparation for Practice Programme (Year 4).

2. The core standards of professional behaviour that are required of doctors are set out in the GMC’s *Good Medical Practice*,[^2] under the headings of Good clinical care; Maintaining good medical practice; Teaching and training; Relationships with patients; Working with colleagues; Probity; and Health. In relation to a doctor’s fitness to practise, paragraph 74 in the professional behaviour and fitness to practise guidance for medical schools and their students states;

   “To practise safely, doctors must be competent in what they do. They must establish and maintain effective relationships with patients, respect patients’ autonomy and act responsibly and appropriately if they or a colleague fall ill and their performance suffers.

   But these attributes, while essential, are not enough. Doctors have a respected position in society and their work gives them privileged access to patients, some of whom may be very vulnerable. A doctor whose conduct has shown that he cannot justify the trust placed in him should not continue in unrestricted practice while that remains the case.”

[^1]: The meaning of fitness to practise, GMC policy statement, 2014[^1]

3. In looking at a student’s fitness to practise, the Medical School 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 medical practice.
4. The Dundee Medical School Fitness to Practise Policy seeks to address all levels of concerns involving students or preregistration (FY1) doctors’ behaviour 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 medical profession is maintained.

5. The policy permits a range of outcomes from no further action or appropriate notation in a student’s file to a formal Fitness to Practise Committee hearing which has a range of possible outcomes (warnings, conditions or undertakings, suspension for a specific period, and ultimately termination of medical student studies or referral of an FY1 doctor to the GMC for consideration of their registration). A Fitness to Practise Committee will be convened to consider serious or persistent concerns about a student’s ability to continue on the medical course or to practise medicine after graduation.

**Initial Assessment of Concerns**

6. The Medical School wishes to receive information or concerns about the behaviour of its students from any source, including NHS and University staff, patients and fellow students. This may be through established feedback mechanisms (e.g. “Outcome Assessment Forms” from clinical attachments or ‘Lapses in Professionalism’ points) or through individual approaches (e.g. to the Medical School Undergraduate manager, or Year Convenors). The initial response to concerns will normally be for the student to be interviewed by the appropriate Year Convenor who will report serious or persistent concerns to the Medical School’s Support and Progress Committee.

7. The membership of the Medical School’s Support and Progress Committee normally includes the Dean and/or Head of Undergraduate Medical Education (Chair), the Year Convenors, Student Selected Component (SSC) Convenor, and Admissions Convenor, supported by the Medical School Undergraduate Manager. The academic mentor is normally in attendance. The Support 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. Examples of 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 Professional behaviour and fitness to practise: guidance for medical schools and their students.³

9. Where concerns are judged to be of a nature to put patients, colleagues or the student themselves at risk, The Dean, in conjunction with the University Secretary, may temporarily suspend the student from all or part of their studies, pending a Fitness to Practise hearing (MBChB Regulations⁴, paragraphs 32).

10. For concerns about medical students an investigator will be nominated by the Postgraduate Dean, while for FY1 doctors the investigator will be nominated by the Medical School Dean or equivalent. The Medical School Undergraduate Manager will help to coordinate the investigation, and make any arrangements to provide necessary support for the student /FY1 doctor. For medical students, the Dean, as chair of the Support and Progress Committee, will forward to the Medical School Undergraduate Manager details of any case to be investigated further. For FY1 doctors, concerns will be reported through the Postgraduate Deanery, which will notify the Medical School Undergraduate Manager of any case requiring further investigation.

11. Evidence required by the investigator may include, but is not limited to, information obtained at a face to face meeting with the student / FY1, a written response by the student or FY1 doctor to the concerns, the student record, witness statements, medical or other expert reports (e.g. from Occupational Health or Disability Services), and police documents.

12. For medical students, the investigator will provide a report of his/her findings to allow the Support and Progress Committee to decide whether the concern can be dealt with by supportive measures (e.g. remedial training or a treatment plan) and / or a formal warning (see paragraph 13) or whether a formal Fitness to Practise Committee hearing should be held. For FY1 doctors the investigator will report to the Postgraduate Dean who will decide whether to request the
Medical School Undergraduate Manager to arrange a formal Fitness to Practise Committee hearing.

