



University of the Highlands and Islands
Centre for Rural Health Sciences

Fitness to Practise

This policy applies to all applicants and students within the Centre for Rural Health Sciences who are enrolled on or applying for programmes regulated by the General Optical Council (GOC), Health and Care Professions Council (HCPC), and Nursing and Midwifery Council (NMC).

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Responsible Office/ Department:	Centre for Rural Health Sciences
Responsible Committee:	Teaching and Learning Committee
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1.0 Introduction

The Centre for Rural Health Sciences (The Centre) at the University of the Highlands and Islands (UHI) is a provider of General Optical Council (GOC), Health and Care Professions Council (HCPC) and Nursing and Midwifery Council (NMC) approved educational programmes.

The primary statutory obligation of all regulators is to protect the public and maintain public confidence in the professions. This Fitness to Practise policy outlines the standards of professional behaviour, competence and health required for students within The Centre. It ensures that all students maintain the necessary skills knowledge and conduct to practise safely and effectively. This policy applies to all individuals regulated under the professional standards of the GOC, HCPC and NMC who have a responsibility to ensure that all students meet the relevant Professional, Statutory and Regulatory Body (PSRB) requirements for entry to and continuation on their relevant programmes.

1.1 Purpose of the Fitness to Practice Policy

The primary statutory obligation of all regulators is to protect the public and maintain public confidence in their professions. To achieve this, the Centre must evidence robust, effective fair, impartial and lawful Fitness to Practise procedures to swiftly address concerns about the conduct and/or health of students that might compromise public safety and protection. The Policy aims to make explicit the Centre's intentions, expectations and actions in respect to assuring applicants' and students' Fitness to Practise. The Policy therefore applies to all applicants and students (undergraduate, postgraduate, including health and social care professionals) during their programme and, where relevant, up to and including the point of confirming eligibility to register with the GOC, HCPC or the NMC and for post-registration programmes.

This policy presents the procedures which will be exercised by The Centre to inform decision making and outcomes in those situations where a student's Fitness to Practise may be compromised through evidence of concerns related to behaviour and/or professional conduct, or by virtue of a health condition/disability which may render that individual not being deemed Fit to Practise.

This policy has been developed with regard to equal opportunities legislation and complies with the commitment of UHI towards Equality, Diversity and inclusivity: [Policies - Equality and diversity](#)

This policy will be reviewed on an annual basis. Staff and students should familiarise themselves with the policy. Students should seek advice from their programme leader should they require guidance. Staff can seek guidance from of the Centre's Head or Head of Optometry if required.

1.2 Remit of the Centre's Fitness to Practice Committee

The Centre's Teaching and Learning Committee has been identified as having the strategic oversight of the Fitness to Practise processes and assuring Fitness to Practise of applicants and students. The remit of the Teaching and Learning Committee is to:

- Ensure the Centre's Fitness to Practise Policy and associated procedures are explicit, reviewed annually and in line with statutory professional and regulatory body standards and developed as required.

The remit of the Fitness to Practise Committee operates under delegated authority to manage individual cases and make recommendations:

- Consider and make decisions on issues related to Fitness to Practise of students and applicants and

ensure that this is considered within the processes outlined in the Centre's Fitness to Practise Policy.

- Consider and make decisions in individual cases where there are concerns about the health of an applicant and/or the implementation of reasonable adjustments.
- Consider and make decisions in individual cases where there are concerns about the character suitability of an applicant to enter a course or programme.
- Consider and make recommendations to the Programme Leader in individual cases where there are concerns about the health of a student and/or the implementation of reasonable adjustments.
- Consider and make recommendations to the Programme Leader in individual cases where a student has been withdrawn from a practice area/ placement following concern in relation to patient safety/care.
- Consider and make recommendations to the Programme Leader in individual cases where there is a concern about signing the declaration of good health and good character at the point of applying for entry to the GOC, NMC or HCPC register. (Note: those on the GOC register are required to renew registration each year and the individual is responsible for signing the declaration of good/ health character)

In exercising responsibility, the Fitness to Practise Committee will ensure that all staff within the Centre adhere to the Equality Act 2010, Rehabilitation of Offender's Act 1974 (as amended in 2012), Data Protection Act 2018 and all relevant PSRB standards and requirements in relation to good health and good character.

1.3 Definitions – Health and Good Character

Good Health requires that an individual is capable of safe and effective practice without direct supervision as a practitioner either with or without reasonable adjustments. All students must be of good health and declared medically fit to undertake the programme. Good health does not mean the absence of a health condition and/or disability. Many people with disabilities and health conditions can practise with or without adjustments put in place to support their practice.

Applicants to, and students during their approved educational programme must tell the Centre about any health conditions and/or disability which could impact upon their ability to practise safely and effectively.

Good Character requires that an individual's character is such that they are capable of safe and effective practice without direct supervision. This includes a consideration (though not limited to) of any:

- criminal proceedings
- investigations/sanctions from PSRB
- conduct which may amount to a breach of the requirements of professional codes
- failure to meet attendance requirements set by the Centre without following due process for reporting absences (as well as other obligations of students detailed in the university regulations)
- conduct related to repeated concerns about professionalism, attitudes and behaviours while on campus or in practice placement
- concerns related to conduct which may bring into question an individual's Fitness to Practice as detailed within the University Academic Regulations

Applicants to, and students during their programme must disclose to the Centre any police charges, cautions, convictions or conditional discharges or other relevant information contained within a Protection of Vulnerable Groups (PVG) Scheme Record or Disclosure and Barring Service (DBS) Certificate. The Centre's Fitness to Practise Process will then investigate any charge, caution, conviction or conditional discharge or other relevant information contained within a PVG Scheme Record or DBS Certificate to decide if it calls into question whether an individual is of good character and suited to commence, or to continue, an approved programme. Any concerns relating to enrolled students' conduct or character will be investigated in accordance with the following:

University Academic Regulations:

[UHI Policies and Regulations](#)

Further guidance from relevant Professional, Statutory and Regulatory Bodies (PSRBs) can be accessed below:

General Optical Council (GOC)

[GOC Fitness to practise Guidance](#)

[GOC Standards and Guidance](#)

Health and Care Professions Council (HCPC)

[HCPC Health and Character Declarations](#)

Nursing and Midwifery Council (NMC)

[NMC Becoming a nurse, midwife, nursing associate](#)

[NMC Joining the register](#)

1.4 Application of relevant University Academic Regulations

In addition to the responsibility of The Centre for ensuring that applicants meet professional requirements for entry to and, as students, continued maintenance on approved programmes leading to registration via Fitness to Practise procedures, [UHI Academic Regulations](#) outline the quality assurance and regulations governing programme provision.

1.5 Applicant and Student Responsibilities

Students are required to familiarise themselves with, and adhere to, all relevant UHI Standards and Codes, as well as the Professional, Statutory and Regulatory Body (PSRB) standards or codes of conduct applicable to their programme. Students should work towards being able to apply these standards fully by the point of professional registration.

