STANDARDS OF CONDUCT: Fitness to Practise
Pre-registration Students

November 2012
(Revised January 2013)

This document is reviewed annually and all new students will be issued with a hard copy on admission to the university. All students will be notified of any changes during their programme. A current version of this document can always available on - http://www.hls.brookes.ac.uk/peu
Table of Contents

1 INTRODUCTION .......................................................................................................................... 1
2 PRACTICE BASED LEARNING AND FITNESS PRACTISE ............................................................. 2
3 GENERAL STANDARDS OF CONDUCT ......................................................................................... 2
4 SPECIFIC EXAMPLES OF STANDARDS OF CONDUCT ................................................................. 3
4.2 Disclosure and Barring Service (DBS) clearance [Formerly Criminal Records Bureau (CRB)] .... 3
4.3 Occupational Health Clearance .............................................................................................. 3
4.4 Health and Safety Policies/Programme specific requirements ................................................. 4
4.5 Dress and appearance ............................................................................................................. 4
4.6 Performance ........................................................................................................................... 4
4.7 Attendance/Sickness ............................................................................................................... 5
4.8 Acceptance of gifts and hospitality ......................................................................................... 5
4.9 Employment whilst a student .................................................................................................. 5
5 QUESTIONING FITNESS TO PRACTISE ..................................................................................... 6
6 SUSPENDING FITNESS TO PRACTISE ....................................................................................... 7
7 INVESTIGATING & DETERMINING FITNESS TO PRACTISE ...................................................... 8
8 REVIEWING WITHDRAWAL OF OR RESTRICTION ON FITNESS TO PRACTISE ..................... 11
9 GROUNDS FOR APPEAL AND THE APPEAL PROCESS ............................................................ 12
10 FURTHER STAGES OF REVIEW .............................................................................................. 13

Links to CODES OF PROFESSIONAL CONDUCT ........................................................................... 14

Appendix 1: Relationship between the University Student Conduct Regulations and the Standards of Conduct: Fitness to Practise .......................................................................................................................... 15
Appendix 2: Guidelines for professional behaviour/suitability for Pre-Qualifying Students ....................... 18
Appendix 3: Pre Registration Programmes Disclosure and Disbarring Service(DBS) and Occupational Health (OH) clearance processes ......................................................................................................................... 34
Appendix 4: Letter of Fitness to Practise .......................................................................................... 35
Appendix 5: Process for notification of withdrawal of Fitness to Practise (student) ......................... 36
Appendix 6: Time-out from practice .............................................................................................. 37
Appendix 7: Occupational Health Information ............................................................................... 38
Appendix 8: Process for addressing change or potential change in student’s DBS status POST admission 39

Standards of Conduct for Pre-registration students: Fitness to Practise November 2011
Standards of Conduct

Fitness to practise

1 INTRODUCTION

This document will be referred to throughout as the 'Fitness to practise' and refers to the Standards of Conduct of pre-registration students in health and social care programmes, in relation to their practice learning experiences.

1.1 Throughout this document:
(a) the term practice assessor means mentor, sign-off mentor, practice educator, clinical educator, supervisor, practice teacher, clinical tutor, instructor or practice supervisor, or others qualified to support students learning in practice;
(b) the Dean means the Dean of the Faculty of Health & Life Sciences;
(c) the Dean and the Academic Registrar may each nominate a senior member of their staff to act on their behalf at any stage of these procedures.
(d) Investigating Officer means the person with responsibility for investigating alleged breaches of the Fitness to practise as defined in 7.4.
(e) Disciplinary Officer means the person responsible for investigating and determining alleged breaches of the University's Student Conduct Regulations.

1.2 In order to meet the stringent requirements of professional statutory bodies within the health sector the University has approved a procedure relating specifically to alleged breaches of the practice requirements for pre-registration students. This procedure is set out within this document and is implemented by the Dean, subject to the relevant appeal processes, on behalf of the University. It can result in the temporary or permanent removal of, or restrictions being placed upon, a student's Fitness to Practise.

1.3 Additionally, the University has a disciplinary procedure that applies to all University students and relates to alleged breaches of the University's Student Conduct Regulations (hereafter referred to as the Student Conduct Regulations). These Student Conduct Regulations are implemented by an appropriate Disciplinary Officer who, in certain circumstances, may also be the Dean. It can result in the imposition of a wide range of financial, academic and other penalties but cannot affect a student's Fitness to Practise.

1.4 Some alleged behaviours if substantiated, will be breaches of the Fitness to Practise but not the Student Conduct Regulations; some will be breaches of the Student Conduct Regulations but not the Fitness to Practise; others will be breaches of both, and it is important that every allegation against a student is considered for its relevance in relation to both the Fitness to practise and the Student Conduct Regulations. Whether or not an allegation should be progressed under the Fitness to Practise is solely for the Dean to decide; whether or not an allegation should be progressed under the Student Conduct Regulations is solely for the Disciplinary Officer to decide.

1.5 When the Dean is not the relevant Disciplinary Officer, this will require effective liaison between the Dean and the Disciplinary Officer in order to ensure that the information necessary for both investigations is gathered in a timely manner but without requiring the student to duplicate what is bound to be a stressful process for them. When the Dean is the relevant Disciplinary Officer, this will require them to be clear about and keep separate the differing procedural requirements, criteria and potential outcomes of the two procedures.
1.6 Further guidance on how the operation of the two procedures should be integrated is set out in SCRP Guidance Note 6b and the key points are summarised in Appendix 1. Advice on any professional aspects of the operation of this procedure or the application of it to a specific case should be sought from the Dean; advice on any procedural aspects of the operation of this procedure or the application of it to a specific case should be sought from the Dean or the Academic Registrar, as appropriate.

2. PRACTICE BASED LEARNING AND FITNESS PRACTISE

2.1 Students on programmes in the Faculty of Health & Life Sciences, leading to professional registration or awards, require experience with patient and service users in order to fulfil the professional requirements. This experience is gained through, and these professional requirements apply during practice education experiences, which may take place in an external practice setting, but which may also include practice based elements of the programme taught in the classroom or skills laboratory for which consent procedures apply. Successful completion of appropriate practice requirements is a condition of the award of the University and the Professional Body with which the student is registered.

2.2 Students undertaking courses requiring access to patients and service users must obtain Fitness to Practise card which allows them to participate in health and social care practice learning. Without such authorisation, students will not be entitled to practise or enter practice areas. The responsibility for giving, withholding, suspending or withdrawing a student’s Fitness to Practise lies with the University, on behalf of the placement partner, and this responsibility is exercised by the Dean.

2.3 Before being issued with their Fitness to Practise card, students are required to log into the Practice Education Management System (PEMS) to complete their self-declaration, acknowledging that they have read and confirming that they will be bound by these Standards.

3. GENERAL STANDARDS OF CONDUCT

3.1 It is a requirement that the behaviour and conduct of pre-registration students throughout their programme complies with the expectations of the professional group with which they will be able to register on successful completion. Within the limitations of their status as students, all students are expected to comply with the code of professional conduct laid out by their Professional Body, i.e.:

(a) the Nursing & Midwifery Code of Professional Conduct;
(b) the Occupational Therapy Code of Professional Conduct;
(c) the Physiotherapy Code of Professional Conduct;
(d) the Osteopathy Code of Professional Conduct;
(e) the Codes of Practice for Social Care Workers;
(f) the Health Professions Council (e.g. Paramedics & ODPs);

Links to the web pages of these professional statutory bodies can be found on page 18 of this document. It is the responsibility of all students to ensure that they are familiar with all the requirements of the relevant professional Code of Conduct, as well as the terms and conditions of this document.

3.2 These codes expect behaviour that justifies public trust and confidence and respects the privileged relationship with patients and service users and, as such, include behaviours outside the placement or programme situation.
3.3 Students are also expected to:

(a) observe or undertake practice in accordance with arrangements negotiated with the relevant practice and university staff;
(b) conduct themselves and undertake agreed work in a manner appropriate to their student status and with concern for the feelings of others, including colleagues and managers but, especially, patients and members of the public. Guidance to help students learn professional behaviour can be found in Appendix 2 Guidelines for professional behaviour/suitability for Pre-Qualifying Students and on the following link - http://www.hls.brookes.ac.uk/peu

4. SPECIFIC EXAMPLES OF STANDARDS OF CONDUCT

4.1 This section sets out specific examples of standards expected of students in their behaviour and conduct and is not exhaustive:

N.B –If a student (or potential student’s) DBS check is not completely clean, then this will be discussed confidentially by a Fitness to Practise panel. If the panel concludes that giving the student or potential student access to NHS or placement provider premises is not in the best interests of the NHS/ placement provider then that person shall not be permitted to continue on the programme.

4.2 Disclosure and Barring Service (DBS) clearance [Formerly Criminal Records Bureau (CRB)\(^1\)]

(a) Students will have enhanced DBS clearance during the admissions process as part of being accepted onto a professional practice programme\(^2\).
(b) It is possible that a student may commit an offence after the admissions process or during the course of their education. Students will therefore be required to complete their self-declaration through PEMS prior to each annual placement attendance (e.g. at the end of their first, and subsequent years of their programme, at specified times as required by placement patterns of the student’s programme).
(c) Students must declare all incidents that potentially may appear on any subsequent DBS disclosure form as and when they occur following the ‘Process for addressing change or potential change in student’s DBS status POST admission’ – see appendix 8.

