

# Conduct, Competence and Fitness to Practise Procedure

V4 – August 2024

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**Parent Policy Statement** – Learning & Teaching & Student Success Policy Statement

**Public Access or Staff Only Access** – Public

**Version** – Version 4 – August 2024

**Changes and Reason for Changes** – Updates to reflect the UWS Regulatory Framework Style Guide



# Conduct, Competence and Fitness to Practise Procedure

## Introduction

The University of the West of Scotland provides a number of programmes that lead to entry into a profession or additional professional qualification for which academic criteria alone are not sufficient. The University, in conjunction with other professional bodies, has a duty of care to ensure that students are fit to practise in their chosen profession.

Being fit to practise means having the skills, knowledge, good character and good health to do the job safely and effectively.

This Procedure sets out the way in which cases involving professional issues, which affect competence, conduct and fitness to practise are managed by the University.

All students are expected to abide by the University's **Code of Discipline for Students**.

## Scope of this Procedure

This Procedure applies to programmes that are accredited by professional or regulatory bodies and are subject to conduct, competence or fitness to practise codes or standards. Schools and programme leaders ensure that students are aware of the relevant codes via the student programme handbook and other means of communication.

The **student programme handbook** provides more detail on the role, function and requirements of the relevant professional, statutory or regulatory body.

All students taking programmes covered by paragraph 5 above must sign the Undertaking at Appendix 1 of this Procedure before starting their programme of study.

All Schools with programmes that are covered by this procedure appoint a designated member (**designated person**) of staff to co-ordinate and be responsible for the implementation of this procedure.

## Concerns, Complaints and Referrals

The University has a responsibility to investigate complaints, allegations and potentially adverse information about students enrolled on any programmes covered by paragraph 5 above. This Procedure applies to any complaints, allegations or information, from whatever source, that relate to the following matters (note: this list is not exhaustive):

- **Behaviour** that could put students or others at risk.
- **Conduct** that is incompatible with the desired characteristics of a professional practitioner, ranging from minor misdemeanours to serious misconduct.
- **Conduct** that is considered to be 'misconduct' under the University's **Code of Discipline for Students**.
- **Any criminal charges or convictions**.
- **Competence issues** including a lack of capability, that could prevent students from performing their chosen profession safely and effectively.

## **Code of Discipline for Students (Chapter 5, Regulatory Framework)**

The [Code of Discipline](#) applies to all students. After proceedings under this Procedure have been carried out, students in breach of the Code of Discipline may be referred to Senate Disciplinary Committee.

### **Communication with professional and regulatory bodies**

Schools make students aware that proceedings under this Procedure may be reported to the relevant professional or regulatory bodies. Such reports do not prevent the University from dealing with the matter under this Procedure.

### **Suspension from studies or practise**

Where the complaint, allegation or information is sufficiently serious to call into question remaining on the programme, students may be suspended from placement and/or the programme (partial suspension) whilst an investigation is carried out. Suspension is made without prejudice and is not an indication of assumed guilt or a form of punishment.

Only a Dean of School or their nominee is allowed to suspend a student. Students are informed of their suspension in writing (by email). The University's [Suspension Procedure](#) is followed.

Any suspension is kept under review by the Dean of School or nominee whilst any proceedings under this Procedure take place.

## PROTOCOL – STAGE 1

### Investigation

Schools bring complaints, allegations and information (of the type set out in paragraph 9 of this Procedure) about students enrolled on a professional programme to the attention of the relevant Programme Leader and designated person for the purposes of this Procedure.

The initial outcomes are:

- No further investigation or action required  
The Programme Leader and the designated person may agree that the matter is dealt with informally and does not merit further investigation.
- Further investigation required  
Where it is agreed that further investigation is required, students are informed in writing by the designated person and invited to attend a **Stage 1 meeting**.

### STAGE 1 meeting – notification and procedure

The **Stage 1** meeting is scheduled as soon as practicable following the investigation, and not more than ten working days since the matter was first identified. Students attend meetings on their home campus or via video conference.

