

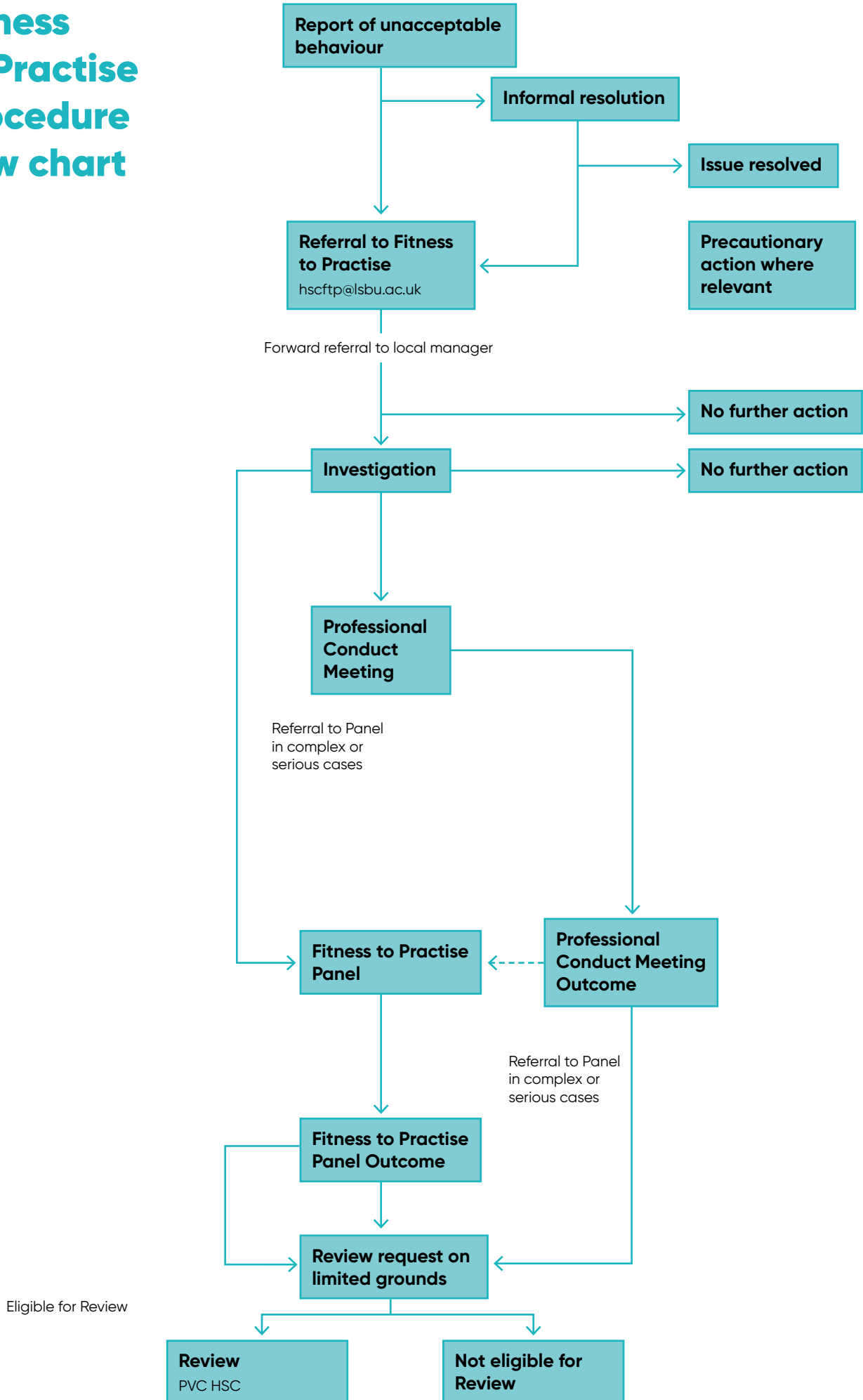


EST 1892

**London  
South Bank  
University**

# **School of Health and Social Care Fitness to Practise Procedure 2018-2019**

# Fitness to Practise Procedure flow chart



# School of Health and Social Care Fitness to Practise Procedure

## 1. Introduction – the principles behind this procedure

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- 1.1 The fitness to practise of a student may be called into question if their behaviour, competence or health status causes concern in relation to their suitability to become a registered professional or work in an area of related health or social care practice.
- 1.2 This Fitness to Practise procedure covers all students in the School of Health and Social Care who are undertaking a programme of study which involves patient or service user contact, and/or allows for registration to practise as a professional.
- 1.3 Standards of Conduct, Performance and Ethics are set out by the Nursing and Midwifery Council (NMC), the Health and Care Professions Council (HCPC) and General Chiropractic Council who also provide guidance for the application of those standards for students in an educational setting. Additionally, the CDI publishes a Code of Ethics, and the British Acupuncture Council (BAcC) publishes a Code of Professional Conduct.
- 1.4 The professional body documents mentioned above define the professional standards which must be met by all students studying relevant programmes in the School of Health and Social Care, and this procedure outlines the University processes to ensure these standards are maintained.
- 1.5 The over-riding principles underpinning this procedure are:
  - Protection and safety of service users and the public.
  - The declaration and upholding of appropriate standards of professional conduct by students.
  - Maintaining public confidence in the profession, and in the University.
  - Maintaining public confidence in students of the profession.
- 1.6 A decision made under this procedure about whether or not you are fit to practise is a matter of professional judgment. The burden of proof in fitness to practise cases rests with the University i.e. it is for the University to prove that you are not fit to practise. Decisions will be made in accordance with the civil standard of proof i.e. on the balance of probabilities.