University of the Highlands and Islands (UHI) Policies:

- [Student Disciplinary Procedure](#)
- [Student Code of Conduct](#)
- [Student Conduct Policy](#)

Professional Standards and Codes:

- General Optical Council: [Standards for Optical Students](#)
- General Optical Council: [Standards of Practice for optometrists and dispensing opticians](#)
- Health and Care Professions Council (HCPC): [Standards | The HCPC](#)
- Nursing and Midwifery Council (NMC): [The Code: Professional standards of practice and behaviour for nurses, midwives and nursing associates - The Nursing and Midwifery Council](#)

The NMC and HCPC also provide additional guidance on:

- Responsible use of social media [NMC Social Media Guidance](#) | [HCPC Communication and using social media](#)
- Raising concerns to protect the safety and wellbeing of those in their care [NMC Raising Concerns](#) | [HCPC Raising Concerns](#)
- General Optical Council [Raising concerns](#)

The principles and themes covered in these publications are integrated into student learning throughout

approved programme curricula and applied in both the context of theory and practice learning.

In relation to good health and good character, all student undertaking approved GOC, HCPC and NMC approved programmes have a minimum requirement to declare this on an annual basis.

The Centre requires that:

- Applicants will be open and honest in relation to health, disability and/or any criminal convictions, cautions, pending charges or other relevant information, at the time of applying to the course.
- Students must register with an accessible GP so they can have access to independent medical care.
- When undertaking a programme/module, students will be open and honest in relation to any health, disability and/or any criminal convictions, cautions, pending charges or other relevant information that arise during their programme/module.
- Students must accept that there may be times when they are less/not able to accurately assess their own level of health and be willing to be referred to relevant services for assessment and support.
- Students should never depend upon their own assessment of the level of risk their health may pose to others and always seek relevant professional advice.
- Students will abide by all requirements for professional conduct and behaviour as defined by the university and the associated PSRB
- Students will adhere to the University regulations.

2.0 Good Health

2.1.1 Assessment of Health Conditions and/or Disabilities

Opportunities for declaring a health condition and/or disability are available within the UCAS and UHI application forms. Additionally, all staff associated with the Centre provide a supportive environment to enable students to share health or disability concerns, and all students are provided with information on the University's Support Service within their Student Handbook.

All undergraduate applicants or students who declare health conditions or disabilities during their studies will be assessed, as appropriate, through the Occupational Health Provider and/or University services in relation to the compatibility of the applicant's or student's condition to the relevant approved programme. Many people with a health condition and/or disability do not require any adjustments to support their learning; however, where it applies the assessment will focus upon what reasonable adjustments can be made to support the applicant or student to achieve entry to the GOC, HCPC or NMC register or, for students who are already GOC, NMC or HCPC registrants, maintain their status on the relevant register.

2.1.2 Reasonable Adjustments

All staff within the Centre have a responsibility to ensure that they fulfil their duty to make anticipatory reasonable adjustments to teaching, learning and assessment practices and promote positive attitudes towards applicants and students with a health condition and/or disability. In addition to anticipatory reasonable adjustments, applicants may require individual reasonable adjustments to the interview and selection process, and students may also require individual reasonable adjustments to the academic and/or practice-based learning or placement environment.

Students with health conditions and/or disabilities are permitted to have reasonable adjustments considered in relation to their practice learning or achievement of learning outcomes. However, while reasonable adjustments may be made to the way in which a student is supported to meet a competency or standard, the competency or standard itself cannot be adjusted. Therefore, via the Centre's Fitness to Practise Policy and related procedures, a decision will be made before a student starts a course, and at relevant points within the

programme, as to whether they will be able to meet all the competencies of the programme, considering what reasonable adjustments can be made if, for example, they have a health condition/disability. Other factors to consider when determining if an adjustment is reasonable are:

- The need to maintain academic and practice competence standards.
- The financial cost of making the adjustment and the financial resources available.
- The practicality of the adjustment.
- The effectiveness of the adjustment.
- The health and safety of the individual, patients and clients, fellow students, placement team members.

2.1.3 Process following Identified Need for Reasonable Adjustments

Information about health and/or a disability is regarded as confidential and, as such, staff within the Centre respect the sensitive nature of such information. Agreement with, and consent from the student will be sought on how their requirements will be communicated to academic staff, practice supervisors, practice assessors and practice staff.

Students have a responsibility to attend all arranged appointments with Occupational Health. Following assessment by Occupational Health, students are expected to engage with the University support services if they are invited to do so. Agreed reasonable adjustments for placement are at the discretion of the Centre. Recommendations that compromise the student's ability to achieve required programme competencies or learning outcomes are not considered reasonable.

3.0 Good Character

Good character is screened using Protection of Vulnerable Groups Scheme (PVG) and where applicable, the Disclosure and Barring Service (DBS) check. The PVG Scheme is established by the Protection of Vulnerable Groups (Scotland) Act 2007, and it helps to ensure that people whose behaviour makes them unsuitable to work with children and/or protected adults can't do 'regulated work' with these vulnerable groups. The DBS scheme is the equivalent scheme for England and Wales.

Applicants are made aware through marketing literature and UHI website that a PVG Scheme Record is required, and that in line with the Rehabilitation of Offender's Act 1974 (Exclusions and Exemptions) (Scotland) Amendment Order 2015, applicants are required to disclose convictions and relevant spent convictions. Applicants are also required to declare if they are currently subject to an investigation, fitness to practise process, interim measure, sanction, restriction or other regulatory action by any Professional, Statutory or Regulatory Body (PSRB) with which they are registered or have previously been registered.

All applicants who accept a place on an approved programme that involves placement in a clinical practice area will undergo an enhanced criminal record check through the PVG scheme in Scotland. Once applicants join the PVG scheme their membership records will be automatically updated if any new vetting information arises. If any applicant/enrolled student fails to join the PVG scheme following communication and acceptance of an offer for course within a defined period, their enrolment on the programme will be withdrawn. This criminal record check must be completed prior to commencing placement in a clinical practice area. Vetting information is conviction information retrieved from the criminal justice systems and non-conviction information held by the police that are considered relevant. European and overseas clearance is required from applicants who have stayed out with the UK for 13 weeks duration or longer. It is the applicant's responsibility to provide evidence of good character from another country. All students who take a six month or longer break from a programme that involves placement within a clinical area will undergo an updated criminal record check through the PVG scheme prior to re-entering the course/programme.

For students residing in England or Wales, the DBS scheme will be accessed.

3.1.1 Managing Issues related to the Assessment of Good Character– Applicants

The following list is not exhaustive; however, it provides an indication of the type situations, that will be referred to the Fitness to Practise Committee for further consideration and risk assessment to determine whether application to the programme/module continues to be processed or rejected:

1. Traffic offences that have involved alcohol, drugs or other substance misuse or loss of human life.
2. Offences that are punished by fines, community service, or a term in prison.
3. Vetting information recorded by the Police.
4. Information that the individual is under consideration for listing.
5. Failure to disclose information, or lack of openness and/or non-truth telling.

These cases will initially be screened by the Head of Centre/Head of Optometry and where deemed necessary be referred to the Fitness to Practise Committee who will review the information and undertake a risk assessment based on relevant PRSB guidance. This will in turn inform decisions as to whether to accept or reject an applicant.