The letter inviting students to a Stage 1 meeting includes:

- The **nature of the concern**;
- The **date, time and location** of the Stage 1 meeting (note: students should normally be given at least five working days' notice of the meeting);
- The **meeting attendees**. Normally the meeting is chaired by the designated person and observed by another member of University staff;
- Confirmation of **students' right to be accompanied** at the meeting by a friend, relative, a sabbatical officer or a student representative from the Students' Association (not a legal representative);
- **Students' right to provide a written or oral statement** at the meeting;
- Students' **right to review documents in advance** of the meeting;
- Students' **right to submit documents in advance** of the meeting;
- The **potential outcomes** of the Stage 1 meeting;
- A copy of this **Procedure**.

Students with additional support requirements may arrange additional representation for the meeting (i.e. a signer if they have a hearing impairment).

If the proposed date or time of the meeting are not suitable for students or their companions, the re-arranged meeting takes place no later than five working days

after the original date. **Where students fail to attend without advance notification, the designated person proceeds with considering the matter and reaching a decision.**

## **Repeat professional issue**

Matters that concern repeat professional issues are referred directly to Stage 2 of this Procedure. This approach is taken where students have previously had a sanction imposed at Stage 1 of this Procedure and a further referral is made for a similar repeat professional issue.

## **Stage 1 Conduct of meeting**

At the Stage 1 meeting, the designated person sets out the nature of the allegation complaint or information. Students are made aware of the potential outcomes of the meeting. These are:

- That no further action or remedial action may be taken;
- That a sanction as set out in paragraph 23 may be imposed;
- That the case may be referred to Stage 2 of this Procedure.

## **Stage 1 Report**

The details and outcome of the meeting are recorded (Stage 1 Report) and signed by the designated person. Students are sent a copy of this report by email within five working days of the meeting. A copy of the report is retained in students' personal files for the duration of the programme.

## **Stage 1 Outcomes**

The outcomes of the Stage 1 meeting are:

### **1. No further action**

Where the designated person determines that the matter does not:

- Breach the relevant professional code;
- Demonstrate behaviour that poses a threat to the reputation of the profession;
- Represent an ongoing behavioural concern;
- Contravene health and safety regulations or present a potential risk to others;

### **2. Sanctions may be imposed**

Where the designated person determines that the matter:

- Breaches the relevant professional code;
- Demonstrates behaviour that poses a threat to the reputation of the profession;
- Represents an ongoing behavioural concern;
- Contravenes health and safety regulations or presents a risk to others;

One or both of the following sanctions may be imposed on students:

- A period of close monitoring of their performance and/or conduct as detailed within the report;
- A formal reprimand to remain on their record for the duration of their study at the University.

### 3. Referral to Stage 2 of this Procedure

The designated person may decide not to impose a sanction and instead to refer students to Stage 2 of this Procedure if the matter is sufficiently serious to call into question their fitness to practise or if it is a repeat of the same professional issue (see paragraph Repeat professional issue).

## Right to review outcome of Stage 1

Students have the right to request a second review against the decision of the Stage 1 meeting by referring their case to Stage 2 of this Procedure. Any application to review must be made in writing to the Dean of School within 14 days of the decision of the Stage 1 Meeting, or five days in the case of a repeat professional issue (see paragraph Repeat professional issue).

## PROTOCOL – STAGE 2 (INCLUDING IMMEDIATE REFERRAL TO STAGE 2 MEETING)

The Stage 2 meeting is normally convened as soon as reasonably practicable after completion of Stage 1 of this Procedure. Students attend meetings on their home campus or via video conference. Students are normally invited to the Stage 2 meeting within 15 working days following the date of the Stage 1 Report.