## 2. Scope – who/what is covered by this procedure?

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- 2.1 This procedure applies if you are a University student on a programme of study covered by paragraph 1.2 who:

- a. is enrolled and registered at the University; or
  - b. was enrolled at the University at any time during the previous 12 months; or
  - c. has interrupted your studies.
- 2.2 The University reserves the right to carry out and/or complete the fitness to practise process if you withdraw from the University whilst the process is ongoing. As set out in paragraph 17.3, details of any formal fitness to practise process may be referred to in a reference given by the University on your behalf.
- 2.3 Reported unacceptable behaviour can be considered under this procedure whether it has taken place on, or outside of, University premises (e.g. a placement setting). In addition, unacceptable behaviour considered under the process of another institution (such as the placement provider) can still be considered under this Fitness to Practise procedure.
- 2.4 Unacceptable conduct may be dealt with under the Student Disciplinary Procedure or the Student Academic Misconduct Procedure unless it would more appropriately be dealt with under this Fitness to Practise procedure. The Chair of the Fitness to Practise Panel will be consulted if it is not clear which procedure should be followed in a given situation. If another University procedure is initiated with respect to behaviour which is subsequently seen to fall under fitness to practise, the other process may be suspended or terminated and action under this procedure may be taken instead.
- 2.5 The University will take your circumstances into account when investigating incidents, and when deciding on a course of action. All efforts will be made to support students with disabilities whilst they are under investigation. The Mental Health and Wellbeing team will be informed of an investigation if a student's mental health is considered to be affected or in question. Students who are registered with the Disability and Dyslexia Service (DDS), or who the University considers to have emerging mental health difficulties, can expect the University to consider their personal circumstances in the application of this procedure.
- 2.6 At any stage of this procedure the University may (at its expense) refer you for assessment by the University's occupational health service or other medical professional. Failure to co-operate with such a referral may itself be treated as an issue of fitness to practise. The University also operates a Fitness to Study procedure; students may find themselves subject to the application of both procedures at the same time.

### **3. Who is responsible for this procedure?**

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- 3.1 The Deputy Vice-Chancellor Education has overall responsibility for this procedure but has delegated day-to-day responsibility for overseeing its implementation to the School of Health and Social Care. All relevant members of staff have been made aware of the procedure and have received appropriate training.

## 4. Support for students

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- 4.1 You are encouraged to seek advice and support regarding this procedure from the LSBU Students' Union Advisory Service.
- 4.2 If you are invited to attend an investigatory interview, or a formal meeting or hearing under this procedure, you may be accompanied by a fellow student or a Students' Union representative. You are not normally permitted to be represented by a legally qualified solicitor or barrister, but the University may allow legal representation at Fitness to Practise Panel hearings in exceptional circumstances, e.g. where your conduct may amount to a serious criminal offence. You must provide the name and contact details of your chosen companion to the University at least 3 working days before the meeting/hearing.
- 4.3 If you have a disability, you may additionally be accompanied by a support worker as may reasonably be required. The University will make reasonable adjustments to this procedure where it is reasonable to do so to prevent you from suffering substantial disadvantage as a result of your disability. The University's Student Wellbeing teams will be consulted.
- 4.4 The companion's role at the meeting will be to support you; you may consult him or her for advice and support during the meeting, but he or she may not answer questions on your behalf (unless this is agreed in advance by the chair as a reasonable adjustment for your disability).
- 4.5 Further details of support services offered by the University are set out at Appendix 2.

## 5. Professional standards and expectations of students

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- 5.1 It is your responsibility to be aware of the professional standards set by your relevant professional body.
- 5.2 All students in the School of Health and Social Care sign the School's Directional Statement of Conduct Principles (Appendix 1) annually, which clarifies the expected behaviours of students. The process of annually signing the declaration reinforces that students should be clear of the expectations upon them.

## 6. Application of the Fitness to Practise Procedure

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- 6.1 Precise standards vary between professions, however, in general fitness to practise has four elements:
  - Suitable health.
  - Suitable competence.