3.1.2 Managing Allegations related to Breaches of the requirements for Good Character – Enrolled Students

Individual situations which lead to the involvement of police or criminal proceedings or call into question good character, may impact upon progression on the programme.

Where a student holds professional registration with a PSRB independently of their registration or status associated with the programme of study, consideration will be given to whether the matter requires referral to their employer and/or notification to, or guidance from, the relevant PSRB, in accordance with the requirements of that regulatory body.

4.0 Declaration of Good Health and Good Character

Students undertaking an approved programme are required to make declarations regarding their good health and good character in accordance with the requirements of their programme and the relevant Professional, Statutory or Regulatory Body (PSRB). The process for making these declarations may differ between programmes. For example, nursing students are required to complete an annual declaration through InPlace, while optometry students make the required declarations directly to the General Optical Council (GOC) as part of their student registration requirements.

Students who are already professionally registered are also responsible for meeting any ongoing health, character and fitness to practise declaration requirements of their relevant PSRB.

All students have an ongoing responsibility to inform the University of any change in circumstances that may affect their fitness to practise, including any charge, conviction, caution, regulatory investigation, sanction or restriction arising during their programme. Students should notify their Personal Academic Tutor or other designated member of staff in accordance with their programme arrangements. The matter will be raised with the relevant Programme Leader in the first instance and, where appropriate, referred to the Head of Centre or Head of Optometry to determine whether further action is required under this policy and/or whether notification to the relevant PSRB is required.

5.0 Referral to the Fitness to Practice Committee

The following situations will be referred to the Centre's Fitness to Practice Committee for further consideration and assessment:

- Where there are professional concerns about the implementation of adjustments.
- Where there are professional concerns that a lack of consent to communicate reasonable adjustments to practice staff could compromise the safety of the student, patients/clients and/or practice staff.
- Where there are professional concerns that an applicant or student's health or disability is likely to compromise or has compromised their ability to meet the required competence standards including practising safely at the point of entry to the register.
- Where there are concerns about a student's behaviour or conduct, whether within or outside the academic or practice learning environment, which may call into question their fitness to practise, professional suitability, ability to meet the standards expected of their profession, or have the potential to undermine public confidence in the profession.
- In cases where there is an immediate concern or risk to the public from the student's performance in practice, as evidenced as a result of discussion between relevant practice or academic staff, a recommendation may be made for the immediate removal or suspension of the student from the practice learning environment or placement.

The Fitness to Practise Committee will decide about the student's fitness to commence or continuation on the programme. This may include decisions related to whether any other measures are required to help a student work towards the requirements of their programme or whether a recommendation is made to the programme exam board to withhold any further assessment or reassessment opportunities.

6.0 Fitness to Practise procedure – Applicants

6.1.1 Application and admissions of non-registrants

All applications will first be considered on academic merit, in line with the University's Admissions Policy and the programme's recruitment requirements. Any offer made at this stage will be subject to the relevant checks as detailed in this policy.

The applicant Fitness to Practise procedure includes three stages:

Stage 1: Consideration of Criminal Convictions

There is a requirement for undergraduate applicants to declare on their UCAS application any previous or pending criminal convictions, this includes all spent and unspent cautions, reprimands, final warnings, bind over orders or similar (unless protected). They should also disclose any minor offences, fixed penalty notices or penalty notices for disorder. Any applicants who declare Criminal Convictions via the UCAS form are noted by Admissions.

Having a criminal record does not necessarily exclude an applicant from entry to the programme, as each case will be considered individually, taking account of the nature, seriousness, circumstances and relevance of the offence to the programme and future professional practice. Some disclosures may result in an application being unsuccessful.

Consideration will also be given to the requirements of the relevant Professional, Statutory or Regulatory Body (PSRB). Where registration with a PSRB is a requirement for undertaking the programme, the applicant must meet the relevant registration requirements. For example, optometry students are required to be accepted onto the General Optical Council (GOC) student register in order to undertake the programme.

Where a disclosure does not indicate a risk to patients, service users, members of the public or others, or otherwise call into question the applicant's ability to meet the professional standards and requirements of the relevant PSRB, it may not prevent admission to the programme.

Admission to, continuation on, or successful completion of an approved programme does not guarantee subsequent registration with the relevant PSRB. The University's decision regarding an applicant's or student's suitability to undertake or continue on a programme is separate from the regulatory body's decision regarding eligibility for professional registration.

For nursing students, the Nursing and Midwifery Council (NMC) has the final responsibility for determining whether an individual meets the requirements for admission to the professional register on successful completion of the programme. For optometry students, registration requirements and decisions are determined by the General Optical Council (GOC), including the requirement for students to be registered with the GOC during their programme and to meet the relevant requirements for professional registration on completion.

Applicants and students should therefore be aware that a University decision to admit, permit continuation on, or confer an award from an approved programme does not constitute a guarantee of eligibility for registration with the relevant PSRB.

Stage 2: PVG Check

All undergraduate applicants are subject to a Disclosure Scotland Protection of Vulnerable Groups (PVG) check. A PVG certificate contains all unspent and certain spent conviction information. It also contains any other non-conviction information that the police or other government bodies think is relevant, and it will show any barring information. Legislation determines what information is displayed on a PVG certificate.

For detailed guidance, visit [Disclosure of Convictions Review](#).

Applicants who require further information about the disclosure of conviction details should contact [Disclosure Scotland](#).

Seriousness

It is unlikely the applicant will meet the character requirements for admission to the programme if they have been involved in any of the following:

- Conduct which led to a custodial sentence (this includes suspended sentences)
- Serious sexual misconduct (including child pornography)
- Currently being subject to a court order made for public protection, including but not limited to:
 - Sex Offenders Register
 - Sexual Offences Prevention Order (SOPO)
 - Foreign Travel Order (FTO)
 - Risk of Sexual Harm Order (RSO)
 - Sexual Harm Prevention Order (SHPO)
 - Sexual Risk Orders (SRO)
- Offences that involved neglecting, exploiting, assaulting or otherwise harming patients/people, which are so serious that it may be harder for a nurse to remediate
- Conduct involving dishonesty, fraud or deception
- Conduct involving hostility to others based on their race or ethnicity, religion, sexual orientation, gender identity or disability

- Conduct involving a breach of trust and/or abuse of position

Drug and Alcohol Offences

This includes the following types of offences:

- Offences where alcohol or drugs are part of the offence itself, for example driving with excess alcohol or possession of controlled drugs
- Offences committed while under the influence of alcohol or drugs, for example an assault committed when under the influence of alcohol
- Offences committed in order to obtain alcohol or drugs, for example theft of alcohol or medication

Drink and alcohol offences may affect the application if:

- The offence occurred either in the course of undertaking any professional duties, driving to or from those duties, or during on-call or standby arrangements
- There are aggravating circumstances connected with the offence, or it is a repeat offence.

Driving Offences

A Fixed Penalty Notice (FPN) is often used to deal with minor road traffic offences, but it is not a criminal conviction or a caution. However, if an FPN is given for a road traffic offence in Schedule 2 to the Road Traffic Offenders Act 1988, and the driving licence is endorsed, then (in line with s. 58 of that Act) the endorsement is treated as having been given by a court following conviction of the offence.