13. The threshold for referral to a Fitness to Practise hearing will be determined on the balance of probabilities for cases of fact finding, and for all other cases as to whether the student’s or FY1 doctor’s fitness to practise is likely to be impaired, paying particular attention to the future safety of patients and the public. The Support and Progress Committee may offer a student a formal warning at this stage if there is evidence of misconduct but Fitness to Practise is judged not to be impaired and/or undertakings. Such a warning will be provided in writing by the Dean and must be declared to the GMC at provisional registration (see paragraph 24): rejection of the warning will lead to a formal Fitness to Practise hearing.

**Fitness to Practise Committee**

14. The Fitness to Practise Committee will be chaired by a Vice-Principal or equivalent officer of the University of Dundee. The University Legal Counsellor will normally be in attendance, together with the Medical School Undergraduate Manager who will service the Committee.

15. Membership of the Fitness to Practise Committee will normally include: two registered senior clinicians (hospital consultant or general practitioner); a trainee doctor; a senior medical student (when the hearing concerns a student); and an external representative from another Scottish Medical School. None of the members of the Fitness to Practise Committee will have had any previous role in investigating the case. The Fitness to Practise Committee will be quorate with 3 members present, including the chair and a senior clinician.

16. The Committee will meet on an ad hoc basis, when a need is identified and at the request of the Support and Progress Committee or the Postgraduate Dean.

17. The Dean will indicate to the student or FY1 doctor under which heading they are being called, i.e. health and/or conduct, 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 or FY1 doctor 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.

18. The Medical School Undergraduate Manager will invite the student or FY1 doctor 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 or FY1 doctor receive copies of all the papers. The hearing can proceed in the absence of the student.

19. The Fitness to Practise Committee will consider the matter in three stages:

- After hearing the evidence presented by the Dean, Postgraduate Dean (or their nominees), the student/FY1 doctor, 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 medical student/FY1 doctor, and the need to maintain trust in the medical profession. The Committee will consider the degree of insight shown by the student/FY1 doctor and any mitigating factors. Sanctions will be considered in order of increasing severity to determine the minimum needed to protect patients and public.

20. The outcome of the Fitness to Practise hearing may therefore be:

- No further action;
- Student receives a formal warning about misconduct;
- Student fitness to practise is judged to be impaired and they receive a sanction.

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

- Conditions or undertakings;
- Suspension from medical studies for a specific period;
- Termination of medical studies (expulsion) with necessity for inclusion on the excluded student database

22. The reasons for the decision, the duration and date of commencement 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 Dean (or equivalent) of the Medical School or, for an FY1 doctor, by the Postgraduate Dean. The Support and Progress Committee will monitor progress where sanctions have been applied.

23. 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.
It is important for students to note that when a student has been subject to a preliminary investigation, a formal warning is issued by, or concerns are formally passed from the Support and Progress Committee to the Fitness to Practise Committee the matter becomes disclosable to the GMC, or any similar body, e.g. at the time of provisional registration. Any formal warnings about misconduct will be disclosable. Other concerns that are dealt with solely by the Support and Progress Committee are not disclosable but will be retained on the student record throughout the course (see paragraph 13 and Appendix 3).

**Fitness to Practise Appeals Committee**

24. 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 Dean (or equivalent) in writing to submit an appeal.

25. 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;
- Evidence of 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.

The student will be provided with clarity regarding the scope of the appeals process:

- Whether there will be a hearing or reconsideration of the decision based on the papers originally submitted
- Whether the committee can reconsider the facts or is limited to deciding whether due process was followed
- Whether the committee can itself make a new decision on impairment, or simply refer back to a new fitness to practise committee

26. The Appeals Committee will be organised by another school with experience of regulatory bodies (Nursing, Dentistry or Education and Social Work) and be chaired by the Dean of another medical school (for a student) or a Postgraduate Dean from another region (for an FY1 doctor). It will include two registered senior clinical academics and a trainee doctor, none of whom will have been previously involved in the case. The Director of Legal will normally be in attendance.

27. The student or FY1 doctor will submit their case for appeal and any related documentation to the Director of Academic and Corporate Governance, and this will be circulated to the 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.

28. 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.

29. 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.

30. 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

31. Concern over the conduct of a non-medical 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/).

32. During initial consideration of a concern about a medical student’s conduct, the chair of the
Support and Progress Committee will liaise with the University Office of Academic and Corporate
Governance 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 medical 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.

33. If the matter falls within the potential remit of fitness to practise (e.g. Table 1 of the GMC
guidance “Professional behaviour and fitness to practise: guidance for medical schools and
their students”) it would normally be dealt with under the Fitness to Practise policy, in
consultation with the University Office of Academic and Corporate Governance.