The Stage 2 letter includes:

- The **nature of the concern** and information contained within the Stage 1 Report;
- The **date, time and location** of this meeting (note: students are normally given at least five working days' notice of this meeting);
- The **members of the Fitness to Practise Committee** and other Stage 2 meeting attendees (see below);
- Confirmation of **students' right to be accompanied** at this meeting by a friend, relative, a sabbatical officer or a student representative from the Students' Association (not a legal representative);
- **Students' right to provide a written or oral statement** at the meeting;
- Students' **right to review documents in advance** of the meeting;
- Students' **right to submit documents in advance** of the meeting;
- The University's and students' right to **call and question witnesses**;
- **How the meeting is conducted** – case laid out, questioning of witnesses, consideration of evidence, deliberations in private;
- The **potential outcomes** of the Stage 2 meeting;
- A copy of this **Procedure**.

Students with additional support requirements may arrange appropriate representation for the meeting (i.e. a signer if they have a hearing impairment).

**Where students fail to attend without advance notification, the designated person proceeds with considering the matter and reaching a decision.**

## **Fitness to Practise Committee composition**

The Committee normally comprises:

- The designated person (Chair);
- A member of the School from the same professional group or practice setting. Any specific professional body requirements in relation to the role or seniority of the member of staff are taken into account, e.g., in midwifery programmes it would be the Lead Midwife for Education;
- A member of University staff, independent of the School and not directly connected to the students; representative from professional practice and, where appropriate and if feasible, a service user/carer.

At least one member of the Committee is normally trained in disability equality in order to advise other members of the panel on disability issues that may arise.

Members of staff who (a) have been involved in the Stage 1 Procedure or (b) reported the allegation, complaint or information being considered or c) is the student's personal tutor, are not allowed to sit on the Committee at Stage 2.

A member of School Administration attends to take an accurate record of the meeting. A nominated representative of the University may attend the Committee as an observer.

## **Outcomes of Stage 2**

The Committee decides the following for students under consideration:

- (1) Considering the evidence put before it, has the allegation, complaint of information been proven on the balance of probabilities; and
- (2) Whether the facts proven call into question their fitness to practise by reference to the relevant and current Code (insofar as they relate to their programme of study):

Reasons are given for the determination reached at both stages. Where the Committee decides that students' fitness to practise is called into question, it hears evidence in mitigation and/or any testimonial evidence before deciding which sanction to impose.

The Committee may impose one or more of the following sanctions on students:

- Close monitoring of their performance and conduct;
- A formal reprimand to remain on their record, for the duration of their study at the University;
- A defined period of retraining;
- Exclusion from the University for a period not exceeding one academic year (in this case the Chair will notify Student Administration immediately);
- Removal from the programme.

## **Recording and communication of decisions**

The decisions reached and reasons for these are recorded in a Stage 2 Report. Students are sent a copy of this report by email within five working days of the meeting. A copy of the report is retained in their personal file. Students are informed of how long this remain on their file – this is normally for the duration of the programme.

## **Right to appeal**

Students have the right to appeal the decision of the Committee using the Senate Appeals procedure. If the appeal relates to sanctions, rather than a procedural matter, it is appropriate to include professional representatives on the Senate Appeal Committee.



**APPENDIX 1**

**SCHOOL OF [INSERT NAME OF SCHOOL]**

**STUDENT'S UNDERTAKING**

**(This undertaking must be signed and returned to the School Office at the beginning of a programme of study or before the first placement is undertaken)**

\* I .....(name of student)

As a student undertaking (title of award)

.....

do hereby accept my responsibility to read and understand the (as appropriate)

***School to add relevant Code.***

and also the relevant University Regulation(s) and procedures including the Conduct, Competence and Fitness to Practise procedure, and to meet the required professional standards for the duration of my studies. I am fully aware that failure to comply with professional guidelines, to demonstrate appropriate behaviour and to meet the expected professional standards may result in my discontinuation on the programme.

Signed .....

Date .....

\*This undertaking is signed by students at the point of enrolment. The original is placed in students' files and a copy retained by students.