This information must be declared on UCAS and will show up on a PVG certificate (unless it is protected or spent).

The following usually will not affect the applicant being admitted on to the programme:

- Conviction (s) for a motoring offence that resulted in a fixed penalty notice and endorsement of driving license. Examples include exceeding the speed limit, failing to provide a specimen of breath for a breath test, using a vehicle uninsured against third party risks, breach of requirements as to control of the vehicle, such as using a mobile phone.
- ONE conviction for a motoring offence that resulted in a disqualification from driving for 12 months or less. Examples include being in charge of a vehicle while alcohol level above limit, 12 or more penalty points within 3 years.

Sentencing

If an applicant has received an ancillary order, this is considered to be at the lower end of the sentencing spectrum. Examples include:

- Fine
- Compensation
- Disqualification from driving
- Penalty points
- Endorsement

The following may be viewed as minor sentences:

- Acquittal – Equivalent to a not guilty verdict.
- Absolute Discharge – Where the Court finds that a crime has technically been committed, but punishment would be inappropriate, and the case is closed.

Scotland Only

- Admonition (declared for 5 years) – The least serious punishment in Scots Law. Equivalent to a formal warning, used for minor infringements of the law, and recorded as a criminal conviction.

England, Ireland and Wales Only

- Conditional Discharge – The court decides that the defendant will not be sentenced for an offence unless another offence is committed within a specified period.
- Binding Over – The court decides that the defendant is bound to refrain from certain activities for a stated period.

Admissions will contact those applicants, who have accepted an offer and who have previously declared a conviction on the UCAS form or Admissions have received a positive PVG disclosure will be asked to complete the Conviction Disclosure Form. If the PVG certificate shows a previously undeclared conviction on the UCAS application, Admissions will contact the applicant for further information and ask them to complete the Conviction Disclosure Form.

Admissions are then responsible for sharing this information on applicants to the Head of CRHS or Head of Optometry for screening if the information raises concerns that the applicant's character and/or conduct may be incompatible with undertaking a programme of study leading to professional registration. This screening means coming to a decision based on the information disclosed through the PVG and the Criminal Record Self Disclosure form.

This decision can often be undertaken for old, minor or clearly irrelevant information, where the decision could be to accept on to the programme with no further assessment. Screening normally undertaken by the Head of Centre or Head of Optometry have the discretion to either accept an applicant or refer them for consideration at an Admissions Fitness to Practise Panel.

Admissions will inform the applicant that their case will be considered and that matters may be referred to an Admissions Fitness to Practise meeting. If the screening process results in not accepting the applicant onto the programme then this matter **MUST** be referred to an Admissions Fitness to Practise Panel for consideration.

The Head of Centre or Head of Optometry can also decide at screening if any further information is required from the applicant prior to the Fitness to Practise Admissions Panel meeting. Admissions will liaise with the applicant in relation to this.

The decision to accept or reject the applicant is recorded in an excel spreadsheet which is held in SharePoint (restricted access). This must be completed by the Head of Centre or Head of Optometry. A refusal of an application based on the applicant's criminal offending and PVG information can only be made by the Admissions Fitness to Practise Panel.

The applicant will be given the opportunity to submit any supporting documentation they want the Admissions Fitness to Practise Panel to consider. It is the responsibility of the applicant to provide any additional information or supporting documentation to Admissions.

Applicants may exceptionally commence the programme of study, providing they are not in a practice placement, prior to full Disclosure Scotland PVG information being available.

However, UHI reserves the right to refer the matter to an Admissions Fitness to Practise Panel if information becomes available from the PVG certificate that indicates that the applicant may not be fit to undertake a programme of study leading to registration with a professional body.

Any information that is found to be untrue or is deliberately withheld from the University as part of the

admission procedure may result in Fitness to Practise proceedings.

Stage 3: Consideration of Good Health

Applicants are required, as a condition of admission to a programme, to demonstrate that they meet the health requirements set out by the relevant professional body. Applicants applying for a programme that leads to professional registration upon successful completion must complete a confidential health questionnaire and be assessed as fit by Occupational Health.

If Occupational Health identifies a need for reasonable adjustments or additional support, this information will be recorded on a Fit Slip, which is sent to Admissions.

The Centre's Disability Contact will have access to this information through restricted access in SharePoint. If there is any concern from Centre's Disability contact that the applicant's support needs cannot be met, this must be discussed with the applicant. In the majority of cases, it is expected that dialogue with the applicant will establish what adjustments can or cannot be made.

The University will not refuse entry on the grounds of health or disability where it can be demonstrated that an applicant undertaking a programme leading to registration as a health professional, is capable of practising safely and effectively without supervision.

If the applicant has a disability or a health condition, it will not necessarily prevent them from entering the programme. However, the applicant may need to seek advice from a Disability Contact about whether they can be adequately supported to always provide safe and effective practice without direct supervision.

Any assessment relating to disability should focus on if any reasonable adjustments are required to support the applicant to enter and remain on the programme. If the matter cannot be resolved, in exceptional circumstances a referral to an Admissions Fitness to Practise Panel can be made.

6.1.2 Postgraduate students who are on a professional register

The process for applicants who are on a professional register and undertaking further study at UHI normally for prescribing programmes is different in that these applicants are normally employed or self-employed.

Employed

The applicant's employer is responsible for checking the appropriate level of Disclosure is in place, prior to commencement of this programme.

The employer must provide assurance to UHI that an up-to-date PVG is in place and that they are satisfied that any information on the applicant's PVG does not preclude them from undertaking this programme of study. This process is managed within the application form of the relevant programme.

Referral to an Admissions Fitness to Practise Panel is not applicable to those applicants who are in employment.

Self-Employed

Where the applicant is self-employed, if they are not a current member of the PVG scheme then they must apply to join prior to commencement of the module. Admissions will initiate the PVG scheme.

Admissions will contact those applicants who have previously declared conviction on the UCAS form or Admissions have received a positive PVG disclosure to complete the Criminal Record Self Disclosure. Any

information in relation to criminal convictions contained within the PVG may be referred to an Admissions Fitness to Practise Panel, who will make a decision on entry to the programme.

This is only applicable to those with no employer i.e. the self-employed.

6.1.3 Admissions Fitness to Practice Panel

The Admissions Fitness to Practise Panel will review applications for suitability of admission to the:

- BSc Nursing Programmes
- M Optometry
- Prescribing for Healthcare Professionals (self-employed only)

The role of the Admissions Fitness to Practise Panel is to review cases and decide whether the applicant's character/health and/or conduct is compatible with undertaking a programme of study leading to professional registration or re-registration with the relevant professional body.

The Panel has delegated authority to consider and come to a judgment on the admission of:

- Applicants who have information contained within their PVG in relation to criminal convictions, barring or regulatory information as set out by The Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Amendment Order 2016.
- Applicants who have had a current or previous professional fitness to practise outcome by a regulatory body (or accredited register held by the Professional Standards Authority) of impairment of fitness to practise.
- Applicants who have been deemed by Occupational Health as unfit to undertake the programme i.e. unable to demonstrate good health

6.1.4 Admissions Fitness to Practise Panel Meeting

The Admissions Fitness to Practise Panel will meet as required. The panel will normally consist of:

- The Chair (who may be a member of staff with a relevant professional registration)
- An administrator
- Two additional members, one ideally from practice or a service user representative

A meeting is normally convened once Admissions has received the applicant's PVG and Criminal Record Self-Disclosure Form, where applicable.