- Suitable conduct.
  - Suitable character.
- 6.2 Suitable Health – The University has an occupational health service. As part of any investigation or action under this procedure, a student may be referred to occupational health for an assessment of fitness to practise in relation to his/her health status. Any such assessment will be taken into consideration by the local manager or Fitness to Practise Panel in making a decision under this procedure.
- 6.3 Suitable Competence – Students’ competencies are demonstrated through the satisfactory completion of academic assessments and practice placements. Therefore, suitable competence is typically not considered under this procedure.
- 6.4 Suitable Conduct and Character – The intended use for this procedure is to review cases where a student’s behaviour calls into question whether their conduct and/or character are suitable for the profession which they have entered or are seeking to enter. Investigation into any alleged behaviour or misconduct by a student will assess whether this conflicts with the professional standards set by the relevant professional body.
- 6.5 Any behaviour or action which breaches the Directional Statement of Conduct Principles and/or professional standards set by the relevant professional body applicable to the student may give rise to action under this procedure if it calls into question a student’s fitness to practise.
- 6.6 Unacceptable behaviour has to be addressed and if a student has a disability their behaviour will be addressed under this procedure. A claim that a student is mentally or physically unwell, under particular stress, or that a disability caused them to behave in an unacceptable way is not a defence to a case of fitness to practise. Additionally, it is not a defence to claim that behaviour was caused or influenced by drugs or other substances, even if prescribed for a recognised medical condition.

## **7. Reporting unacceptable behaviour or concerns about a student**

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- 7.1 All University staff and students are responsible for reporting unacceptable behaviour which they witness or of which they have evidence. In particular, students who have signed the Directional Statement are expected to self-declare any cautions, criminal convictions, investigations or pending child safeguarding issues in which they may have become involved.
- 7.2 All University staff who either witness or become aware of a report of unacceptable behaviour or other concerns about a student through some other means (e.g. if the behaviour is reported to them in person or by email) should ensure that the matter is reported to the relevant Associate Professor and/or Course Director within 24 hours of the incident. If the incident causes concern for

service users and/or public safety the Associate Professor and/or Course Director should be informed immediately so that a decision can be taken, in consultation with the Pro Vice-Chancellor/Dean, on whether you should be prevented from attending placement and/or suspended from the University in accordance with paragraph 11 below.

## 8. Informal Resolution

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- 8.1 In the first instance, the relevant Associate Professor, Professional Lead and/or Course Director will assess if an informal resolution can be found. The purpose of informal resolution is to attempt to resolve issues that are straightforward, and that require little or no investigation. The aim is to put matters right quickly. To facilitate this, issues raised at this stage can be handled by a face-to-face discussion between the Associate Professor and you, or by asking an appropriate member of staff, for example the Course Director, to deal with the matter. You will have an opportunity to quickly put forward your perspective at grass-roots level. Resolution might be achieved by providing an on-the-spot explanation of why the conduct occurred and/or an apology and explanation of what will be done to stop a similar situation happening again.
- 8.2 If an attempt at an informal resolution is made, the Associate Professor and/or Course Director will take the decision, in discussion with the Host Trust, as to whether you are permitted to attend placement whilst a resolution is being sought. If an attempt at putting an informal resolution in place is not successful within five working days then a referral under this Fitness to Practise procedure should be made.

## 9. Referral to Fitness to Practise

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- 9.1 Referrals to Fitness to Practise are to be made in writing and submitted to the Fitness to Practise Administrator by sending a Fitness to Practise Referral Form (Appendix 3) to [hscftp@lsbu.ac.uk](mailto:hscftp@lsbu.ac.uk). Relevant documentary evidence should be submitted with the referral where appropriate. Once a referral has been made, all staff with prior involvement should refrain from discussing the case with the student until any subsequent actions under the procedure have been concluded.
- 9.2 Anonymous referrals and witness statements will not normally be accepted.
- 9.3 Occasionally, referrals may be made through other channels, such as cases that have been referred following the Character and Conduct Virtual Panel Protocol (see paragraph 10.3).
- 9.4 All accepted referral forms will be forwarded by the Fitness to Practise Administrator to the relevant local manager. The local manager will review the case within two working days and decide if the case is to be taken forward under this procedure.

## 10. Student conduct under police investigation

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- 10.1 If the University is made aware that a student is under current criminal investigation by the police or any prosecuting authority, the University Solicitor, Pro Vice Chancellor/Dean of the School of Health and Social Care, and the Chair of the Fitness to Practise Panel will be notified.
- 10.2 The University's typical policy is to support all students involved in police investigation in continuing their studies safely, and abiding by any bail conditions that may have been placed on them. Where appropriate, we will make reasonable adjustments to students' academic programmes to help them ensure their own safety, the safety of others and/or to comply with any bail conditions. However, the safety of service users is paramount, and students may therefore be removed from or prevented from attending placement.
- 10.3 If a criminal investigation is concluded with a conviction or caution, this will be reviewed using the School's Character and Conduct Virtual Panel Protocol. If a criminal investigation is concluded without a conviction or caution, a local manager will review the facts of the case and decide if this procedure needs to be implemented due to the professional suitability of the student being brought into question.
- 10.4 If a complaint of misconduct reported under this procedure is also subject to police investigation, the local manager will ask you to give consent for the police to provide information to the University on the progress of the police investigations or require you to keep the University informed accordingly.
- 10.5 The University reserves the right to either suspend or continue with the fitness to practise process in cases where the police investigation is ongoing, or has been suspended or discontinued. This will be decided on a case-by-case basis in consultation with the University Solicitor and, where appropriate, in dialogue with the police. The University also reserves the right to proceed with the fitness to practise process where the student against whom the allegation of misconduct has been made has been acquitted in criminal proceedings.
- 10.6 Where you are unable or have been advised not to attend a fitness to practise hearing or say anything about a pending criminal matter, the University reserves the right to take a decision based on the available evidence.