4.3 Occupational Health Clearance

a) Students will have Occupational Health clearance during the admissions process as part of being accepted onto a professional practice programme\(^2\) (See footnote 2 on page 4).
(b) It is possible that there may be a change to a student’s psychological or physical health after the admissions process or during their course. Students will therefore be expected to complete their annual self-declaration through PEMS.
(c) Students must declare all changes to their psychological or physical health by notifying the Occupational Health Department, as and when they occur.

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\(^1\) Since 1st December, the Criminal Records Bureau has re-branded and is known as The Disclosure and Barring Service (DBS) this is due to the merger of the Criminal Records Bureau (CRB) and The Independent Safeguarding Authority (ISA). For further information please go to www.criminalrecordsservices.co.uk.

\(^2\) The admissions process includes enrolment of students, subject to receipt of satisfactory DBS and Occupational Health clearance. Both of these clearances may take several weeks to complete and are required prior to issue of Fitness to Practise. Students are unable to commence practice education experience without completion of these processes.
4.4 Health and Safety Policies/Programme specific requirements

(a) The policies of the practice areas apply and it is the responsibility of students to ensure that they:
   (i) are fit to practise;
   (ii) do not undertake work unsupervised with patients/service users for which they do not feel competent;
   (iii) take every reasonable care to ensure they carry out work in a manner that is safe to all concerned;
   (iv) must attend relevant compulsory Health & Safety lectures organised by the Faculty as part of the curriculum;
   (v) conform to the Occupational Health Policies of the relevant practice area, including obtaining vaccinations where required.
   (vi) have met the programme specific requirements. E.g. manual handling, basic/advance life support, professional indemnity insurance, food hygiene or other mandatory training as stipulated on PEMS.

4.5 Dress and appearance

(a) Presentation must be acceptable to the practice staff and comply with any specific placement organisation (e.g. NHS Trust) guidelines/policies.
   i) For professional reasons, a standard expectation is that students must not travel to and from their placement in their uniform if there are changing facilities available.
   ii) For professional reasons, if changing facilities are not available, students must ensure that their uniforms are covered and not identifiable as a student of Oxford Brookes University.
   iii) Visiting shops and other public places in uniform is not acceptable.
   iv) Students in visible uniform out of the placement area (unless this forms part of a patient’s treatment) may be reported to their Link Lecturer/ Placement Lead/Programme Lead.

(b) Students are expected to wear their Fitness to Practise badge at all times, while on placement as this is their student identity badge.

(c) Where uniform is not required students are expected to consider the impact of their presentation on the service user/ patient group. Dressing in a more neutral/ modest way is less likely to provoke an adverse reaction. Logos and words on clothing may be fashionable but inappropriate as they may have inadvertent connotations. Similarly, clothes should not be too revealing (whatever the gender of the student), i.e. too tight, too short, revealing parts of the body area.

(d) Any student whose appearance is deemed inappropriate by the practice assessor or most senior member of staff present in the practice area may be excluded from the practice area and will be reported absent until they return dressed appropriately. Practice hours will be deducted for this absence.

(e) Students are expected to be mindful of personal safety, infection control and being a representative of the university and the professional programme they are undertaking in addition to any placement provider policies and guidelines.

4.6 Performance

(a) Practice undertaken must be negotiated with the relevant professionals within the placement. It must only be undertaken with the authorisation of those members of staff and with an agreed level of supervision.

(b) Practice undertaken must conform to Professional Statutory Body Regulations concerning the training of the relevant profession. If a student is uncertain whether or not any particular area of practice does conform, they must check with their practice assessor, Link Lecturer, Programme/ Placement Lead or the Clinical Education Co-ordinator before carrying out the area of practice.

(c) It is the student’s responsibility to ensure they are familiar with all the relevant programme-specific guidelines on the nature of practice which can be undertaken.
4.7 Attendance/Sickness

(a) For the purposes of this section, attendance is defined as the student’s presence in either classroom based or placement area, on scheduled learning experiences as described in each Programme’s curriculum. It is the student’s responsibility to ensure that they are familiar with, and comply with, the Faculty of Health & Life Sciences Student Attendance Policy http://www.hls.brookes.ac.uk/images/pdfs/plu/hscq_0831_attendance-policy_march-2011.pdf

(b) Students are expected to attend all preparation sessions relevant to their practice education experience.

(c) Students are required to comply with the attendance and reporting sickness policies of the placement host organisation and must familiarise themselves with this within the first week of their placement. If absence is before start of a placement the student must contact the named person (i.e. either the placement area contact name from the placement profile or the name of the person you have been asked to contact on the first day) to report any sickness/absence. You are also required to record any absences on PEMS no later than 12 noon on the first day of your absence. Students must also record any sickness on the Practice Hour’s Record and have this countersigned by their practice assessor. (See, for example, Record sheet for direct care practice hours (N&M)) These forms are recorded by the PEU and will be taken into account when testimonies or references are provided for students.

(d) Students are expected, under the requirements laid down by their Professional Regulatory Body, to experience the full range of care provision given. This includes undertaking practice at weekends, evenings and/or nights for the relevant professions, e.g. nursing, midwifery, osteopathy, paramedics and operating department practice.

(e) Students are expected to plan their practice education experience in advance and these will be rostered in many placement areas. Students are required to match their working patterns to those in operation in the placement area. Students must recognise that flexibility on the part of the host placement organisation is not to be expected and is only at the discretion of the practice assessor.

(f) Students with persistent difficulty in attending practice must discuss this with the relevant Link Lecturer, Academic Advisor, Placement Lead, or Practice Assessor.

(g) Students must familiarise themselves and comply with the University’s regulations concerning absence due to sickness (obtainable from http://www.brookes.ac.uk/regulations/gen001.html)

(h) Absence from a placement that cannot be demonstrated as having been agreed through appropriately timely negotiations between the student and the practice assessor/link lecturer (and is not sick leave) is unacceptable. It indicates a low level of professional behaviour on the part of the student and will not be tolerated. All such instances shall be investigated by the Faculty and the placement area and may lead to disciplinary action.

(i) Time off during a placement to attend routine personal health care appointments (e.g. doctor/ dentist appointments), is considered inappropriate and not commensurate with professional behaviour. If, however, a student has an appointment that cannot be rearranged, absence from the placement must be negotiated with the senior member of staff on duty. This time will not be recorded as practice hours.

4.8 Acceptance of gifts and hospitality

(a) It is rarely appropriate for students to accept personal gifts from patients/ users or their friends or family. This must always be discussed prior to acceptance with the student’s practise assessor.

4.9 Employment whilst a student

(a) University staff are aware that most students now find it essential to work whilst studying. However, employment obtained outside of the programme must not adversely affect students’ work during placement.

(b) Any employment undertaken outside of the course must not in any way hinder or conflict with the interests of the NHS Trusts or other placement host organisations with whom the programme is...
delivered.
(c) Conducting private business on practice area premises or within placement time is forbidden.

5 QUESTIONING FITNESS TO PRACTISE

5.1 A student’s fitness to practise can be called into question by information or allegations relating to the student’s:
   a) health, emotional state, judgement or character; or
   b) conduct or behaviour, such that the student has breached one or more terms and conditions of the relevant Code of Professional Conduct or of these Standards of Conduct: Fitness to Practise;
   c) conduct or behaviour is such that the student
      i. is a danger to themselves or
      ii. is a potential danger to patients/clients/persons in their care causing major concern to the practice area. ‘Major concern’ means there is clear evidence from senior staff in the practice area or academic staff (e.g. Link Lecturer or Placement/Programme Lead)
      iii. disrupt the work environment so that patient/client care is at risk;

5.2 Any such information or allegations shall be considered by a Fitness to Practise panel (see 4.1) and, if information or allegation has arisen after the admissions process this shall be sent to the Dean as soon as possible, who shall consider whether there is a need to investigate further. If, in the view of the Dean, the information or allegations are such that, even if they were accurate, they would not affect the student’s Fitness to Practise, the Dean shall not take any further action under this Procedure other than to inform the person providing the information or making the allegations of that decision and, if appropriate, the student concerned.

5.3 If the information or allegations could, if accurate, affect the student’s continued fitness to practise, the Dean shall
   5.3.1 initiate an investigation as set out in paragraph 7.
   5.3.2 also consider whether or not it is appropriate to suspend the student’s Fitness to Practise while this investigation is undertaken, as set out in paragraph 6.

5.4 Time-out from practice

Please refer to Appendix 6: Time-out from practice
(See Section 5.4)

5.4.1 In certain circumstances, before a final decision is taken under either part of paragraph 5.3, it is good practice to allow a period of NO MORE THAN three working days, during which the student remains away from the placement. This allows time for both staff and student to consider the most appropriate course of action. This ‘Time out’ provides a short period of time for student and others to identify issues and to reflect on the best way forward/relevant action required. Time out may be required for personal or professional issues, and it is intended to be supportive of the student. This is NOT a suspension from practice. It allows time for effective decision-making prior to any formal procedure that may be invoked.