34. Outcomes of Fitness to Practise hearings are reported to the Senate of the University via the
Medical School Board.
References:

1. *Dundee Medical School Student Charter*
   
   [https://mbchb.dundee.ac.uk/wp-content/uploads/assets/Student-Charter-2016-Information.pdf](https://mbchb.dundee.ac.uk/wp-content/uploads/assets/Student-Charter-2016-Information.pdf)

2. *Good Medical Practice*

   General Medical Council (2013)


3. *Medical Students: Professional behaviour and fitness to practise.*

   [http://www.gmc-uk.org/education/undergraduate/professional_behaviour.asp](http://www.gmc-uk.org/education/undergraduate/professional_behaviour.asp)

4. *MBChB Regulations*

   School of Medicine, 2016

   [https://mbchb.dundee.ac.uk/wp-content/uploads/assets/MBChB-Regulations-2016-Approved.pdf](https://mbchb.dundee.ac.uk/wp-content/uploads/assets/MBChB-Regulations-2016-Approved.pdf)
Appendix 1 - Procedure for Conduct of Fitness to Practise Committee

1. The Secretary to the Committee will ensure that the student/FY1 doctor 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/FY1 doctor 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) in the case of a student, or the Postgraduate Dean (or nominee) in the case of an FY1 doctor, 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/FY1 doctor (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/FY1 doctor in his/her own words.

7. The Chair will invite the student/FY1 doctor 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 or FY1 doctor and any accompanying representative, and the Dean or Postgraduate 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/FY1 doctor and anyone else present has had a full opportunity to convey information to the Committee, all non-Committee members will withdraw, and will 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/FY1 doctor 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/FY1 doctor is impaired. If it decides that fitness to practise is impaired, the Committee will then consider whether any sanction is to be recommended.

15. The primary purpose of any sanction is to protect patients and public from risk: the level of sanction to be applied will be determined by weighing up the interests of patients and public against those of the student/FY1 doctor. Sanctions will be considered in order of increasing severity to determine the minimum needed to protect patients and public.

16. The Dean (or Postgraduate Dean) will receive the Committee’s decision and convey it to the student (or FY1 doctor), with the reasons for the decision, as soon as possible following the hearing and not at the time of the hearing.

Appendix 2- Medical School 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 or FY1 doctor 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/FY1 doctor 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.

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 (or FY1 doctor) and the Dean of Medicine (or Postgraduate Dean)
Process for the management of professionalism concerns and fitness to practice issues

- Concern identified
  - Conduct, conviction, caution and any health-related
  - Health or disability only
  - Monitor, re-evaluate, gather evidence

  - Referral to Support and Progress committee or Dean of Medicine
    - Warning
    - Continue on course with support if necessary
    - Monitor, re-evaluate, gather evidence
    - If further concern is identified or support/reasonable adjustments not effective
      - Referral to fitness to practice investigation
      - Reasonable adjustments advice or treatment plan
      - Student withdraws from course
      - Fitness to practice hearing still heard

  - Health assessment, occupational health service, disability services
    - Health assessment, support and monitoring if necessary
      - Unable to meet competencies despite reasonable adjustments
      - Removed from course

  - Threshold of student fitness to practise
    - Investigation by independent investigator
      - Investigator presents findings to Dean of Medicine
      - Issue warning or agree understandings
      - Review
      - Sanction (censure, suspension)
      - No further action—support and monitoring if required
Section 2: Advice for students referred to Fitness to Practise

This is a practical guide to help students who have to attend a fitness to practise (FtP) investigation. The FtP process involves two stages; a preliminary FtP Investigation and a formal Fitness to Practise Hearing. It is not always the case that both processes happen and most cases involve a preliminary investigation only. The school recognises that this is a very difficult situation for any student to encounter. This practical guidance is intended to help explain what will happen, and to help you prepare.

Preliminary Investigation.

If a concern is identified around your fitness to practise medicine the school will seek advice from the Support and Progress Committee as to whether you should undergo a preliminary investigation. The Support and Progress Committee are a group of senior staff from both the NHS and University. They have a great deal of experience in supporting and understanding student issues. The committee will be presented with documented evidence of the concern raised against you. They will be asked the simple question “Should this student face a preliminary Fitness to Practise investigation”. They will respond in agreement or against and there must be a majority decision from the committee.

If the committee do not agree that a preliminary investigation is required you may be referred back to Support and Progress where supportive measures may be put in place to help you.