## 11. Precautionary action

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- 11.1 If the local manager decides that the alleged behaviour is such that there is a significant risk to the student, services users, other students, and/or staff, the student should immediately be removed from placement following discussion with the Pro Vice Chancellor/Dean of the School and/or the Chair of the Fitness to Practise Panel.



- 11.2 In addition, if necessary, a request may be sent to the Head of Registry for the temporary suspension of the student from all or any part of University premises or University activity until the Fitness to Practise procedure is concluded; and/or that conditions be placed on the student (e.g. not to contact a named person). Students who are suspended will not be eligible to go to, or remain on, placement, but students shall not be suspended from the University merely because they have been removed from placement by the University and/or the placement provider.
- 11.3 The decision to suspend and/or to place conditions on you will only be made where the risk level is high and there are no alternative measures that could be put in place instead to mitigate the risk. It is, therefore, a precautionary, rather than a punitive, measure.
- 11.4 Any suspension/conditions will be limited to a specified period of time and reviewed regularly by the Head of Registry, but may be extended where necessary to do so.
- 11.5 If you are suspended and/or conditions are placed on you, the Head of Registry will write to you setting out the decision and clear reasons for the decision, which will relate to the allegations made, supported by a statement of the basic alleged facts.
- 11.6 You can appeal against a precautionary suspension to suspend and/or place conditions on you to the Deputy Vice-Chancellor Education within 5 working days of the decision letter (making clear representations). The Deputy Vice-Chancellor Education (or nominee) will notify you of his/her decision within 5 working days of receipt of your appeal.
- 11.7 You can also request that the Head of Registry reviews the precautionary action decision if you can demonstrate that there has been a material change in the circumstances of the case.

## **12. Investigation by the local manager**

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- 12.1 On receipt of a referral under paragraph 9.4, the local manager will investigate the case.
- 12.2 The local manager will not investigate a case if:
- The referral report consists only of hearsay.
  - The behaviour has been addressed satisfactorily by another process and it is not deemed necessary to consider it under the Fitness to Practise procedure.
  - The behaviour can be addressed at an informal level.

- 12.3 A local manager who has taken no action under the Fitness to Practise procedure may nevertheless initiate the Fitness to Study process or pass a suitable report to other University services, or a placement provider, who will take action to support the student(s) involved in the incident. Where a case has been closed without taking action under the University's Fitness to Practise procedure, the individual who made the referral will be informed.
- 12.4 If an investigation is undertaken by the local manager, your Host Trust and/or placement provider will be informed of the Fitness to Practise referral. This will not include any specific details without your permission; however, the Host Trust or organisation have the right to remove you from placement if specific details are requested and you refuse to allow this information to be shared.
- 12.5 Prior to starting the investigation, the local manager should consider whether s/he could be deemed to have a conflict of interest, and if there is a conflict of interest ask another suitably qualified person to take over the investigation.
- 12.6 The investigation will be started as promptly as possible, and normally within 10 working days of the date of the Fitness to Practise referral being made. The University reserves the right to extend this period during holidays and exam times.
- 12.7 As part of the investigation the local manager will:
- Arrange to meet with you to discuss the concerns and hear your version of events.
  - Identify any other relevant witnesses and either interview these individuals or obtain written witness statements.
  - Seek documentary evidence where appropriate (e.g. emails, logs from relevant University systems or other relevant evidence).
  - Write a full report at the end of their investigation and submit this with a copy of the full investigation file to the Fitness to Practise Administrator at [hscftp@lsbu.ac.uk](mailto:hscftp@lsbu.ac.uk).
- 12.8 Where you are invited to an investigatory interview, the local manager will write to you at least 3 working days in advance inviting you to the interview and explaining the reason for the interview and the allegations made against you.
- 12.9 The local manager will provide a copy of the current Fitness to Practise procedure with the letter and remind you of the seriousness of the situation and the potential outcomes should your fitness to practise be found to be impaired.
- 12.10 You will also be invited to submit a written statement within 3 working days of the interview, and within 10 working days of the interview you will receive a copy of the notes of the interview for comment.
- 12.11 The local manager reserves the right to proceed with the initial investigation in your absence if they are satisfied that due notice of the date and time of the meeting was given to you and you are absent without reasonable explanation.

The local manager shall decide in their absolute discretion what constitutes "reasonable explanation".