5.4.2 The student has the right to seek advice at any reasonable point in this procedure. They have the right to be accompanied or represented at any interview or hearing under this procedure by an individual acting as a 'friend', e.g. fellow student, professional union or student union representative. This person may not be a lawyer acting in a professional capacity. Students may wish to contact
6. SUSPENDING FITNESS TO PRACTISE

6.1 While a student's fitness to practise is being investigated, the student may be:

(i) allowed to continue working without limitation;
(ii) suspended from working in any practice area.

6.2 This suspension or temporary restriction of a student’s Fitness to Practise is not a formal penalty but, if it continues for any length of time, it is likely to cause significant disruption to the student’s studies. Consequently, a student’s Fitness to Practise will not be suspended or temporarily restricted lightly or automatically. However, the University has an over-riding responsibility to service users, patients and the general public that the student may come into contact with. A student’s Fitness to Practise shall be suspended or have temporary restrictions applied to it when there is little reason to doubt the accuracy of the information provided or allegation made and the nature of the information or allegation:

a) is such that the student may:
   (i) pose a danger to patients/service users;
   (ii) disrupt the work environment so that patient/client care is at risk;
   (iii) interfere with the investigation;
   (iv) repeat the alleged incident; or
b) is such that it is reasonable for other staff or students to refuse to work with the student pending the outcome of the investigation, due to patient/client care being at risk.

6.3 Normally, only the Dean, the Head of Practice Education, one of the Directors of Pre-Qualifying Learning and Development or the Associate Dean can suspend or impose temporary terms and conditions on a student’s Fitness to Practise. However, any professionally qualified member of University staff who believes that there is a genuine risk of any of the circumstances listed in paragraph 6.2 occurring may suspend the student’s Fitness to Practise on a temporary basis, subject to the confirmation or otherwise of one of the individuals listed above.

6.4 As soon as possible after the decision has been made, the staff member who has taken the decision shall inform the student in writing that their Fitness to Practise has been suspended or temporarily restricted, setting out:

a) a brief summary of the information and/or allegation that has prompted the suspension (unless there is evidence that this would materially hamper the investigation – see paragraph 7.3);
b) the reasons for the decision to suspend or temporarily restrict the student’s Fitness to Practise;
c) the details of any such temporary restrictions;
d) the student’s rights under this procedure, including their right to make representations about the decision;
e) the importance of the student not discussing the case with anyone except an advisor or interfering in
any way with the investigation or any witnesses.

6.5 A student whose Fitness to Practise has been suspended or temporarily restricted may make written representations to the Dean about this decision. The Dean shall consider these representations and either confirm or vary their original decision and then inform the student in writing of their decision and the reasons for it.

6.6 The Dean shall regularly review the Fitness to Practise of a student whose fitness to practise is being investigated in the light of any new or more detailed information that becomes available during the investigation. This may make it appropriate to impose temporary restrictions on or even suspend the Fitness to Practise of a student who was initially allowed to continue to work without limitation. Equally, it may make it appropriate to allow a student whose Fitness to Practise was previously suspended to return to the practice area, with or without temporary restrictions, or to relax certain temporary restrictions initially placed on a student. The Dean shall inform the student in writing of any such changes and the reasons for them and consider any written representations made by the student as described in paragraph 6.5.

6.7 If a student’s Fitness to Practise is suspended or temporarily restricted, or if the status of the student’s Fitness to Practise changes following a review, the staff member shall inform, in writing and confidence:

a) the relevant senior manager of the placement host’s organisation (e.g. Director of Nursing, or Head Occupational Therapist);

b) the Head of Practice Education, who shall inform the practise assessor and appropriate link lecturer, also in writing and in confidence;

c) the Programme Lead.

6.8 It is also acknowledged that there may be occasions when placement colleagues deem it appropriate to remove students from the placement area immediately, normally for reasons relating to patient/service user safety or to the relationship between the student and members of staff of the placement host. Placement staff have authority to do so. While, on these rare occasions, the placement organisation will report the matter at their earliest convenience to the Faculty of Health & Life Sciences, the student is also required to inform their Link Lecturer or Practice Education Unit (health-care-placements@brookes.ac.uk) immediately any such event occurs. In such circumstances, the Dean shall apply this procedure from paragraph 5.2 on the basis that, while the University cannot require a placement host to accept any individual student, the decision whether or not to suspend a student’s Fitness to Practise and/or investigate their fitness to practise is solely for the Dean acting on behalf of the University.

7 INVESTIGATING & DETERMINING FITNESS TO PRACTISE

7.1 It is important that matters regarding fitness to practise are dealt with promptly, fairly, consistently, reasonably, sensitively and with due regard to equity and the particular circumstances of each case.

7.2 Upon receipt of information or an allegation that calls into question a student’s fitness to practise, if the student’s Fitness to Practise was not suspended or temporarily restricted and hence the letter described in paragraph 6.4 was not sent, the Dean shall write to the student (unless they believe that this would materially hamper the investigation – see paragraph 7.3):

3 And/or Learning Environment Lead where applicable
a) providing them with a summary of the information or allegation that has prompted the investigation;
b) confirming that no change has been made to their Fitness to Practise but that changes may be made on the basis of information brought out during the investigation;
c) advising them of their rights under this procedure;
d) reminding them of the importance of not discussing the case with anyone except an advisor or interfering in any way with the investigation or any witnesses.

7.3 If the Dean believes that informing the student of the details of the information that has been provided or the allegations that have been made before the investigation has started would materially hamper the investigation, they may delay doing so until the stage of the investigation described in paragraph 7.6, at which point they must provide the student with all the information set out in paragraph 7.2.

7.4 In any event, the Dean shall appoint an Investigating Officer for the case who shall:

a) determine the nature and the range of the alleged breaches of relevant Code of Professional Conduct or of this procedure.
b) request written statements from the Faculty and practice area personnel and others having knowledge of the relevant circumstances;
c) produce a report setting out the alleged breaches, the evidence for and against the breaches having occurred, the details of any mitigating factors, and their conclusions and recommendations.

7.5 The Investigating Officer shall submit their report, together with all the background information and statements, to the Dean who shall decide whether or not to proceed with the case. If the Dean decides not to proceed, they shall inform the student of this in writing, together with the reasons for the decision.

7.6 If the Dean decides to proceed with the case, they shall send a copy of the Investigating Officer’s report, the background information and the statements to the student (together with the information set out in paragraph 7.2, if this has not already been provided to them) and invite them to submit a written statement.

7.7 Upon receipt of the student’s statement, the Dean may deem it necessary to seek further clarification from other witnesses as appropriate.

7.8 The Dean shall also convene a Fitness to Practise Panel, which shall consist of:

a) the Dean (who shall chair the Panel);
b) a member of the student’s programme teaching team;
c) a representative from a placement area (normally from a local NHS Trust or other placement organisation in the same professional area in which the student is intending to qualify, e.g. a Mental Health Trust if the student is a mental health student. Where the student is a secondee of a health or social care organisation, the representative of the placement area will normally be the line manager of the post from which they are seconded).

No one who, in the judgement of the Dean, has too close a personal or professional association with the investigation, the student or any other person or any issue involved in the case shall be eligible to serve as a member of the Panel. In particular, the Investigating Officer shall not be a member of the Panel but shall attend the hearing in order to present their report and answer any questions on it.

N.B. The Fitness to Practise Panel will be serviced by a secretary who is not a member, but who will be present throughout the proceedings.

7.9 Before the hearing the Dean shall circulate all of the relevant documentation, including any
information regarding previous breaches of professional standards, to the members of the Panel, the Investigating Officer and the student. The procedure at the hearing shall be at the discretion of the Chair, provided that the student is given the opportunity to:

a) be present;
b) be accompanied or represented in accordance with the terms and conditions of paragraph 5.4.2;
c) bring witnesses;
d) hear all of the evidence that the Panel will take into account in reaching its decision;
e) ask questions about and comment on that evidence.

7.10 Where a student chooses not to be present or does not attend the scheduled hearing (or any part of it), the Panel shall consider whether it is appropriate to proceed in their absence and reach a decision on the basis of the evidence available to it or to adjourn.

7.11 The panel shall consider all of the documentation circulated by the Dean together with any additional evidence arising at the hearing and shall reach a decision which shall be one of the following:

a) No case to answer: Minimal breaches of conduct: No penalty is imposed;
b) Minor breaches of conduct: A formal warning letter is issued to the student;
c) Significant breaches of conduct: Any suspension of, or temporary restriction on, the student’s Fitness to Practise shall be lifted. A formal letter is issued to the student including specified limitations or terms and conditions which are placed on the student’s Fitness to Practise for the future. These may include an increased level of support or supervision in practice; regular meetings with identified staff to review progress in practice; or specific medical advice or counselling support. The Panel shall specify the limitations and terms and conditions and shall also stipulate the period of time (not normally exceeding twelve months) following which, or the circumstances in which, the continuation of the limitations and terms and conditions shall be reviewed.
d) Serious breaches of conduct: A formal letter is issued to the student. The student’s Fitness to Practise is temporarily withdrawn (replacing any suspension of the student’s Fitness to Practise). The Panel shall specify a minimum and a maximum period of time within which the withdrawal shall be reviewed. The maximum shall not exceed twelve months. The evidence that will need to be presented, and/or the developments that will need to be demonstrated, for the restoration of the student’s Fitness to Practise shall be specified by the Panel.
e) Major breaches of conduct: The student’s Fitness to Practise is permanently withdrawn and the student withdrawn from their programme. Counselling shall be offered to the student to explore the academic and career implications of the decision.