Admissions Fitness to Practise Panel meetings will be held in private. The Panel should have access to the following documentation:

- The UCAS or UHI application form, including date of birth, statement of support, and academic reference
- The completed Criminal Record Self-Disclosure Form
- The applicant's PVG report
- Any additional correspondence, such as references, testimonials, medical reports, or information provided by the applicant

The decision will be made based on the professional experience and judgment of the Panel and the test applied to *all* applicants will be:

"Is the applicant of sufficient character, health, and conduct to be capable of safe and effective practice and to demonstrate a commitment to all standards contained within their relevant professional code of conduct?"

The Chair will signpost the panel to any specific guidance to be used and any other relevant supporting

appendices to guide the discussion. The risk assessment for screening applicants with a conviction, caution, or pending charges two may be useful to inform decision making (Appendix 1).

If panel members cannot agree, the majority decision will form the verdict. The Chair will determine when a majority has been reached and ensure all members understand the rationale.

The Chair's vote does not carry any more weight in the decision-making process, all votes are equal in weight. In the event that the panel requires further information, Admissions will contact the applicant for this information on behalf of the panel. The decision recorded will not describe if this is a majority or unanimous decision by the panel.

Panel Outcomes

Outcome	Description
Admit	The applicant is admitted onto the programme.
Not Admit	The applicant is denied admission onto the programme.
Not Admit with Recommendations	The applicant is denied admission at this time, but recommendations are provided to support any future application.
Adjourn for Further Information	The decision is deferred pending further information from the applicant or, where applicable, other sources such as the GOC, NMC, or HCPC

The administrator must direct any requests for further information to Admissions. The request must clearly state:

- What information is required
- Who is responsible for providing it
- The timescale for submission and review

The Centre's administrator will ensure a provisional date is set for the panel to reconvene once the information is received. An administrator will attend each meeting to:

- Record decisions and reasons
- Confirm documentation completeness
- Produce a written summary of the panel's decisions

A written decision with reasons will be produced by the administrator and verified by the Chair prior to being sent to Admissions. This documentation will be uploaded to the restricted SharePoint area within two working days of the meeting.

Admissions will contact the applicant to confirm the outcome of the panel.

If the panel does not grant admission or does not grant admission with recommendations, Admissions will share the completed decision form with the applicant.

6.1.5 Appeal Procedure

Applicants have the right to appeal the outcome of the Admissions Fitness to Practise Panel. If an applicant wishes to appeal, the request must be submitted in writing to the Head of Centre within 10 working days of receiving written confirmation of the panel's decision. The appeal must clearly state the reason(s) for appeal. The Head of Centre may:

- Uphold the original decision; or
- Refer the case back to a different Admissions Fitness to Practise Panel for reconsideration.

No individual who has had prior involvement in the case may take part in the appeal process.

The applicant may be invited to attend an appeal hearing and may be accompanied by a friend or representative. This representative may include a Union representative, and the Chair must be informed in advance of who will attend. Where practicable, the appeal hearing will be held within 21 working days of notification of the appeal being received.

The appeal hearing will not normally be a full re-hearing of the case. New evidence will only be considered where there is good reason why it was not available at the original hearing.

At the appeal stage, the decision may be:

- Upheld
- Reduced
- Dismissed

The decision of the appeal hearing panel will be communicated to the applicant in writing within 10 working days of the appeal hearing. The decision of the appeal hearing panel will be final and binding. There is no higher internal means of appeal.

6.2 Fitness to Practice procedure – Matters arising during a programme

6.2.1 Consideration of a Case

After receiving the initial written information, referral form (Appendix 2) and any relevant evidence, the Head of Centre (or delegated) will decide as soon as practically possible the most appropriate course of action. A case management form will be used to document the process (Appendix 3).

All referrals must be screened initially to decide whether an investigation is necessary. Factors taken into consideration at this stage include:

- The nature of the alleged issue or concern
- The seriousness of the allegation or concern
- Public interest including public protection risks
- The interests of the student

The Head of Centre (or delegated) may consult within and out with the Centre /University as appropriate at this stage.

6.2.2 Screening Decision

The Head of Centre (or delegated) must firstly decide if there is a case to answer.

Test Applied

The test to be applied is whether, on the face of it, there is a case to answer. This is known as the *prima facie* test. The facts of the case are not established at this stage. When making a decision, the Head of Centre (or delegate) must consider the following:

Q1. Is there evidence, on the face of it, that the incidents in the referral may have occurred, or that the issues (for example, a health condition) are still present?

- If NO: There is *No Case to Answer*.
- If YES: Proceed to Question 2.

Q2. Is the student therefore, on the face of it, a risk to the health, safety, or wellbeing of the public or themselves, indicating that their practise requires investigation?

- If NO: There is *No Case to Answer*.
- If YES: There is a *Case to Answer*, and appropriate temporary measures (for example, suspension of studies) should be applied.

6.2.3 Screening Outcomes

The Head of Centre (or delegated) can decide what action, if any, requires to be taken depending on whether there is a case to answer. The possible outcomes are detailed below. The Head of Centre (or delegated) will decide the outcome of the screening of the case.

This decision will be notified to the student in writing within 3 working days of a decision being made.

Decision	No Case to Answer	Case to Answer
Possible Outcomes	No further action	Consider Temporary Measures
	Recommendation to seek support and guidance from their personal academic tutor	Refer for investigation
	Give advice and remind the student of their requirements as set out in the relevant PRSB requirements	Refer to Occupational Health for assessment

6.2.4 Temporary Measure Procedure

If a case to answer is identified, the *Temporary Measures* section of the Case Management Form must be completed. The Decision Guidance (Appendix 4) and this policy should be consulted to support decision-making on whether to impose:

- a temporary suspension,
- a temporary condition measure, or
- both.

The Head of Centre (or delegate) will make this decision.

The **Decision Guidance on remediation and insight** may assist in assessing the likelihood of incident recurrence.

A temporary measure is typically imposed by the Head of Centre (or delegate) when the student is currently on, or about to commence, a practice placement. Where the concern may constitute serious professional misconduct, the student may be suspended from the programme without prejudice, pending further investigation and the initiation of the Fitness to Practise process.

The Temporary Measures available are:

- No restriction
- Temporary Conditions on practice placement and/or theory

- Temporary Suspension from practice placement and/or theory
- Temporary Suspension with Conditions on practice placement and/or theory

The imposition of a Temporary Measure is considered a neutral action and is taken without prejudice to the student. The decision to impose a Temporary Measure on a student must be determined on a case by case basis. The risk to patient and public safety must be balanced against the interests of the student.