If the panel decide that you should face a preliminary investigation you will be notified of this by letter from the Dean of Medicine.

The letter will inform you that you will be asked to attend a meeting, normally with an Associate Postgraduate Dean where your fitness to practise will be investigated. The purpose of this meeting is simply to make a judgement as to whether a full fitness to practise investigation is justified. This will be done by looking at your understanding of the concern raised and whether this is an isolated incident or a pattern of behaviour. **It is very important that you are open and honest during this meeting. You can take someone along for support to the meeting.**

After the meeting the associate Dean will write a summary report to The Dean of Medicine giving a recommendation as to whether a full hearing is required.

If the recommendation is that you should not be subject to a full investigation, you may still receive a sanction in the form of a warning or other undertakings.

If the preliminary report recommends that the Associate Dean feels that you should be referred to a full fitness to practise hearing, this will be referred to the Support and Progress Committee and they will again be asked to consider whether they are in agreement or not. Again, a majority decision must be reached.

**The Support and Progress Committee can disagree with the decision from the preliminary investigation. If this is the case you would not face a full hearing.**

*Very important: If you go through a preliminary FtP investigation this must be declared to the GMC upon registration.*
Fitness to Practise Hearing

1. **The FtP Committee is a University Committee**
   
   The FtP Committee is NOT a court of law, nor is it the hearing of the GMC. It is a medical school/University Committee, set up to consider the written evidence submitted and any information provided in answers to questions at the meeting. The Committee has to make decisions about your future and consider questions such as whether or not you are fit to practise and whether there are any special measures needed to support and guide you.

2. **Before the FtP Committee Meeting**
   
   **The Committee Secretary**
   
   Every FtP Committee has a Secretary, who organises the meeting, and will supply you with the papers and notify you of the arrangements of the meeting (date, time, venue etc.). The secretary will be present throughout the meeting itself and will make a note of what is said but is not a member of the Committee and plays no part in the decision-making. The Secretary is a key point of contact for you and is the person to approach if you have any queries relating to the FtP Committee. They will guide you regarding the process.

   **The FtP Committee Regulations is an important document**
   
   One of the documents you will be sent at the beginning of this process is the FtP Procedures. This outlines all matters relating to the FtP Committee. It is important that you read and understand these regulations as they explain how the meeting will be conducted and they list the possible outcomes.

   **The papers for the FtP Committee meeting**
   
   You will receive, well in advance of the FtP Committee meeting, a set of papers. These papers will include the case from the School and they may also contain other information such as guidance from the GMC.

   The Committee members will have received an identical set of papers to the ones sent to you. A fundamental rule is that they must not be given anything that has not been supplied to you.

   Make sure you read the papers carefully, and bring them with you to the Committee meeting because when asking questions the Committee is likely to make reference to the papers. You are welcome to make a list of any questions you have or any points with which you disagree, and bring this list with you to the meeting, or you can include the list in your written submission (see next section).

   **Your written submission**
   
   The Secretary will invite you to prepare a written submission which must be received before the meeting to enable it to be circulated to, and read by, the Committee and the School representative. You are encouraged to use this opportunity to set out your full response to any allegations.
What to include in your written submission

The Committee needs to know if particular;

- Whether or not you accept any allegations, criticisms or concerns
- What explanations you have for your actions
- How you plan to change your behaviour in the future (if you accept that change is needed)
- Information about mitigating circumstances (events beyond your control, like a health problem, or financial or accommodation difficulties, or personal difficulties)
- Favourable information such as previous good behaviour or evidence that your behaviour has improved
- In cases of ill health, how you plan to manage your health problems in the future.

The Committee cannot take into account information it has not received. If you are unsure whether or not something is relevant, it is better to mention it. This is your opportunity to ensure that your case is properly considered and it would be unwise to omit information that could result in the Committee forming an impression that was not based on the whole truth.

Consider submitting additional evidence with your written submission

If you have mitigating circumstances, it is important that you supply documentary evidence. For example, if you (or a relative) have been ill and obtained medical treatment, then make sure you obtain and supply a report from the doctor who has provided treatment.

A FtP Committee is not meant to be a witch-hunt. Whilst the school’s case may focus on the School’s concerns, the Committee will also wish to learn of favourable information about you, such as positive reports from supervisors or testimonials from friends, employees etc. Please feel free to include such material even if it has no apparent bearing on the case against you.