7.12 The Dean shall inform the student of this outcome in person if possible and, in any event, in writing normally within five working days. The letter shall include the reasons for the decision, any details required by paragraphs 7.11c) and 7.11d) and set out the student’s right to request an appeal against the decision. The Dean shall also inform all those listed in paragraph 6.7 of the outcome, in writing and in confidence. Where a student’s Fitness to Practise is temporarily or permanently withdrawn, the Dean shall inform the funding sponsor of the student (e.g. Strategic Health Authority) of the reason for the student's delay in or failure to complete the course.

7.13 The Dean shall keep a complete record of the case in a file specific to the issue. This record is confidential and shall only be available to those immediately concerned. This includes the student and their representative, the Dean, the Programme Leader, the Head of Practice Education, the relevant Senior Manager or their nominee of the placement hosts’ organisation (e.g. Physiotherapy Manager or Head Occupational Therapist) and members and officers of the Fitness to Practise Panel.
7.14 A record of the investigation and the outcome shall be placed in the student file.

8 REVIEWING WITHDRAWAL OF OR RESTRICTION ON FITNESS TO PRACTISE

8.1 Any limitations or terms and conditions imposed on the student’s Fitness to Practise under paragraph 7.11c), and the withdrawal of the student’s Fitness to Practise under paragraph 7.11d), shall remain in force until the appropriate review has taken place and a positive decision has been taken to lift them.

8.2 The review shall take place when one of the following has occurred:

a) the period of time specified in paragraph 7.11c), 8.4b) or 8.4c) has passed;
b) the student has provided evidence of the circumstances specified in paragraph 7.11c), 8.4b) or 8.4c);
c) the minimum period of time specified in paragraph 7.11d) has passed and the student has provided the evidence specified in that paragraph;
d) the maximum period of time specified in paragraph 7.11d) has passed;
e) a period of twelve months has passed since the imposition of the penalty;
f) the Dean has received other evidence suggesting that a change in the decision made under paragraph 7.11 or 8.4 is appropriate.

8.3 The review shall be undertaken by the Dean, who shall seek such further evidence as may seem necessary, shall provide copies of that evidence to the student and shall invite the student to submit a statement and any other evidence that they wish. The student will also be invited to attend. The review will normally, and at the sole discretion of the Dean. The panel may be re-convened to consider whether the student is able to return to practise, or else may be undertaken by means of written submissions. The Dean may consult with colleagues, either within the University or from a partner placement provider, before reaching a decision but any additional information (as opposed to opinion) obtained through this process shall be provided to the student who shall be given an opportunity to comment on or rebut it before the review is determined.

8.4 The decision following such a review shall be one of the following:

a) the limitations or terms and conditions on, or the temporary withdrawal of, the student’s Fitness to Practise are lifted;
b) the limitations or terms and conditions on the student’s Fitness to Practise are varied and shall be reviewed again after a further specified period of time (not exceeding twelve months) or in certain specified circumstances;
c) the limitations and terms and conditions remain and shall be reviewed again after a further specified period of time (not exceeding twelve months) or in certain specified circumstances;
d) the student’s Fitness to Practise continues to be temporarily withdrawn and shall be reviewed again after a further specified period of time (not exceeding twelve months);
e) the student’s Fitness to Practise is withdrawn permanently and the student withdrawn from their programme.

8.5 The Dean shall inform the student of the outcome of the review in writing, normally within five working days. The letter shall include the reasons for the decision, any details required by paragraph 8.4 and the student’s right to request an appeal against the decision.
9 GROUNDS FOR APPEAL AND THE APPEAL PROCESS

9.1 Students have the right to request an appeal against the outcomes reached under paragraphs 7.11 and 8.4 on one or more of the following grounds:

a) they wish to present new evidence that they could not have reasonably produced before the outcome was determined;
b) there was a procedural irregularity in determining the outcome of the Fitness to Practise Panel or of the Review such that the decision of the Panel or of the Dean may have been different had the irregularity not occurred;
c) the decision is one that no fair and reasonable panel or person could have reached;
d) the penalty imposed is disproportionate to the breach.

9.2 A student who wishes to request an appeal shall write to the Academic Registrar, setting out the ground(s) under which they wish to appeal, the details of the appeal and including any evidence they wish considered as part of the appeal. This shall be received by the Academic Registrar within one month of the dispatch of the written notification referred to in paragraph 7.12 or 8.5. A student who is unable to submit a complete appeal within the month may, within that period, submit a written declaration of intent to appeal to the Academic Registrar who may impose a time limit for the submission of the full appeal. The Academic Registrar shall summarily dismiss a request for an appeal that does not comply with these time-scales without good reason (see paragraph 10.1).

9.3 Upon receipt of a request for an appeal, the Academic Registrar (having, where appropriate, consulted with an independent person with relevant professional expertise) shall decide whether or not the student has established a prima facie case. The Academic Registrar shall summarily dismiss a request for an appeal where they are satisfied that the student has not established a prima facie case for the appeal (see paragraph 10.1).

9.4 If the Academic Registrar accepts that the student has established a prima facie case, they shall forward the full appeal to the Chair of the relevant Fitness to Practise Panel and request their written response, together with a copy of the outcome of, and all the evidence considered by, the Fitness to Practise Panel.

9.5 The Academic Registrar shall also convene, administer and provide procedural advice to an Appeal Panel which shall consist of:

a) a member of the SMT (who shall chair the Panel);
b) two senior health or social care professionals in the area for which the student is intending to qualify, at least one of whom shall be involved in practice education or placement learning;
c) two students of the University nominated by the Students’ Union, wherever possible at least one of whom shall be studying a health or social care programme.

No one who, in the judgement of the Academic Registrar, has too close a personal or professional association with the appellant or any other person or any issue involved in the case shall be eligible to serve as a member of the Panel.

9.6 Before the hearing, the Academic Registrar shall circulate to the appellant, the Chair of the Fitness to Practise Panel and the members of the Appeal Panel:

a) the evidence and documentation which the Fitness to Practise Panel considered,
b) the decision of the Fitness to Practise Panel and the reasons for it;
c) the full appeal submitted by the appellant;
d) the response from the Chair of the Fitness to Practise Panel.
9.7 The procedure at the hearing shall be at the discretion of the Chair, provided that both the appellant and the Chair of the Fitness to Practise Panel are given the opportunity to:

a) be present;
b) bring witnesses (when the appeal is based upon new evidence);
c) hear all of the evidence that the Appeal Panel will take into account in reaching its decision;
d) ask questions about and comment on that evidence;

and that the appellant is given the opportunity to be accompanied or represented in accordance with the terms and conditions of paragraph 5.4.2.

9.8 The Appeal Panel shall consider, firstly, whether or not the appellant has, on the balance of probability, established one or more of the grounds on which they appealed. If the appellant has not, the Appeal Panel shall dismiss the appeal. If the appellant has established a basis for the appeal, the Appeal Panel shall go on to consider whether to uphold the decision of the Fitness to Practise Panel (notwithstanding the establishment of a basis for the appeal) or to substitute its own decision (which is not limited in any way by that reached by the Fitness to Practise Panel). If the Appeal Panel decides to substitute its own decision, it must be satisfied beyond reasonable doubt that its decision would not put any patient’s, service user’s, colleague’s or the appellant’s own safety or welfare at risk, or disrupt the work environment.

9.9 The decision(s) of the Appeal Panel shall be by a simple majority vote of the members other than the Chair except that, if the two health and social care professional members are in agreement on any issue, the other members shall defer to them. The Chair shall have a casting vote in the case of a tie. As far as the University is concerned, the decision of the Appeal Panel is final.

9.10 The Academic Registrar shall inform the student in writing of the outcome of the appeal, of the reasons for the decision and that the student has now completed the University’s internal procedures (as set out in paragraph 10.3).

10 FURTHER STAGES OF REVIEW

10.1 If the Academic Registrar summarily dismisses an appeal, they shall write to the student setting out the reasons why and the student’s right to have that decision reviewed by the Director of Academic & Student Affairs. Any request for such a review shall be submitted to the Academic Registrar in writing within ten working days of the despatch of the Academic Registrar’s decision and shall set out the full reasons why the student believes that the decision of the Academic Registrar is incorrect.

10.2 The Director of Academic & Student Affairs shall review the decision of the Academic Registrar and inform the student in writing of the outcome of the review and the reasons for it. If the Director overturns the decision of the Academic Registrar, the Academic Registrar shall resume the appeal procedure at paragraph 9.4. If the Director upholds the decision of the Academic Registrar, the letter to the student shall inform them that they have now completed the University’s internal procedures (as set out in paragraph 10.3).