Grounds for Temporary Measure	Suggested Appropriate Actions	
	On Placement	On Theory
The student is considered a potential risk to themselves	Temporary suspension from practice is usually the correct course of action. If the student has insight into their condition, a Temporary Conditions measure may be imposed.	If the health condition does not pose a risk to other students, the student may be permitted to continue with learning activities that do not involve contact with patients, service users or members of the public acting as volunteer patients. This may include classroom-based, online or other academic learning activities. The student must not participate in practice-based or simulated learning activities involving patients, service users or volunteer patients until it has been confirmed that it is safe for them to do so.
	A referral to Occupational Health is usually appropriate at this stage.	A referral to Occupational Health is usually appropriate at this stage.
The student poses a potential risk to public safety	Temporary suspension from practice placement is usually the correct course of action.	The student may be able to continue with academic study, depending on the seriousness of the issue/concern.
		If other students could be placed at risk of harm, then temporarily suspending the student from academic study may be appropriate.

The student has behaved in a way that undermines the reputation of the nursing profession and/or the University	No restriction or a temporary conditions measure may be appropriate depending on the seriousness of the issue/concern.	No restriction is usually the appropriate action.
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6.2.5 Notifying the Student

The student should be informed at this stage that a Fitness to Practise referral has been made. This will be confirmed in writing by email within 3 working days of a decision being made, usually after the Head of Centre (or delegated) has decided:

- There is a case to answer and
- A temporary measure has been considered
- there is **no case to answer**, the student will be informed that the referral has been considered, that no further action will be taken under the Fitness to Practise procedure, and that the matter is closed.

The email must be sent to the student's University email account (with a delivery and read receipt requested). This email should contain the following information:

- Notification of the allegations against the student
- The outcome of screening
- Whether a temporary measure has been imposed and the reasons for this
- Student Response Form (Appendix 5)

The email will also include a copy of this policy and give an indication of the next steps in the process.

If the student is withdrawn from practice, the Head of Centre or Head of Optometry is also required to inform the practice placement area or provider (including the student's Practice Assessor/Practice Supervisor/Practice Educator and relevant Practice Education Facilitator if applicable).

6.2.6 Review of Temporary Measures

A temporary measure will usually remain in place until investigation has concluded.

On conclusion of the investigation, the Temporary Measure in place must be reviewed by the Head of Centre (or delegated), in light of all the evidence collected. The decision may be made to revoke the Temporary Measure, change the Temporary Measure, or extend this until a Fitness to Practise Panel can be convened.

6.2.7 Investigation

Usually, more information will be required following a Fitness to Practise referral. The Head of Centre (or delegated) will decide if an investigation is required at screening.

An Investigating Officer (IO) will be appointed from a member of the academic staff of the Centre. This will be a member of academic staff who has not been involved to date with the case and does not have a significant relationship with the student (e.g. not their personal academic tutor). An administrator will also be appointed to support the process.

Timescales

The investigation will normally conclude within **4 weeks** of the case being referred to the IO. The IO report (Appendix 6) will normally be available no later than **2 weeks** after the investigatory meetings have been completed. The IO is responsible for informing the Head of Centre of any delay, giving detailed reasons for this. The student must also be notified, in writing, of any significant delay, including reasons for the delay. Although there is no set time limit for an investigation to be completed, in fairness to the student this should take place as soon as possible.

The IO will be responsible for gathering any relevant evidence and filtering information which is vexatious or irrelevant. Appendix 7 provides Investigations Guidance. The quality of the investigation is crucial in achieving the outcome of quality fitness to practise decisions.

The purpose of the fitness to practise investigation is to:

- Identify the exact nature of the concern(s) or issue(s)
- Identify, collate and analyse all relevant information exploring the concern(s) or issue(s)
- Identify whether the information collated indicates a potential risk to public safety, a breach of professional standards and/or an impact on the reputation of the profession or the University.

The investigator is not expected to determine whether a student's fitness to practise is impaired as this is a matter for the Fitness to Practise Panel. The IO is responsible for writing the investigation report and submitting this to the Head of Centre.

The Head of Centre (or delegated) will determine whether the case is ready to be presented at a panel.

Notifying the Student

The administrator will write to the student with a copy of the investigation report, and any next steps will be explained in this letter. (e.g. date and time of panel). In addition, the Student Response Form will also be included.

7.0 Fitness to Practise Panel

A Fitness to Practise Panel will be convened as required. An identified administrator will attend the meeting to maintain a formal record of proceedings. At the panel meeting, recommendations will be made in relation to:

- Facts and misconduct
- Impairment
- Sanction

The Investigation Guidance and Panel Recommendation Form (Appendix 8) will apply.

Following the panel, the Head of Centre (or delegated) will write to the student within five working days indicating the outcome of the panel and confirming the decision.

The Fitness to Practise panel's role is to balance patient and public safety with the interests of the student and the need to maintain trust in the profession and the University. The Panel will independently consider the evidence presented and come to a balanced decision on whether the student's fitness to practise is impaired. They will also consider mitigation presented and balance this with any aggravating factors before deciding on the most appropriate and proportionate sanction.

The Panel has delegated authority to consider and make judgments regarding the continued progress of students during their programme where allegations relate to:

- Misconduct
- Criminal offending
- Health

7.1 Panellists

The Fitness to Practise Panel will normally comprise the following members:

Chair

- Drawn from CRHS staff only.
- Normally a senior academic with a professional registration relevant to the student's programme.
- Must have experience in conducting Fitness to Practise Panels.

Registrant Panel Member

- A suitably experienced registered professional from the same profession as the student, who is independent of the case.
- Where the concern relates to a specific field or area of professional practice, the registrant should, wherever possible, have relevant experience or expertise in that area.
- The registrant may be drawn from a practice partner, placement provider or other appropriate professional setting.

Lay Panel Member

- A non-registrant who may be external to CRHS.

The Fitness to Practise Panel will be quorate with three members who must be:

1. A Chair (Registrant)
2. A Registrant Member
3. A Lay Member

A complete set of documentation must be available to the student and the panel a prior to the hearing.

All meetings and hearings will be recorded to ensure accuracy of notetaking.

Notes of the proceedings will also be taken by the administrator to support recommendation making.

All recommendations must be recorded by the administrator on the Fitness to Practise Panel Recommendation Form.

Post-Panel Actions

Written recommendations, including reasons, will be prepared by the administrator and verified by the Chair prior to submission to the Head of Centre.

The Head of Centre (or delegate) will review all recommendations and decisions.

This information will be uploaded to the relevant student file and restricted-access spreadsheet within two working days of the decision being finalised.

The Head of Centre is responsible for formally notifying the student of the outcome of the Fitness to Practise Panel.

Written records of decisions and rationale will be retained by CRHS for quality assurance purposes and managed in accordance with GDPR and Data Protection legislation.

7.2 Panel Procedures

Service of Notification of Panel

The student must be given **reasonable notice** of the Panel meeting. The notification email must be sent to the student's University email address at **least seven days** before the scheduled panel date.

The Notice of Panel will include:

- The allegations to be considered
- The date, time, and venue (or online meeting details) of the panel

The student is required to attend on the specified date and time. If the student is unable to attend, the panel may proceed in their absence, unless there are sufficient grounds to defer the meeting.

7.2.2 Documentation

All relevant documentation relating to the case, including the investigation report, should be sent to the student at least 5 working days prior to the panel taking place.