Testimonials should include the name, address and contact details of the authors, should if possible be signed and should explain how the author knows you. If the author of a supportive letter knows why you have been referred to the FtP Committee, then it is helpful if they can explain this in his or her letter.

Unexpected new material may cause the Committee to have to adjourn the case

It is most important to avoid submitting unexpected new material or information very late (for example during, or at the end of a hearing). The risk of suddenly producing new documents is that the Committee may be unwilling to accept them, or may have to adjourn the meeting, to allow these new item’s to be considered, and it may take some months to re-convene and conclude the meeting, which will inevitably delay the outcome and the conclusion of the case. Every case is different and you should check with the Secretary if you need clarification about how such a delay (should it arise) might affect your studies.

You may have to attend an Occupational Health review

In cases where there are possible health, drug or alcohol related problems, either before an FtP Committee meeting, or sometimes following the meeting, you may be required to attend Occupational health. In addition, you may need to be seen by an independent expert (for example a psychiatrist), whose report would been to be available for the FtP Committee. It is particularly important that you attend any appointments and fully co-operate. When a student is referred to
the FtP Committee, the student remains entitled to choose not to disclose specialist reports about their health to the Committee. However, unwillingness to disclose medical reports may prevent the FtP Committee from making a decision about your FtP, which may have the effect of preventing you from returning to the course.

3. Help and Support is available

Please do not try and go through this process entirely on your own – take advice.

Preparing for an attending a FtP Committee meeting is not something you should try to do on your own. Here is a list of possible sources of help and advice.

- Academic Mentor (who can also offer confidential advice if helpful)
- Student Support
- DUSA
- Other senior members of University staff

Obtaining legal advice and representation

The school will not pay for your legal representation. Free membership of the Medical Protection Society (MPS); Medical Defence Union (MDU) and the Medical & Dental Defence Union of Scotland (MDDUS) is available to all medical students. If they wish, medical students can be a member of more than one such organisation. Students who are members of a trade union, such as the British Medical Association, or Unison can source legal representation through them. If you are a member you are strongly advised to make contact with your defence society or trade union without delay. They are likely to want to meet you, and to discuss the case with you and it is vital they have as much time as possible to help you prepare your case including your written submission. One reason for not delaying contacting your defence society or trade union is that one or the other may decline to support you, in which case (if you are a member of more than one) you will need to contact the other.

Consent is needed for communication with your representative

If you are professionally represented by someone from outside the University, for example by the MPS or the MDU, then your representative will almost certainly wish to communicate with the FtP Committee Secretary. However, all student matters are confidential and the University is not allowed to discuss your case with your representative without receiving a signed letter from you giving your written consent. So, if one of these organisations agrees to help you, the first thing to do is to write to the Committee Secretary enclosing your written consent to communication between the University and your representative.

Other arrangements

If you have any disabilities and need any arrangements put in place please let the Committee Secretary know in advance of the meeting.

If you have any queries or questions
If you have any queries or concerns about the FtP Committee, your point of contact should be the Undergraduate Manager, School of Medicine (d.russell@dundee.ac.uk).

4. **At the hearing**

   **Please do not come alone, but arrange for someone to accompany you**
   The FtP policy will explain who is allowed to accompany you to the Committee meeting. You are encouraged not to come alone and to do your best to make sure you are accompanied. You cannot predict what will happen and there are likely to be occasions when you would like to discuss things with someone. Make sure the Committee Secretary knows who will be accompanying you.

   **Do not arrive late**
   Arriving late is likely to displease the Committee and add even further to your level of anxiety. You need to leave sufficiently early to ensure that even if the traffic is bad or you have a distance to travel you still arrive on time.

   **Be prepared to stay all day**
   It is impossible to predict how long an FtP Committee meeting will take, but unless the agenda indicates a time when the meeting will end it is best to prepare to stay all day.

   **A basic outline of the FtP Committee meeting process**
   The Dean (or his appointed representative) will be at the meeting to explain to the Committee the School’s concerns about you. You are there to respond to those concerns. The Committee is neutral; it is not on either side. The job of the Committee, having read the papers, and having put questions to the Dean of medicine and to you, is to understand the case, to arrive at conclusions about the facts of the case, and to make a decision about the outcome.