10.3 If a student has completed the University’s internal procedures and they are still dissatisfied with the outcome, they may be able to refer the issue to the Office of the Independent Adjudicator for Higher Education (the OIA) provided that the issue is eligible under the OIA’s Rules. A letter stating that a student has completed the University’s internal procedures shall include information on the OIA and comply with the OIA’s guidance for a “Completion of Procedures” letter.
Links to CODES OF PROFESSIONAL CONDUCT
Nursing & Midwifery Council (NMC) Code of Professional Conduct, standards for conduct, performance and ethics
http://www.nmc-uk.org/Nurses-and-midwives/The-code/

The Chartered Society of Physiotherapy (CSP) – code of Professional Values and Behaviour
http://www.csp.org.uk/code

College of Occupational Therapists (C.O.T.) code of ethics and professional conduct for Occupational Therapist
http://www.cot.co.uk/publication/baotcot/code-ethics-and-professional-conduct

General Osteopathic Council (G.Os.C.) Standards of practice for standards of osteopathic training and practice – code of practice

Health and Care Professions Council (HPC) – standards of conduct, performance and ethics

College of Paramedics –
http://www.collegeofparamedics.co.uk/home/

Appendix 1: Relationship between the University Student Conduct Regulations and the Standards of Conduct: Fitness to Practise

P1 When Dean or Disciplinary Officer first becomes aware of a potential breach of the Fitness to Practise and/or the Student Conduct Regulations & Procedure

### Actions by Disciplinary Officer

- Become aware of potential/ alleged breach of SCRP and/or FIP by HSC student; inform Dean
- Decide whether potential SCRP issue; inform Dean
  - NO: END
  - YES: Proceed as normal under SCRP
    - FIP: GO TO P2
    - SCRP: GO TO P3

### Actions by Dean

- Become aware of potential/ alleged breach of SCRP and/or FIP other than in teaching/ practice area; inform DO
- Decide whether potential FIP issue; inform D.O.
  - YES: Proceed as normal under SCRP
  - NO: END
  - PROCEED AS NORMAL UNDER FIP
    - FIP: GO TO P2
    - SCRP: GO TO P3
- Have DO decided it is a potential FIP issue?
  - YES: PROCEED AS NORMAL UNDER FIP
  - NO: END
- Have D.O. decided it is a potential SCRP issue?
  - YES: Decide with DO whether SCRP or FIP takes precedence
  - NO: Decide with Dean whether SCRP or FIP takes precedence
    - SCRP or FIP: Proceed as normal under SCRP
    - FIP: GO TO P2
    - SCRP: GO TO P3

- Decide whether to proceed under SCRP or FIP or both
  - FIP only: Proceed as normal under FIP
  - SCRP only: Proceed as normal under SCRP
  - Both: Proceed as normal under SCRP

Standards of Conduct for Pre-registration students: Fitness to Practise January 2013
Page 15 of 39
P2 When the Fitness to Practise [FtP] takes precedence

**Actions by Disciplinary Officer (including Dean) acting under Student Conduct Regulations & Procedures [SCRP]**

1. Suspend SCRP; decide whether to suspend/ exclude student pending outcome of SCRP
2. Inform student of any suspension/ exclusion pending outcome of SCRP and that SCRP suspended pending outcome of FtP
3. Wait for outcome of FtP, review issue of suspension/ exclusion in light of updated information from Dean
4. Decide whether to proceed under SCRP given the outcome under FtP and the documentation and information about the case.
   - **NO**
     - Lift any suspension/ exclusion; inform student of no further action
   - **YES**
     - Process as normal under SCRP
8. Determine outcome under SCRP (including any appeal)
   - **END**

**Actions by Dean acting under Fitness to Practise [FtP]**

1. Decide whether to suspend/ restrict Fitness to Practise pending outcome of FtP
2. Inform student of any suspension restriction of Fitness to Practise and that FtP proceeding.
3. Process as normal under FtP, keeping DO informed of any significant changes in information
4. Determine outcome under FtP (including any appeal); implement; inform DO of outcome and provide copies of all documentation and information about the case
5. **END**
P3 When the Student Conduct Regulations & Procedure [SCRP] takes precedence

**Actions by Disciplinary Officer (including Dean) acting under Student Conduct Regulations & Procedures [SCRP]**

1. Decide whether to suspend/ exclude student pending outcome of SCRP
2. Inform student of any suspension/ exclusion and that SCRP proceeding
3. Process as normal under SCRP, keeping Dean informed of any significant changes in information
4. Decide outcome under SCRP (including any appeal); implement; inform Dean of outcome and provide copies of all documentation and information about the case

**Actions by Dean acting under Fitness to Practise [FtP]**

1. Suspend FtP; decide whether to suspend/ restrict Fitness to Practise pending outcome of FtP
2. Inform student of any suspension/ restriction pending outcome of FtP and that FtP suspended pending outcome of SCRP
3. Wait for outcome of SCRP reviewing issue of any suspension/ restriction in light of information from DO
4. Decide whether to proceed under the FtP given the outcome under SCRP and the documents and information about the case
5. **NO**
   - Lift any suspension/ restrictions on Fitness to Practise; inform student of no further action
   - Process as normal under FtP
6. **YES**
   - Determine outcome under FtP (including any appeal)
   - END

END
Appendix 2: Guidelines for professional behaviour/suitability for Pre-Qualifying Students

These guidelines are intended to help you, as a student, understand and learn about professional behaviour. They also will provide guidance for staff in supporting students’ development of professional behaviour/suitability and address issues which warrant attention before initiating University Regulations or the Faculty’s Standards of Conduct – Fitness to Practise.

There are two main sets of regulations which relate to behaviour and conduct whilst you are a student. The University Regulations which apply to all students and those laid down by the professional and or regulatory body to which you will apply for registration on completion of your programme (see below). The professional and regulatory regulations are integrated into the Standards of Conduct: Fitness to Practise document.

There are four main areas which the two sets of regulations relate to and this paper and the flow charts in this paper illustrate the processes which will be followed if it is suspected that the regulations have been breached.

The four areas are:

- **Academic misconduct** - which will mostly be deal with through the University regulations and will be referred to the Academic Disciplinary Officer within Faculty of Health and Social Care, (see [http://www.brookes.ac.uk/regulations/cheatingi00.htm](http://www.brookes.ac.uk/regulations/cheatingi00.htm))

- **Unprofessional behaviour within University based settings or social networking sites** – which will mostly be dealt with through primarily University regulations but possibly professional body regulations via the Fitness to Practise documentation – see flowchart 2

- **Unprofessional behaviour in practice settings** – primarily via the Fitness to Practise documentation – see flowchart 3 Health related issues will be dealt with the process described in flowchart 4.

All health and social care professionals shall meet strict rules for character, conduct and health in order to safeguard the health and social well being of those who use or need their services. You need to commit to these same standards and adhere to the University Regulations and professional body requirements.


College of Occupational Therapists (C.O.T.) code of ethics and professional conduct for Occupational Therapist [http://www.cot.co.uk/publication/baotcot/code-ethics-and-professional-conduct](http://www.cot.co.uk/publication/baotcot/code-ethics-and-professional-conduct)


College of Paramedics –
http://www.collegeofparamedics.co.uk/home/


In order to practice as an health or social or care professional, statutory professional regulatory bodies and professional associations may require a statement of good character, conduct and health. This process is intended to protect the public from unprofessional and unethical behavior, by seeking to ensure that standards are adhered to by prospective health and social care professionals and maintained by those in practice.

You are expected to:

- respect everybody including: patients, peers, all staff and other practice and university colleagues
- behave in a professional and ethical manner
- behave with integrity
- maintain proper and effective communications with everyone
- respect patient/client confidentiality
- behave in an appropriate and non-disruptive way
- disclose to the university any information which may affect your good character, health and performance - see flowchart 4
- communicate effectively and take responsibility for any planned or unplanned absence
- uphold the reputation of the profession and university

Examples deemed to be evidence of unprofessional behaviour/suitability:

- any insulting, undermining/slanderous inappropriate communication about peers, staff or other colleagues;
- deliberate falsification of facts, as in lying, cheating or attempting to defame colleagues (staff, students) and/or patients and clients; for example:; lying about attendance, or falsely claiming to have undertaken activities, making false claims for expenses;
- regular and/or repeated lack of focused attention to student learning due to, anything that has an effect on your performance for example undeclared ill health;
- misuse of equipment or materials or monies of the educational institution or of the place of work;
- regular and/or repeated conduct that demonstrates inability to maintain appropriate professional boundaries including inappropriate involvement with staff/patients/clients;
- failure to recognise factors and respond to issues which can affect your health or well-being as a professional and to take appropriate steps to minimise harm to self and or others;
- regular and/or repeated failure to maintain appointments and failure to carry out agreed actions without explanation;
- regular and/or repeated unexplained absences (SHSC student attendance policy HSCQ08/31) - http://www.hls.brookes.ac.uk/images/pdfs/plu/hscq_0831_attendance-policy_march-2011.pdf
- dress inappropriately for the activities you will be undertaking;
- repeated failure to respond to feedback from appropriate others in relation to your performance and behaviour.
PROCESS FOR ADDRESSING ISSUES RELATING TO UNPROFESSIONAL BEHAVIOUR/ SUITABILITY

Overview (see Flowchart 1)

Concerns regarding unprofessional behaviour/ unsuitability will be discussed with you and the appropriate staff member. If issues are resolved there may not be any need for further action, however, your Programme Lead / Academic Advisor may need to be informed.

It is important that you respond to feedback and ensure that any unprofessional behaviour does not reoccur.