7.2.3 Representation

The student will be invited to attend their Fitness to Practise Panel and may be accompanied by a friend, supporter or representative. This may include a representative from HISA or another appropriate representative or adviser. The student may represent themselves or seek representation or support. The Chair of the panel must be advised of the identity and role of the supporter in advance of the panel. Legal representation is not permitted.

7.2.4 Confirmation of Attendance

The student must confirm their intention to attend the Panel.

7.2.5 Proceeding in Absence

The Fitness to Practise Panel has the power to proceed in the absence of the student provided notification requirements have been sent to the student.

7.2.6 Overview of Panels

All Panels will be held in private. An administrator will be present to formally record the discussion and recommendations but **will not take any part in the recommendation making process**. The Panel will be formally opened by the Chair, who will introduce all members and outline the procedure.

The standard of proof applied will be the civil standard — the *balance of probabilities*. If Panel members cannot agree, the verdict of the Panel will be that of the majority of its members. The Chair does not have any more authority than any other panel member when making recommendations. The Panel may ask for additional enquiries to be undertaken at any point where it decides that this will aid its consideration of the case.

The Panel is required to consider the following:

1. Facts and Misconduct*
2. Impairment and Sanction

* *Misconduct may be replaced with either Health or Conviction.*

7.2.7 Order of Proceedings

The Panel meet to discuss facts and misconduct. The student is invited to attend the Panel. The Chair summarises the case. The student (or Representative) will then be invited to make an opening statement. The

panel will have the opportunity to ask questions of the student. The student (or Representative) may wish to make a further statement. The student and representative, if present, will be asked to leave the room and wait in a designated area. The panel will retire for private discussion. The administrator will remain with the panel to take notes.

7.3 Impairment and Sanctions

The Panel will determine, on the civil standard of proof (*balance of probabilities*), whether the allegations are proved, and, if so, the level of impairment and any appropriate sanctions. If any facts are found proved, the Panel will then decide whether these facts amount to misconduct. Brief written reasons relating to both the facts and misconduct must be recorded at this stage. The Fitness to Practise Panel Recommendation Form must be completed, with the Chair assisting the administrator to ensure accuracy and completeness.

The panel will then invite the student and their representative back into the room and the chair will report the panel's recommendations to the student. It will be stated that the ultimate decision on outcome rests with the Head of Centre (if they are not the chair) and details of their determination will be sent to the student within five working days.

Impairment

Impairment means the student is not fit to practise without restriction. The test applied is whether his or her conduct which led to the charge is easily remediable, has it been remedied and is it highly unlikely to be repeated.

Sanction

The Panel will only rely on evidence presented at the Panel.

A range of recommended sanctions are available to the panel, these must be considered in ascending order starting with the least restrictive as outlined in Appendix 4

Aggravating and Mitigating Factors

Aggravating and mitigating factors will be considered at this stage.

If the student has previously been the subject of a Fitness to Practise investigation or hearing, the allegations and outcome decision shall be provided to the panel as evidence at this stage. The panel will consider what they believe are the mitigating and aggravating factors in the case. The student's Fitness to Practise is impaired if the student cannot practice without restriction. The panel must decide which sanction to recommend, if any, starting from the least restrictive.

Possible Sanctions

The outcomes of a student fitness to practise hearing are solely concerned with patient safety, the wellbeing of the public and the trust that the public places in the profession and the University. The outcomes should not be imposed as punishment to the student, although they may have a punitive effect.

The Fitness to Practise Panel may make one or more of the following recommendations to the Head of Centre (or delegate):

- Take no further action
- Formal warning (up to three years) – this will remain on the student's file and will be taken into account in any future concerns
- Conditions - impose conditions on the student's practice (for up to one year)
- Suspend the student from the programme - resulting in a Suspension of Studies for a period of up to one year

- Recommend to the Head of Centre the student is withdrawn with an alternative/no award which does not permit the student to register with a regulatory body
- Referral to the relevant PSRB – where the student is already a registered health professional, or where the nature or seriousness of the concern otherwise requires notification, recommend that the matter is referred to or notified to the relevant PSRB, in accordance with that body's requirements. This may include registered nurses, midwives and allied health professionals undertaking postgraduate programmes, and optometry students where applicable
- A combination of recommendations as above.

The assessment of compliance with conditions will rest with the Head of the Programme of study. If they are not satisfied conditions have been met, the matter can be referred back to a panel for consideration at any time. If a student is withdrawn from the programme due to conduct that is within PVG categories they must be referred to the Disclosure Scotland (Appendix 9).

7.4 Notification of Decision

Written notification of the outcome, including full reasons, will be sent to the student via email within five working days of the Fitness to Practise Panel meeting.

7.5 Appeals Process

Students have the right to appeal the outcome of Fitness to Practise proceedings if the decision results in suspension or withdrawal from the programme. Any appeal must be submitted in writing within fourteen days of the date on the decision letter and addressed to the Head of Centre (or delegate) for consideration.

The Head of Centre (or delegate) may:

- Uphold the original decision, or
- Refer the case back to a different Fitness to Practise Panel for reconsideration.

No individual who has had previous involvement in the case may participate in the appeal process.

The student will be invited to attend an appeal hearing and may be accompanied by a friend or representative, such as a Union representative. The Chair must be informed in advance of who will accompany the student. Where practicable, the appeal hearing will take place within twenty one working days of the receipt of the appeal.

The appeal panel will not normally conduct a full re-hearing of the case. New evidence will only be accepted if there is good reason it was not available at the original hearing. At the appeal stage, the decision may be:

- Upheld
- Reduced
- Dismissed

The decision of the appeal panel will be communicated to the student in writing within five working days of the appeal hearing. The decision of the appeal panel is final and binding, and there is no higher internal means of appeal.

Appendix 10 provides an overview of the Fitness to Practise process.

8.0 References

Equality Act (2010): www.legislation.gov.uk/ukpga/2010/15/pdfs/ukpga_20100015_en.pdf

Appendix 1 Risk Assessment for Applicants with a Conviction, Caution or Pending Charge

Fitness to Practise Committee

Risk Assessment for Applicants with a Conviction, Caution, Pending Charges or other Relevant Information

Name of applicant:	
UCAS number:	
Course applied for:	
Proposed year and stage of entry:	
Did the applicant disclose past convictions/cautions on the application form? AND/OR Did the applicant contact the University regarding convictions, cautions, pending charges or other relevant information? YES/NO If No, question applicant about why: • If mitigating circumstances then complete assessment. • If no mitigating circumstances, end application process if appropriate. If Yes, complete this assessment	

Risk Level in relation to questions:	Additional notes:	HIGH	MEDIUM	LOW
What was the sentence?		Custodial	Suspended, community, conditional discharge	Warning, caution, reprimand, fine, absolute discharge
When was the offence committed?	Date:	In the past 3 years	Between 3 and 10 years	More than 10 years before
Is the type/nature of the offence relevant to the safety of patients and service users? If yes, in what way?		Yes	Some link	No
Is there a pattern of specific offences? If yes, state that pattern:		Yes	Some instances	No pattern
Has the applicant supplied additional references?	Yes / No			

How do the referees rate the applicant's suitability for a nurse or optometry course?		Referees declare applicant unsuitable	Referees share some reservations	Referees declare applicant suitable
Does the applicant offer any mitigating circumstances concerning past offence/s?	Yes / No	High No	Medium Some mitigating circumstances	Low Yes

Any concerning factors to be considered (e.g. intent of harm/exploitation/breach of trust:	What has changed since offence occurred? Applicant's attitude towards offence/s?
Where relevant who else has been consulted about this disclosure?	