- 12.12 If at the end of the investigation, the local manager considers that, based on the evidence available, there are no reasonable grounds to believe that the alleged behaviour or conduct took place, the local manager will take no further action and the case will be closed.
- 12.13 If at the end of the investigation, the local manager considers that, based on the evidence available, there are reasonable grounds to believe that the alleged behaviour or conduct took place, and that this means that your fitness to practise may be impaired, the local manager will invite you to a Professional Conduct meeting within 10 working days of completion of the investigation. Alternatively, the local manager can refer you straight to the Fitness to Practise Panel where he/she considers the matter to be complex or one which may warrant suspension or expulsion.
- 12.14 You will be normally notified of the decision of the local manager within 5 working days of the conclusion of the investigation

### **13. Professional Conduct meeting**

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- 13.1 The local manager will invite you to attend a Professional Conduct meeting, providing the date, time and place of the meeting. You will be given at least 7 working days' notice to prepare your case based on the information provided by the University.
- 13.2 The notice will set out the allegations against you, the basis of those allegations and the likely range of outcomes if it is decided after the Professional Conduct meeting that your fitness to practise is impaired.
- 13.3 The local manager will also provide you with copies of all the relevant documents related to your case. In limited circumstances (e.g. a risk of harm to the witness), a witness's identity may be kept confidential unless to do so would prejudice the fairness of the proceedings.
- 13.4 You will also be invited to submit a written statement within 3 working days of the Professional Conduct meeting.
- 13.5 The local manager reserves the right to proceed with the Professional Conduct meeting in your absence if they are satisfied that due notice of the date and time of the meeting was given to you and you are absent without reasonable explanation. The local manager shall decide in their absolute discretion what constitutes "reasonable explanation".
- 13.6 Following the Professional Conduct meeting the local manager will decide

whether they believe the allegation to be proven and your fitness to practise impaired.

13.7 If at this stage the local manager decides that the allegation is not proven, the local manager will take no further action, and the case will be closed and the individual who made the referral will be informed.

13.8 If the local manager considers that the allegation proven and that your fitness to practise is impaired, the local manager will take one or more of the following actions:

- place conditions on you with an action plan to allow for you to improve your conduct. This may include referring you to relevant training or ordering you to pay repair and/or clearing up costs. The conditions will be reviewed within 2 months of being issued;
- refer you to the University's occupational health service or other medical professional for assessment and/or treatment;
- issue you with a formal warning;
- refer the case to be considered by a Fitness to Practise Panel (paragraph 14 below).

13.9 During the decision process, the local manager will consider:

- Whether action has already been taken against you by another body (such as a placement provider).
- Whether there is evidence of contrition on your part (for instance evidence that you have apologised, made restitution or improved your behaviour since the incident).
- Any previous action taken against you under this Fitness to Practise procedure.
- The professional body standards that apply to you.

13.10 When issued, a formal warning will:

- Be given in writing.
- Clearly notify you that you have been given a formal warning about your conduct which will be live for the remainder of your course.
- Remind you of your duties under the relevant Standards of Conduct, Performance and Ethics.
- Be kept on INVU and form a permanent part of your record.

- In some circumstances, advise you to apologise or make appropriate restitution to named parties, and may request a copy of any letter of apology or restitution for the case file.

13.11 The local manager will notify you in writing of the outcome of the Professional Conduct meeting and the reasons for his/her decision within 10 working days of the meeting. You will also receive a copy of the notes of the meeting for comment, and will be informed of your right to request a Review under paragraph 15.

## 14. Fitness to Practise Panel hearing

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14.1 Fitness to Practise Panel hearings are undertaken when the local manager refers the case under paragraph 12.12 or 13.7.

14.2 You will be invited to attend the hearing of the Panel and sent copies of all the relevant documents and the names of the Panel members at least 10 working days before the Panel meeting. The letter invite will also clearly set out potential outcomes.

14.3 You have the right to present your case to the Panel in person (or in writing if you prefer to do so). All written documents must be received at least 5 working days prior to the Panel meeting.

14.4 The Fitness to Practise Panel shall consist of:

- The Chair, who shall be a current member of one of the professions covered by this Fitness to Practise Procedure, and also a senior member of the academic or management staff of the School, appointed by the Pro Vice-Chancellor/Dean of the School of Health and Social Care;
- One member of staff within the School of Health and Social Care who is a registered professional in the same profession as the student being considered; or, where no such member of staff is available, a member of staff within the School of Health and Social Care who is a registered professional in one of the professions covered by this Fitness to Practise Procedure;
- An external clinical member of staff who is not employed at the same organisation where the student has been attending placement.

14.5 No member of the Panel will have had significant prior involvement with you, or the current case.

14.6 Where you have a disability, the Fitness to Practise Panel will also include a member of the University's Disability and Dyslexia or Mental Health and Wellbeing Team.