Once your Programme Lead has been notified of concerns about your professional behaviour/suitability they will follow flowchart 1.

- If the concern is of an academic nature, they will refer to Flowchart 2
- If University Regulations have been contravened – they will refer to Flowchart 2
- If the concern is a practice issue – refer to Flowchart 3
- If the concern is related to health issues, refer to Management of Health Related Issues (Flowchart 4).

University based settings (See Flowchart 2)

N.B. If at any time the incident or behaviour is health related please refer to Management of Health Related issues flowchart 4.

Once your Programme Lead has identified that the concerns are related to University based settings, the following process applies:

N.B. Please see case examples to aid understanding/decisions (Appendix A)

<table>
<thead>
<tr>
<th>Process</th>
<th>People involved</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initial action</td>
<td>Programme Lead, Field Chair or appropriate staff</td>
</tr>
<tr>
<td>Discuss the issues with you and agree outcome and time for review.</td>
<td></td>
</tr>
<tr>
<td>You will be informed in writing and a record will be kept in your file</td>
<td></td>
</tr>
<tr>
<td>held by your Personal Tutor.</td>
<td></td>
</tr>
<tr>
<td>If agreed outcomes are achieved at review time then no further action</td>
<td></td>
</tr>
<tr>
<td>will be taken.</td>
<td></td>
</tr>
<tr>
<td>If outcomes are not achieved at review time then a programme professional</td>
<td></td>
</tr>
<tr>
<td>behaviour meeting will be convened to identify, discuss and document</td>
<td></td>
</tr>
<tr>
<td>concerns.</td>
<td></td>
</tr>
<tr>
<td>The meeting will hear from all parties what has occurred, the</td>
<td></td>
</tr>
<tr>
<td>seriousness of the issue and will consider whether or not action needs</td>
<td></td>
</tr>
<tr>
<td>to be taken.</td>
<td></td>
</tr>
<tr>
<td>If there is no case to answer, there will be no further action, and</td>
<td></td>
</tr>
<tr>
<td>no record will be kept on your file held by your Personal Tutor.</td>
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<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Meeting will consist of at least 2 relevant programme team members and</td>
<td></td>
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<tr>
<td>the Programme Lead (chair). Practice staff member where appropriate.</td>
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</tr>
<tr>
<td>Student may bring friend representatives.</td>
<td></td>
</tr>
<tr>
<td>Minor infringement</td>
<td></td>
</tr>
<tr>
<td>--------------------------------------------------------</td>
<td>--------------------------------------------</td>
</tr>
<tr>
<td>If <em>minor</em>, you will be notified in writing identifying the behaviour/act deemed to be unprofessional, identifying the nature of the incident, the circumstances and any other significant factors. No further action is taken unless the behaviour is repeated. A record will be kept in your file. If the behaviour is repeated refer to ‘significant but not serious infringement’ guidance below.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Significant but not serious infringement,</th>
<th>Programme Lead/ Faculty Disciplinary Officer</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>If significant but not serious</em>, objectives will be developed/revised in consultation with you and appropriate others and an action plan and review date will be set. You will be informed in writing that the programme may instigate the university disciplinary procedures/Faculty Standards of Conduct. A record will be kept in your file held by your Personal Tutor. If the behaviour continues to be repeated. If the behaviour is repeated refer to ‘serious infringement’ guidance below.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Serious infringement</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><em>If serious</em>, refer to the University regulations or Faculty Standards of Conduct: Fitness to Practise You will be notified in writing explaining the serious nature of the offence. You will also be advised that the nature of your infringement may be noted in any future reference.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Programme Lead/ Faculty Disciplinary Officer</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Seek advice from relevant leads (e.g. Disciplinary Officer, Academic Misconduct Officer)</td>
<td></td>
</tr>
</tbody>
</table>
3. **Practice based settings (Flow Chart 3)**

N.B. If at any time the incident or behaviour is health related please refer to Management of Health related Issues Flowchart 4.

Once your Programme Lead has identified that the concerns are related to Practice based settings, the following process applies:

N.B.
- **If any infringement relates to practise assessment criteria then assessment processes also apply.**
- **Please see case examples to aid understanding/decisions (Appendix A)**

<table>
<thead>
<tr>
<th>Process</th>
<th>People involved</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initial action</td>
<td>Practice Assessor and Link Lecturer/Academic Advisor</td>
</tr>
<tr>
<td>Practice assessor will discuss with you the issues and agree actions and time for review. Practice staff may involve the Link Lecturer/Personal Tutor and/or a senior member of practice staff as required. If outcomes are achieved then no further action is required. A record kept in your file held by your Personal Tutor.</td>
<td></td>
</tr>
<tr>
<td>If outcomes are not achieved at the review time, Link Lecturer/Placement Lead will discuss with the practice assessor and determine the nature of the unresolved incident or behaviour and will identify, discuss and document concerns in your practice record.</td>
<td>Practice Assessor, Link Lecturer/Placement Lead</td>
</tr>
<tr>
<td>All parties will consider the seriousness of the issue and will determine whether or not further action needs to be taken.</td>
<td>Practise Assessor, Link Lecturer/Placement Lead and Student</td>
</tr>
<tr>
<td>Minor infringement</td>
<td>Practise Assessor, Link Lecturer/Placement Lead and Student</td>
</tr>
<tr>
<td>If <em>minor</em>, you will be notified in writing identifying the behaviour/act deemed to be unprofessional, identifying the nature of the incident, the circumstances and any other significant factors. No further action is taken unless the behaviour is repeated. A record will be kept in your file. If the behaviour is repeated refer to ‘significant but not serious infringement’ guidance below.</td>
<td></td>
</tr>
</tbody>
</table>

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4 Practice assessor is a generic term for the person supporting a student on practice education experience.
5. Significant but not serious infringement.

If significant but not serious, objectives will be developed/revised in consultation with you and appropriate others and an action plan and review date will be set. You will be informed in writing that the programme may instigate the university disciplinary procedures/Faculty Standards of Conduct. A record will be kept in your file held by your Personal Tutor.

If the behaviour continues to be repeated. If the behaviour is repeated refer to ‘serious infringement’ guidance below.

<table>
<thead>
<tr>
<th>Practise Assessor, Link Lecturer/Placement Lead Student Head of Practice Education/ Faculty Disciplinary Officer</th>
</tr>
</thead>
</table>

6. Serious infringement

If serious, refer to the University Regulations or Faculty Standards of Conduct: Fitness to Practise

You will be notified in writing explaining the serious nature of the offence. You will also be advised that the nature of your infringement may be noted in any future reference.

<table>
<thead>
<tr>
<th>Link Lecturer/Placement Lead Student Programme Lead Head of Practice Education/ Faculty Disciplinary Officer</th>
</tr>
</thead>
</table>

4. Guidelines for the Management of Health Related Issues (University and Practice Based Education) (See Flowchart 4)

As a student health or social care professional, you, like all health or social care professionals, have a duty to adhere to the relevant Professional Statutory Regulatory Body requirements for statement of good character, conduct or health. You are required to notify us if you believe that your judgment or your performance could be affected by a condition, or illness, or by its treatment.

The management of ongoing health problems affecting performance is a partnership between occupational health, practice experience/placement providers, the Faculty of Health & Life Sciences, and the individual student.

If you do have a temporary or ongoing health problem which impacts on performance, the following procedures are there to ensure that you are enabled to meet the demands of the professional practice education. It is important to see these within a philosophical context of supporting your learning – they are not designed to exclude you from learning or placement. If tensions should arise between your needs and the prevention of risk to self or others, this will be managed with sensitivity and on an individual basis.

Declaration of Health during your progression through the programme

Annually, an ongoing health declaration needs to be in place. Prior to each issue of the Fitness to Practise/identity badge, you are required to complete a self-declaration through PEMS. This confirms that:

There have been no changes to your psychological or physical health since your health clearance was completed prior to entry to the course which could impact on your performance or your safety or that of others.
- Self-declaration is dependent on honesty and insight on your behalf and disclosure, whilst not a legal obligation, is certainly a moral and ethical obligation. The focus of the declaration, and the subsequent process with occupational health, is entirely on the impact of the condition on performance as opposed to the condition itself.
- Confidentiality is maintained throughout in relation to any identified condition.
- If health problems impact or have potential to impact on your performance or any risk issues have been identified, you are strongly advised to disclose these issues to the Placement Lead for your programme (this information will be held on a need to know basis).
- The Faculty of Health & Life Sciences reserve the right to disclose on your behalf should it be deemed necessary where failing to disclose compromises the safety of you or others.
- Completion of clearance by occupational health is required for the Fitness to Practise badge being issued by the PEU, through PEMS.
- No student will be able to commence practice experience learning /placement without this Fitness to Practise badge and the Faculty reserves the right to withdraw this at any time.

When risk assessment has identified serious and likely risk of harm to yourself or others the question of whether you should be withdrawn from placement/practice experience or not is given serious consideration.
Flow Chart 1 – Learning Professional Behaviour/ Suitability (overview)

Concerns arise and feedback to be given to student by appropriate member of staff:

If unresolved staff member has informal discussion with Programme lead/ personal tutor

If resolved no further action

Programme lead/ personal tutor considers and decides if action required

Is the concern related to University based settings??

Yes

See Flowchart 2

No

Are university regulations infringed?