   The typical running order of a FtP meeting is given in detail in Appendix 1 of the Fitness to Practise Policy. In summary, the FtP procedure will have 3 stages;

   1. **Evidence gathering**
      The Dean will be asked to provide a summary of the school case against you. Questions will be asked to clarify any information or areas the committee are not clear about.
      You will then be invited to make a statement summarising your response to the case against you. You may be questioned if there are any areas unclear. You will be expected to answer questions yourself, but the Chair will make it clear that you are not required to answer questions after giving your statement.

      Everyone will be present throughout this part of the hearing. The Chair of the Committee may allow reciprocal questioning by parties.

      Once the Chair is satisfied that questioning is complete and all parties (including representatives) have had a chance to convey information the non-Committee members will be asked to withdraw from the meeting.
2. **Discussion**  
The Committee will discuss the case and if any further clarification is required the Dean or student may be called back for further questioning.

3. **Decision**  
The Committee will reach a decision around the following  
   i. Whether the facts of the case are proven  
   ii. Whether fitness to practise is impaired  
   iii. What, if any sanction to apply  

Any decision will be notified to you, with the reasons for the decision, as quickly as possible (normally within 5 working days) but not at the hearing.

**Who makes up a Fitness to Practise Committee?**  
The Fitness to Practise policy outlines the rules for membership of the Committee but it will be comprised of Senior Clinicians; a trainee doctor; senior medical student and an external representative from another Scottish University.

The quorate for a meeting to take place is 3 members, including the Chair and a senior clinician.

You will be notified in advance of the names of the Committee. If there is anyone with whom you have had significant contact, or to whom you object, you should let the Committee Secretary know immediately.

**What powers do the Fitness to Practise Committee have?**  
The powers of the Fitness to Practise Committee are listed in sections 20 and 21 of the Fitness to Practise Policy you will have been given.

The Committee can dismiss the case; issue a formal warning; decide that Fitness to Practise is impaired and issue a sanction.

Sanctions issued are (or a combination of) conditions of undertakings; suspension from medical school for a specific period; termination of studies.

**Attendance at Fitness to Practise Committee is not optional**

You must attend the Committee meeting. If you are too ill to attend you will need to have supplied a medical certificate to the Committee Secretary. If you do not attend without a reasonable explanation, the Committee has the power to consider the case in your absence.

5. **Be honest**  
It is important that you tell the truth at all times, both when preparing your written submission and when you are answering questions at the meeting itself. Honesty and trustworthiness are virtues that the panel will look for when they are considering the case.
Being honest is more than telling the truth
Acting honestly means more than simply answering questions truthfully. It would be dishonest to allow a Committee to gain a false impression of a situation even if one did not lie to do so.

6. After the hearing
You will receive a letter stating the outcome of the case. You will then receive a copy of the minutes of the meeting as soon as they are available.

If you are unhappy with the outcome letter
As explained in the FtP Policy, if you are unhappy with the contents of the outcome letter you have the right to appeal. An appeal must be lodged within 21 working days from the date you received the outcome letter.

Appeals will only be heard if it is based on alleged irregular procedure or incorrect material facts being taken into account; unreasonable exercise of discretion or bias on the part of the Committee or any of its members; new information being available that could not reasonably been made available to the Committee at the time of its consideration.

An appeal hearing will not be carried out by the same Committee members but will be chaired by the Dean of another medical school and organised by either the School of Dentistry or Nursing & Health Sciences.

7. Frequently asked questions

Am I suspended or interrupted while waiting for the Committee meeting?
If your studies have been interrupted or you have been suspended, then you should already have been told this. If there are restrictions (e.g. not going on placement, library etc) you should have already been informed about this.

Can I continue on the course after the FtP meeting?
That will be a decision for the Committee. The Committee is most reluctant to discontinue students, and will always consider ways that this can be avoided if possible.

What can I do to make myself look better?
You should not feel under pressure to accept any allegations which you feel are untrue or incorrect, but if you accept that the allegations are fair then it is helpful to acknowledge this in your written submission and explain what steps you have taken to improve or correct the position and what you will do in the future to prevent similar problems occurring.

Will tutors/ supervisions, mentors, or teachers be informed of my FtP referral?
Whilst System Convenors and senior management staff will be informed, your tutors and individuals involved in your teaching will not be informed.

Will I have to tell anybody I have been referred to the FtP Committee?
It may be necessary for the outcome letter to be copied to others such as Occupational health. If when applying for provisional registration with the GMC, you will be asked if you have ever attended a FtP Committee and you must give an honest answer. The GMC are likely to need further information about your case so you should apply for provisional registration as soon as possible in your final year of study to allow as much time as possible for them to look at your case.