- 14.7 The Fitness to Practise Administrator will act as secretary and adviser to the Panel.
- 14.8 At the Panel hearing the local manager will present the case against you, including any evidence which has previously been disclosed to you. You will be able to respond and to present any evidence of your own.
- 14.9 The Panel reserves the right to proceed with the hearing in your absence if they are satisfied that due notice of the date and time of the meeting was given to you and you are absent without reasonable explanation. The Panel shall decide in their absolute discretion what constitutes "reasonable explanation".
- 14.10 The Panel may be adjourned at the discretion of the Chair in the interests of fairness e.g. new evidence which has come to light which could not reasonably be disclosed in accordance with the prescribed timescales under this procedure.
- 14.11 Having reviewed all the evidence, and on considering your representations, the Panel will make one of the following decisions:
- a. To dismiss the case against you.
  - b. That the investigation has not been conducted properly and fairly, and that therefore the investigation should be quashed and another local manager identified to investigate the issue afresh.
  - c. That, whilst you have behaved inappropriately or there are other concerns about your conduct, your fitness to practise is not impaired and the matter should be referred for consideration under another University procedure (e.g. Student Disciplinary Procedure, Fitness to Study Procedure, Academic Misconduct Procedure).
  - d. That your conduct means that your fitness to practise is impaired, but your continuation on the course constitutes no risk to the safety of service users in placement settings, in which case the Panel may:
    - i. issue a formal warning; and/or
    - ii. place conditions on you with an action plan to allow for you to improve your conduct. This may include referring you to relevant training or ordering you to pay repair and/or clearing up costs. The conditions will be reviewed within 2 months of being issued; and/or
    - iii. refer you to refer you to the University's occupational health service or other medical professional for assessment and/or treatment.
  - e. That your character and/or conduct means that your fitness to practise is impaired, and your continuation on the course represents an unacceptable risk to the safety of service users in placement settings, in which case the

Panel will:

- i. suspend you from the University for a specified period of time; or
- ii. exclude you from the University.

14.12 The Fitness to Practise Panel will notify you in writing of the outcome of the Fitness to Practise Panel and the reasons for the decision within 5 working days of the hearing. You will also be informed of your right to request a Review under paragraph 15. When the Fitness to Practise Panel makes a decision to suspend or exclude you, it will notify the Head of Registry of the decision. The Head of Registry will action the suspension or exclusion and write to you informing you of the suspension or exclusion.

## 15. Review

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15.1 If you are dissatisfied with the outcome resulting either from the Professional Conduct meeting, or from the Fitness to Practise Panel hearing, you have 10 working days to request a Review of the decision by the Dean PVC Health and Social Care (PVC HSC).

15.2 A request for a Review will be granted on limited grounds:

- a. there was a procedural irregularity at the formal stage (e.g. there was a material failure by the University to follow the Fitness to Practise procedure, clear reasons were not provided for the decision, or there is evidence of bias);
- b. the outcome was not reasonable in all the circumstances (i.e. no reasonable decision-maker, properly directing him/her/itself and taking into account the relevant facts, could have reached that decision); or
- c. new material evidence which you were unable, for valid reasons, to provide earlier in the process.

15.3 You should submit your request for a Review to the Office of the Dean of School of Health and Social Care in writing, by email or letter or by having someone submit such a request on your behalf (such a request should include your express written consent for your representative to deal with your request on your behalf). The request for a Review should set out your concerns clearly and succinctly and provide evidence to substantiate the issues raised (where possible) and outline what outcome you are seeking. The receipt of the request will normally be acknowledged within five working days of receiving it.

15.4 The PVC HSC will nominate a senior member of staff from the School of Health and Social Care who has not been previously involved in the matter to decide whether the request for a Review is based on the permitted grounds and is hence eligible to be considered, and will notify you within 5 working days of receiving the request.

- 15.5 If he/she believes that the grounds are not satisfied, you will be informed of the decision to reject your request for a Review and a Completion of Procedures letter ("COP") will be issued to you (see paragraph 15.9 below for further information).
- 15.6 If he/she believes that one or more of the grounds for Review apply to your case, it will be referred to the PVC HSC. He/she will review all information collated for the original decision, together with any new evidence presented, on the papers (but may contact you and/or anyone else involved in the matter if he/she considers it necessary).
- 15.7 The outcome of the Review will be that the PVC HSC either upholds the outcome made at the formal stage, or makes a different finding which overturns the outcome. He/she may remit the matter to the same or a different local manager/ Fitness to Practise Panel to consider again, or may reduce the penalty.
- 15.8 The decision taken by the PVC HSC at the Review stage is final. The outcome of the Review will be communicated to you by letter written within 28 days of the Review request being accepted.
- 15.9 If the outcome of the Review is favourable to you, you will not automatically receive a COP; however, you can request a COP within 30 days of the date of the outcome letter. Where such a request is made, a COP will be provided within 14 days of the request. Where the outcome of the Review is unfavourable to you, you will receive a COP automatically within 28 days of the outcome letter.

## **16. Independent external review**

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- 16.1 Once the Review stage has been completed, and within twelve months of the date of the COP, you are entitled to ask the Office of the Independent Adjudicator to review the University's handling of your case under this procedure. The process for doing so will be set out in your COP.

## **17. Record keeping and notification**

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- 17.1 A formal penalty or other action imposed in accordance with paragraph 13.7 or 14.11 shall be a permanent part of your student record.
- 17.2 It shall not be considered confidential that you have been subject to this procedure. The relevant members of the University staff (such as in Registry, School, Student Administration, Employability Services and HR (e.g. in cases where you are employed by the University as a Student Ambassador and/or Hourly Paid Lecturer, or in any other capacity) and placement providers where relevant may be also notified. If you are an apprentice, the University will notify your employer.