Yes

See Flowchart 2

No

Is it a practice issue?

Yes

Refer to flowchart 3

No

Is it a health related issue?

Yes

Refer to flowchart 4

No
Flow Chart 2 – Learning Professional Behaviour/ Suitability (University based settings)

Programme lead/field chair/ appropriate staff discuss the issues with student and agree outcome and time for review. Document for student and in student record.

- **Serious**
  - Are outcomes achieved at review time?
    - **Yes**
      - Document for student and in student record. No further action
    - **No**
      - A programme professional behaviour meeting to identify, discuss & document the concerns and to decide how serious the incident or behaviour is.

- **Health related**
  - Is incident or behaviour: Minor, Significant but not Serious or Serious
    - **Minor**
      - Student informed in writing that stage 1 of process started. No further action unless incident repeated.
    - **Significant but not Serious**
      - Mutual objectives will be revised in consultation with student and appropriate others and an action plan and review date set. Communication to student in writing that the programme may instigate the university disciplinary procedures if the behaviour continues to be repeated.
    - **Serious**
      - Refer to University Regulations or Faculty Standards of Conduct: Fitness to Practise in consultation with Faculty Disciplinary Officer

- **Significant but not Serious**
  - Is incident or behaviour repeated?
    - **Yes**
      - Outcome achieved. No further action
    - **No**
      - Management of Health Related Issues (Flowchart 4)
Flow Chart 3– Learning Professional Behaviour/Suitability, (Practice based settings):
If any infringement relates to practise assessment criteria then assessment processes also apply

- Practice staff discuss the issues with student and agree action plan and time for review (involving Link Lecturer/Personal Tutor and/or a senior member of practice staff as required)

- Is action plan achieved at review time?
  - No
    - Document for student and in student record. No further action
  - Yes
    - Link Lecturer/Placement Lead will discuss with the Practice Assessor and determine whether action plan achieved.

- Health related
  - Minor
    - Action plan developed and agreed by student, placement staff/Link Lecturer/Placement.
    - Review time set. Student informed in writing.
    - Is incident or behaviour repeated?
      - No
        - Outcome achieved. No further action
      - Yes
        - Significant but not Serious
          - Management of Health Related Issues (Flowchart 4)

- Serious
  - Significant but not Serious
    - Mutual objectives will be revised in consultation with student and appropriate others and an action plan and review date set. Communication to student in writing that the programme may instigate the university disciplinary procedures/Standards of Conduct: Fitness to Practise if the behaviour is repeated.
    - Is incident or behaviour repeated?
      - No
        - Outcome achieved. No further action
      - Yes
        - Serious
          - Refer to Standards of Conduct: Fitness to Practise: pre-registration students in practice procedure in consultation with Faculty Disciplinary Officer and Head of Practice Education

- Significant but not Serious
  - or Serious

- Health related
  - Minor
    - Action plan developed and agreed by student, placement staff/Link Lecturer/Placement.
    - Review time set. Student informed in writing.
    - Is incident or behaviour repeated?
      - No
        - Outcome achieved. No further action
      - Yes
        - Significant but not Serious
          - Management of Health Related Issues (Flowchart 4)

- Serious
  - Significant but not Serious
    - Mutual objectives will be revised in consultation with student and appropriate others and an action plan and review date set. Communication to student in writing that the programme may instigate the university disciplinary procedures/Standards of Conduct: Fitness to Practise if the behaviour is repeated.
    - Is incident or behaviour repeated?
      - No
        - Outcome achieved. No further action
      - Yes
        - Serious
          - Refer to Standards of Conduct: Fitness to Practise: pre-registration students in practice procedure in consultation with Faculty Disciplinary Officer and Head of Practice Education
Flow Chart 4 - Management of Health Related Issues

Health issues declared on admission

Occupational health screening
(condition of recruitment)

Student disability service assessment of student needs.

Health issue declared during programme

Is support required?

Yes

Two branches consider practice and academic situations

Will issue/s impact on practice placement?

No

Progress to practice placement

Yes

Can student's needs be met through provision of reasonable adjustment/modified practice education experience?

Yes

Modify practice education experience and monitor with practice assessor

Are issues continuing?

No

No further action

No

Can student enter or continue the academic programme with support?

Yes

Progress through course

No

Are alternative options available?

Yes

Can a strategy or solution be identified?

No

Identify support strategy

No

Can student’s needs be met through provision of reasonable adjustment/modified practice education experience?

No

Monitor with occupational health/student disability service

Refer to Guidelines for professional behaviour/suitability flow charts

Programme Lead/ Placement lead and occupational health to monitor
CASE EXAMPLES OF UNPROFESSIONAL BEHAVIOUR

The following examples are presented to help students learn professional behaviour and to guide the Faculty and practice staff in implementing the guidance.

The list is not exhaustive, and has been drawn from specific cases within the Faculty over the last ten years.

In each of the following examples, the use of digital data recording (e.g. camera, social networking sites, blogs, internet websites, email) is likely to have an impact upon professional behaviour decisions as the data is ‘permanent’ and is therefore easily accessed. For example, once you upload data onto ‘Facebook’ it becomes the property of Facebook and is no longer your own.

MINOR
A student cannot refuse to go to an allocated placement, without providing a relevant educational rationale for consideration. If a student has concerns as to where they have been allocated these concerns can be discussed with the Placement Lead and/or the Practice Education Unit, who will apply agreed principles and guidance to any decisions taken.

N.B. Most case examples of a minor nature are so when they occur for the first time. If the behaviour is repeated, the behaviour may have more significant implications:

1. Two students walk into the lecture theatre at the front. They both sign the attendance register and continue to walk straight up to the back of the theatre and exit through the back door.

2. Student on placement has been advised on lone working policy and the need to contact the placement by telephone at the end of a visit before returning home and student fails to do this

3. Posting on a social networking site questions asked at interview for a place on a health or social care programme.

4. Making opinionated or insensitive remarks in a professional setting (e.g. stating opinion of every child requires two parents of opposite gender in a staff room).

5. Angry or sarcastic response to feedback in any setting

6. being late for duty in practice or for lectures/seminars

7. disruptive behaviour in the classroom

8. dress and appearance is inappropriate for the activity to be undertaken (e.g. high heeled shoes for skills suite activities, or trousers that are baggy and worn very loosely around the hips)

9. taking personal telephone calls or texting whilst on placement.

10. any insulting, undermining/slanderous inappropriate communication about peers, staff or other colleagues, whether verbal or written, this includes email and other electronic means of communication e.g. blogs; social networking sites etc;

SIGNIFICANT
1. Use of photography using camera phone to record peer performance within a clinical skill.

2. Uploading photographs of any student in professional uniform in an inappropriate setting (e.g. in a supermarket, or in a nightclub)

3. The smell of alcohol on your breath

4. Police caution

5. Regular and/or repeated lack of focused attention to student learning due to, anything that has an effect on your performance for example undeclared ill health;

6. Failure to recognise factors and respond to issues which can affect your health or wellbeing as a professional and to take appropriate steps to minimise harm to self and/or others;

7. Repeated failure to respond to feedback from appropriate others in relation to your performance and behaviour.

8. Putting yourself at risk of being a victim of identity fraud (e.g. posting DOB and contact details onto social networking websites);

9. Covert (secret, without permission or consent) recording (audio/video) of clients, patients, placement or university staff, regardless of the reason

SERIOUS

1. Fraudulent claims of identity;

2. Harassment, intimidating or bullying of a colleague or fellow student;

3. Regular and/or repeated unexplained absences

4. Breaching confidentiality of patients/clients (e.g. inappropriate discussions or neglect in keeping information in a safe and secure environment such as losing memory/data sticks, or the unauthorised use or recording of situations which would breach client/patient/colleague confidentiality)

5. Regular and/or repeated conduct that demonstrates inability to maintain appropriate professional boundaries including inappropriate involvement with staff/patients/clients (this includes conduct within online environments such as blogs and social networking sites);

6. Unprofessional behaviour online including behaviours which are considered bullying, harassing, neglectful (to those in your care) or offensive; these may be presented as digital media (text, photos, videos etc.) and/or be deemed professionally inappropriate (in accordance with your professional code of conduct) and/or may present an image to members of the public which would place the profession, placement provider or the university into disrepute;

7. Misuse of equipment or materials or monies of the educational institution or of the
practice area;

8. Theft;

9. Substance misuse in any environment;

10. bringing the placement setting into disrepute (e.g. posting comments about patients or other staff which could cause offence, even if names are not mentioned;

11. police prosecutions;

12. failing to return a security pass after placement is completed;

13. regular and/or repeated failure to maintain appointments and failure to carry out agreed actions without explanation;

14. Accessing social networking sites from placement provider equipment

15. deliberate falsification of facts, as in lying, cheating or attempting to defame colleagues (staff, students) and/or patients and clients; for example, lying about attendance, or falsely claiming to have undertaken activities, making false claims for expenses;

16. Deliberate with-holding or removal of student on-going record of achievement practice education records (refer to PECom 12_03)

17. Breaches of online etiquette (netiquette), a breach of netiquette during online communications [https://mw.brookes.ac.uk/display/irmgard/Netiquette]. This includes email and other electronic means of communication e.g. online discussions within learning activities (VLE), email and social networking sites (Twitter, Bebo, Facebook, My Space etc). A breach of netiquette may include abusive or discriminatory language, or be deemed professionally inappropriate (in accordance with your professional code of conduct) and/or may present information to members of the public which would place the profession, placement provider or the university into disrepute.