- 17.3 Information will be shared with others in circumstances where there may be a risk to others if information were withheld. Unless a case has been dismissed, referral to Fitness to Practise procedures and outcomes (including any penalties) will be made in all exiting student references and disclosed in accordance with any regulatory reporting requirements.
- 17.4 On the closure of all Fitness to Practise cases (including any Review), your Host Trust or organisation, the relevant Head of Department and Course Director, and the individual who made the referral will be notified of the outcome.
- 17.5 Where the University considers it reasonable and appropriate to do so, it will inform the victim(s) of the misconduct of the outcome of the Fitness to Practise process.

## 18 Use of data

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- 18.1 The University will collect data on fitness to practise outcomes at each stage of this procedure and any complaints submitted by you to any regulators (including the OIA), and use the data:
- a. internally for reporting, evaluation, learning and training; and
  - b. externally for discussion with regulators in the higher education sector.
- 18.2 The data used by the University for the purposes in paragraphs 18.1 a) and b) will be anonymised. Your personal data and sensitive personal data ("Personal Data") as defined by the Data Protection Act 2018 (the "DPA") may be disclosed to the University's members of staff, placement providers and regulators only for the purposes of dealing with an allegation of misconduct under this procedure, a complaint arising out of it and/or implementing any recommendations. Personal Data will not be shared with any other third parties unless the University has your express consent, has a statutory obligation to do so, or is otherwise permitted to do so under the DPA.

# Appendix 1: Directional Statement of Conduct Principles

## School of Health & Social Care All Courses

### Directional statement of conduct principles for students

#### Introduction

The following statement has been formulated with the explicit aim of providing students in the School with a directional framework within which to determine their professional and academic responsibilities and conduct. The Statement identifies a number of documents to which students should refer, see appendix A.

#### Professional suitability

As individuals responsible for the safety and wellbeing of patients/clients/service users, it is necessary that students following programmes of professional study understand and comply with the standards and values of their future profession. This means that students must be able to demonstrate not only the achievement of practice and theoretical learning outcomes but also demonstrate that they are professionally suitable for their chosen career. Students are therefore expected to demonstrate these standards of behaviour at all times when in contact with patients/clients/service users, carers and other health and social care professionals.

#### Context

The activities and behaviours that impact on professional suitability are those normally associated with the demonstration of commitment, understanding and competence in practice. Therefore, you must demonstrate:

1. Effective communication, both professionally and between students and the University.
2. Punctual time-keeping and attendance during practice placements and whilst attending the University.
3. A professional demeanour in public life (both appearance and behaviour towards patients/clients/service users, colleagues, lecturers and clinical staff) and in personal life; there are public expectations that attach to a health/social care professional and it is important to remember that members of the public may be encountered in a professional context at a future date.
4. Mutual respect with regard to the needs and priorities of the working environment, colleagues, lecturers and practice staff.

## Expected behaviours

1. All students must ensure that honesty, integrity and respect for themselves and other people forms part of their personal and professional ethos.
2. All students must abide by the policies of the placement agency and should comply with the guidance given to them by their supervisor (this could include their Tutor, Mentor, Link Lecturer or other placement employees).
3. All students are expected to acknowledge responsibility for the health and safety of themselves and other people with whom they may be in contact during their placement. Students should also acknowledge any limitations in their knowledge or expertise.
4. All students are required to access their University email account and the Student Portal on a regular basis and respond to communication from the University in a timely manner.
5. All students must ensure that all information relating to patients/clients/ service users, colleagues and the affairs of the placement agency staff shall be kept confidential at all times.
6. All students have a duty of care and have to declare in writing (to their Course Director) any cautions, criminal convictions, any situation where they are the focus of a criminal investigation or any pending child protection issues.
7. All students have a professional duty of candour and the need to be open and honest when things go wrong.
8. All students have a duty of care and have to declare any changes in their health status that occur during their course of study.
9. All students must act without delay to report appropriately any concerns that they have observed, or risks that have been reported to them, which could adversely affect those in their care, students, staff or the overall standards of care or practice.

The above Directional Statement should be read in conjunction with LSBU Practice Learning Guidelines and requirements laid down by the relevant professional and regulatory bodies which are designed to ensure public protection.

## Definitions of unsuitable behaviours

Professional unsuitability is demonstrated through any actions or omissions, which could be judged to endanger public safety or bring the student, the University or the profession into disrepute. The following list, though not exhaustive, sets out specific examples:

- Failure to comply with the guidelines, codes of practice and policies of the relevant professional and regulatory bodies in promoting and maintaining standards of professional behaviour
- Poor attendance and timekeeping in the practice placement or University (the student is required to attend all scheduled activity)
- Consistent failure to communicate with the University or practice placement area in a manner which results in an impact on the associated service delivery
- Failure to exercise due consideration for the safety and welfare of service users/clients and colleagues
- Failure to demonstrate consistent and safe application to the development of professional skills (through appropriate participation in the learning and practice assessment process)
- Unacceptable behaviour in any environment which may reflect badly on you and which may compromise the reputation of the University. This includes Trusts, Health Service, Local Authorities, Independent Bodies, Voluntary Bodies and their professions. Any behaviour that leads to a justified formal complaint from a service provider or a practice placement area
- Any action leading to a disciplinary procedure, either on the part of the University or a practice placement area

Issues associated with the professional suitability of individual students will be considered and agreed through the Fitness to Practise Procedure following consideration of available evidence. Thereafter the following sanctions, dependant on circumstances may be applied:

- Fitness to Practise procedures invoked
- Specific written warning letter following inappropriate behaviour which remains on student's file for a specified length of time
- Delay in qualification (requirement to make up time)
- Referral/deferral in a module
- Referral in a level of study
- Termination of the education programme
- Withholding of an award

## Appendix A

- London South Bank University Course Handbook for your specific programme of study. (Handbooks are published annually within the School and made available online for each student at the commencement of each academic year)
  - Clinical and procedural policies provided in each health/social care agency within which students acquire clinical experience. (Such policies are available for inspection in the clinical practice area)
  - **HCPC Guidance on Conduct and Ethics for Students**
  - Nursing and Midwifery Council. **Raising and escalating concerns: Guidance for nurses and midwives**, London, NMC.
  - Nursing and Midwifery Council. **Good health and good character: Guidance for approved educational institutions**, London, NMC.
  - Nursing and Midwifery Council. **Guidance on professional conduct for nursing and midwifery students**, London, NMC.
  - Nursing and Midwifery Council. **The Code: Standards of conduct, performance and ethics for nurses and midwives**, London, NMC.
- Nursing and Midwifery Council. **Guidance on the professional duty of candour**, London, NMC.

## **Student agreement to this directional statement of conduct principles for students studying in the school of health and social care**

*I confirm that I have read and agree to abide by the Definitions and Expected Behaviours outlined above in this "Directional Statement of Conduct Principles for Students studying in the School of Health & Social Care".*

Name (BLOCK CAPITALS):

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Student number:

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Course (BLOCK CAPITALS):

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Signature:

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Date:

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**Students are advised to keep a copy of this agreement for reference.**

## Appendix 2: Support for students

The University provides a number of student support services. These are open to all students. Students are encouraged to engage with the services and take up any appropriate support available to them.

The following are University-run services:

- a. **Mental Health and Wellbeing team**  
Support and advice to any student experiencing personal difficulties, who may be struggling to cope at university or who just needs someone to talk to. Appointments are available on the day by visiting the Student Life Centre helpdesk – you can also call 020 7815 6454 / email [studentwellbeing@lsbu.ac.uk](mailto:studentwellbeing@lsbu.ac.uk)
- b. **SilverCloud – online support anywhere, any time**  
SilverCloud is an online self-help resource and can support you with anxiety, depression, body image or stress. It's free to use, just sign up with your lsbu.ac.uk email address: <https://lsbu.silvercloudhealth.com/signup/>
- c. **Disability and Dyslexia Support (DDS)**  
Disability & Dyslexia Support (DDS) is a dedicated service for students who have a disability, mental health condition, long term medical condition or specific learning difficulty (including dyslexia). We also offer screenings for dyslexia throughout the year. Visit the Student Life Centre helpdesk, call 0207 815 6545 or email [disability@lsbu.ac.uk](mailto:disability@lsbu.ac.uk).
- d. **Student Advice**  
Advice and guidance on financial and money management, and help with any personal, emotional or academic issue you may face. Appointments are available on the day by visiting the Student Life Centre helpdesk – you can also call 0207 815 6454.
- e. **Skills for Learning team**  
The Skills for Learning team offer academic support in a range of areas (such as essay writing, presentation skills etc.). Appointments are available through the Student Life Centre or by calling 020 7815 6454.

Support is also available through the Students' Union. The Union provides free, confidential and impartial advice and a place to talk during difficult times you may face as a student. You can book an appointment by calling 0207 815 6060 or by visiting the SU reception in the Student Centre (by the Venue bar).

# Appendix 3: Fitness to Practise referral form

## Fitness to Practise Incident Report/Referral Form

When completing this form please give as much detail as possible in relation to the concerns/incident that led to the referral. Please also send all evidence with the completed form to [hscftp@lsbu.ac.uk](mailto:hscftp@lsbu.ac.uk).

Your name:		
Your LSBU staff/student ID:		
Name of witness (if not you):		
Date of incident (if applicable)	Time of incident (if applicable)	Location of incident (if applicable)
Does this report need to be treated in confidence? If yes, please explain why below (if completing this form for another individual please confirm this with them)		
<p><i>If you request confidentiality we will not give your name or any other details about you to anyone else. If we cannot fairly investigate your complaint without breaching your confidentiality we will write to you to explain that we will not investigate.</i></p>		
Name and ID number (if known) of student being referred		
Date of this form		
<p><b>Please describe the incident/cause for concern in your own words below</b></p> <ul style="list-style-type: none"> <li>• Please list the incidents/concerns in chronological order.</li> <li>• Please indicate how each incident/concern is linked to a potential breach of professional code and/or the University Directional Statement of Conduct Principles.</li> <li>• Please give as much detail as possible</li> </ul>		

Use this form to report any incident of unacceptable conduct by an enrolled University student.