Further information:


News articles -

• A university student has been telling how a social networking website was used to set up a group which aimed to target him with bullying and hate. BBC (2007) ‘Fat library man’ bullied online. Available at: http://news.bbc.co.uk/1/hi/england/kent/6912409.stm (accessed 24/10/11).

• A university has written to all its students threatening them with disciplinary action for comments made about staff on the internet. BBC (2007) Students criticise staff on net. Available at: http://news.bbc.co.uk/1/hi/england/staffordshire/6686619.stm (accessed 24/10/11).

• Students at Oxford University are being warned that university authorities are using
the Facebook website to gain evidence about unruly post-exam pranks.


- Photographs posted on Facebook of a smiling nurse flicking a V-sign over a patient during surgery.

- Yards from patients, two nurses giggle as they toss yoghurt and juice over each other in an impromptu food fight.

- A dentist who gave a nurse a ‘wedgie’ and pranced around his surgery wearing a leopard-print thong has been struck off.

- A nurse posted photos of herself clutching a lump of human flesh beside a patient having a brain operation for her Facebook page.

- A student nurse has been given an official warning after causing offence with comments on internet networking site Facebook.

- A nurse has reportedly been suspended after putting photos of patients having operations on social networking website facebook.

**Further reading**

- Article explaining how nurses can use social networking sites safely.

- Compilation of the most common Social Networking Do’s and Don’ts.
Nurse Together (no date) Nurses: Your Online Social Networking Do’s and Don’ts. Available at: http://www.nursetogether.com/Life/LifestyleArticles/LifestyleArticle/tabid/100/VersionId/12059/Default.aspx (accessed 24/10/11).


- Advice on how you can manage your online reputation and use social networks to your advantage when searching for your graduate job. Target Jobs (no date) Manage your online reputation: social networking and graduate recruitment. Available at: http://targetjobs.co.uk/careers-advice/where-to-begin-your-job-hunt/manage-your-online-reputation-social-networking-and-recr (accessed 24/10/11).
Appendix 3: Pre Registration Programmes Disclosure and Disbarring Service (DBS) and Occupational Health (OH) clearance processes

The Faculty ensures that students meet all current DH guidelines for Occupational Health (OH) and DBS checks prior to first practice education experience through the following process in accordance with the Practice Placement Agreement (Schedule 2) with placement providers.

University Admissions Office - Has clearance for both been received prior to start date of student’s first practice education experience?

- University Admissions Unit informs applicant, central admissions, Field Chair, and PEU, and records on student’s PIP page

  - YES
  - PEMS has live web link to eCSIS (PIP) data in relation to DBS and OH clearance.
  - NO

  - Has student completed all core mandatory training and other mandatory programme specific set requirements as stipulated in PEMS?

    - YES
      - Student may be issued with Fitness to Practise ID badge from PEU (as recorded in PEMS)
      - Commence placement

    - NO
      - Fitness to Practise not issued. Student must not enter placement area.

N.B. For Social Work students’ authority to undertake practice experience is dependent upon passing the Fit for Practice modules U48815 & U48816. In addition students must also be approved through individual interviews with the Practice Lead.

Osteopathy students’ Fitness to Practice is also dependent on confirmation by the insurance company of being entered onto the university’s block osteopathy insurance policy.
Appendix 4: Letter of Fitness to Practise

Dear Student

RE: Letter of Fitness to Practise

Welcome to the Faculty of Health & Life Sciences.

All Health & Social Care professionals are bound by a code of professional conduct, setting out levels of expectation in relation to conduct and behaviour. While it is certainly the case that this code is expected in all professional areas and situations, such expectations, continue in areas outside of your chosen field of health or social care.

As a pre-registration health & social care student you are required to notify us if you believe that your judgement or performance could be affected by any condition, or illness, or its treatment and of any events that could undermine public trust and confidence in you.

I draw your attention to the fact that by completing the self-declaration on PEMS, you are confirming that you have read the student ‘Standards of Conduct: Fitness to Practise’ document (see link below), and that you agree to abide by its provision, and any subsequent amendments which you will be notified of by email.

Any alleged breaches of these Standards will be dealt with by the Standards in place at the time of the alleged breach.

In addition, in making the declaration in PEMS, you are making the following three declarations.

1) Declaration of Health (University and Practice Based Education):
That there have been no changes to your psychological or physical health since health clearance was completed during the admissions process as part of being accepted onto a professional practice programme, which could impact on your performance or safety of self or others.

2) Declaration of Good Conduct:
That there have been no events affecting your criminal record since the enhanced Disclosure and Disbarring Service check was completed during the admissions process as part of being accepted onto a professional practice programme.

N.B. (It is your responsibility to have read the current Standards of Conduct: Fitness to Practise which is available on the Practice Education Unit web pages on the following link: http://www.hls.brookes.ac.uk/images/pdfs/plu/standards-of-conduct_pre-registration-students.pdf)

Yours sincerely,

June Girvin
Pro- Vice Chancellor and Dean of Faculty of Health and Life Sciences
Appendix 5: Process for notification of withdrawal of Fitness to Practise (student)

The Practice Education Unit (PEU) is informed that Fitness to Practise (student) needs to be withdrawn. The PEU will notify the student that he/she must stop any placement activity until further notice.

Fitness to Practise Identity Badge must be returned to the PEU within 2 working days

The Fitness to Practise ID Badge will be stored in the PEU

Once the situation has been resolved and if the student is then able to continue with the placement the PEU will contact the student and placement staff. If the student is unable to continue with the placement, the matter will be referred to the Dean.
Appendix 6: Time-out from practice  
(See Section 5.4)

Guidance

This ‘Time-out’ period would normally be for NO LONGER THAN 3 working days.

This period allows for reflection by all upon the situation. It is intended for this to be supportive to the student so that any personal issues which impacted upon their ability to learn in practice may be addressed. Time out also facilitates any action-planning which may be required.

Key actions to consider include:

- the student considers how he/she may best address personal issues which may be impacting upon his/her learning;
- the student seeks support from Student Support co-ordinators – shsc-studentsupport@brookes.ac.uk
- the practise assessor, link lecturer and student meet to discuss and agree action/objectives for the student, and to have these in place prior to the student returning into the practice area after the time-out of practice.
- Making reference to guidance available on the PEU web pages:-
  http://www.hls.brookes.ac.uk/peu

  including:

  - Guidelines for Professional Behaviour/suitability

  http://www.hls.brookes.ac.uk/images/pdfs/plu/guidelines-for-professional-behaviour-suitability-for-pre-qualifying-students_hscq_0847.pdf

  - Guidance notes for Discontinuation of Placement for pre-qualifying students
  - Failing competency statement
  - Guidance for supporting a student who may be failing in practice

All the above documents can be found on - http://www.hls.brookes.ac.uk/peu/resources-for-supporting-students
Appendix 7: Occupational Health Information

All students undertaking a professional practice programme must have a health profile that will enable them to meet Occupational Health clearance requirements for their programme of study. Appendix 3: Pre Registration Programmes Disclosure and Disbarring Service (DBS) and Occupational Health (OH) clearance process and Appendix 4: Letter of Fitness to Practise (confirmation process is undertaken as a self-declaration through PEMS).

The Faculty can involve Occupational Health if there are concerns at any time regarding the student’s health, which may affect their ability to either undertake or continue a professional practice programme, even if the student does not feel this is necessary. This will be done by an appropriate member of the Faculty staff (e.g. Link Lecturer) who may consult (in confidence) with the student’s Academic Advisor, and Field Chair / Programme Lead / relevant placement staff within the placement area or the Practice Education Unit, using the referral form: Request for Occupational Health Advice for Pre-qualifying Students document is available from the staff section of the document store (PEU folder).

It is possible that a student may have health status changes after entry to their Programme. Students will therefore be expected to declare these to Occupational Health and to acknowledge this when completing the self-declaration process through PEMS, as outlined in section 2.3 above, confirming that there are no changes to psychological or physical health since their health clearance was completed prior to entry to the course, which could impact on their performance or the safety of themselves or others.
Appendix 8: Process for addressing change or potential change in student’s DBS status POST admission

The Faculty receives notification from the student or other verified source of any changes or potential changes to the student’s DBS status since the student last completed their self-declaration through PEMS.

Programme Lead to write to applicant & request more information about the potential change to status.

Programme Lead and Head of Practice Education in PEU to be informed of the above notification.

Does the information require Disciplinary Investigation? N.B. All criminal cautions and convictions will require Disciplinary Investigation.

YES

Guidelines for professional behaviour/suitability for Pre-Qualifying Students applies

Appendix of the Standards of Conduct found on http://www.hls.brookes.ac.uk/images/pdfs/plu/guidelines-for-professional-behaviour-suitability-for-pre-qualifying-students.pdf

NO

Standards of Conduct\(^1\) applies

\(^1\)The Standards of Conduct are found on the following link:

http://www.hls.brookes.ac.uk/images/pdfs/plu/standards-of-conduct_pre-registration-students.pdf