FITNESS TO PRACTISE COMMITTEE

DECISION

On consideration of the risk assessment form and information submitted by the applicant the Fitness to Practise Committee believes that the applicant should / should not proceed with the admissions process for the following reasons:

.....

.....

.....

.....

.....

.....

Signed:..... Date:.....

Appendix 2 Fitness to Practise Referral Form

Part A: Fitness to Practise Referral Form

Section 1: Individual making the referral

Date of referral	Click or tap to enter a date
Name	Enter your full name here
Job title	Enter your job role or title here
Organisation	Click and choose an organisation from the list below
Address	Enter your correspondence address here
Telephone number	Your daytime telephone number
Email Address	Your work email address

Section 2: About the student

Full name of student	Click or tap here to enter text.	
Student identification number	Click or tap here to enter text.	
Personal academic tutor	Click or tap here to enter text.	
Programme of study	Choose a programme	
Year commenced programme	Click and choose a year	
Year of Study	1 st ☐	
	2 nd ☐	
	3 rd ☐	
I have informed the student that I am making this referral	Yes ☐	No ☐
If no – please explain reasons	Click or tap here to enter text.	
I have informed the personal academic tutor that I am making this referral	Yes ☐	No ☐

If no – please explain reasons	Click or tap here to enter text.
---------------------------------------	----------------------------------

Section 3: About the incident

Incident Date (s)

Please give exact dates and times, if possible
Click or tap here to enter dates

Incident Location

Please indicate where the incident took place (select all that apply)

Within the University/academic setting	☐
Practice placement	☐
Out with the University	☐

Please provide the name and address of the place where the incident(s) occurred. It will also be helpful if you can provide the name of the specific ward, department or unit if relevant. If incidents occurred in more than one place, please provide the name and address, or location, where each incident took place.

Please give exact location (s) if possible
Click or tap here to enter name and address of location(s)

Nature of the allegations

Please tick all that apply

Misconduct	☐
Criminal Offending	☐
Health	☐

What happened?

Please describe what happened. There may not have been one major incident, but rather a series of small events over time. Provide as much information as you can.

For criminal matters please provide the status of the case, for example arrested, date bailed to return, charge, type of conviction (include contact details for police) and any court dates with location.

For health cases please include details of any G.P. or Occupational Health appointments and any recommendations made.

This should include details such as:

1. Whether the incident related to physical or verbal abuse toward a patient; neglect of a patient; concerns about basic nursing practice; theft of medication or patient money (please note this list is not exhaustive).
2. Whether the action(s) of the student resulted in any harm to a patient or any other person (including the student) and if so what level of harm was caused or whether there was the potential for harm.
3. What has happened since the event took place – including any action taken against the student.
4. Any other details relating to the incident or to the student's practice which you think may assist.

Please provide details of the alleged conduct

Section 4: Witness Information

Are there any witnesses to the conduct, professional behaviour or health concern?	Yes ☐	No ☐
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Insert witness details, if known. Please provide their names and contact details, including email address, work address and contact telephone numbers below. Please insert additional rows as

required.

Name	Job Title	Email	Work address	Contact number
Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.

Section 5: Your actions

Have you or someone else made a complaint to anyone else about this?	Yes ☐	No ☐
--	------------------------------	-----------------------------

You may have told someone else or another organisation about your concerns e.g. SSSC, Police Scotland. If you have contacted any of these people or bodies, please provide us with their names, addresses and phone numbers if possible.

--

Section 6: Supporting Documentation

Please make sure you have enclosed copies of the following documents (if you have them).

	Yes	No	N/A
Incident report(s)	☐	☐	☐
Copy of any policies or procedures breached	☐	☐	☐
Witness statements (verified by witness), if available	☐	☐	☐
Occupational health report and/or other medical records	☐	☐	☐

Action plan(s)	☐	☐	☐
Minutes of relevant meetings	☐	☐	☐
Any other information you think the Centre should be made aware of? Please tell us what other documents you have included.			
Click or tap here to enter text.			

Section 7: Declaration and Consent

We will handle your personal information with the utmost care and have a privacy policy in place to make sure we do this.

Sharing your information

We will usually have to share details of your alleged concern with the student. We will also share details with those who have responsibility for the student within the Centre as it's important they get this information.

We may share details with other third parties if we think they can help with our enquiries.

We will not share any information about you unless we are required to do so or we need to do so in the interests of protecting the public.

Please click to tick the boxes below:

☐ I confirm the information in this form can be used as detailed above

☐ I confirm that the information given on this form is true, complete and accurate to the best of my knowledge and belief.

To undertake our investigation, we require your consent to send a copy of your referral and associated information to the student and any other relevant parties as required.

By inserting your name below, you give us consent to disclose this referral form and supporting information and any other information you provide during the course of our investigation.

Referral Completed by: [Click to insert your name here](#)

Date: [Click or tap to enter a date](#)

Appendix 3 Fitness to Practice Case Management Form

Fitness to Practise Case Management Form To be completed by Head of Centre or their
delegate deputy

Date referral received: [Click or tap to enter a date](#)

Section 1: About the student

Student identification number	Click or tap here to enter text.
Year of Study	1 st ☐
	2 nd ☐
	3 rd ☐
Programme of study	Choose a programme

Section 2: The allegations

a. Location

Please tick all that apply

Within the University/academic setting	☐
Practice placement	☐
Out with the University	☐

b. Nature of the allegations

Please tick all that apply

Misconduct	☐
Criminal Offending	☐
Health	☐

c. Summary of the allegations

Summarise the key areas of concern below

--

Part B: Actions Taken

For CRHS use only

Administrative Support

Administration Officer (AO)	Click or tap here to enter name
Date AO appointed	Click or tap to enter a date

Screening

Date of screening	Click or tap to enter a date	
Name of screener	Click or tap here to enter text	
Is there a Case to Answer?	Yes ☐	No ☐
If no short reason inserted here	Click or tap here to enter text	
If yes detail key concerns requiring investigation	Click or tap here to enter text	

Temporary Measure

Temporary Measure required?	Yes ☐	No ☐
If no short reason inserted here	Click or tap here to enter text	
If yes detail measure imposed	Click or tap here to enter text	

Date Imposed	Click or tap to enter a date	Review Date	Click or tap to enter a date
---------------------	------------------------------	--------------------	------------------------------

Communication

Date student informed	Click or tap to enter a date.	
Programme Lead informed	Yes ☐	No ☐
Cohort Lead informed	Yes ☐	No ☐
Personal Academic Tutor informed	Yes ☐	No ☐
Other	Yes ☐	No ☐

Investigation

Investigating Officer (IO)	Click or tap here to enter name
Date IO appointed	Click or tap to enter a date
Investigation outcome	Click or tap here to enter text

Fitness to Practise Panel

Date of Hearing: [Click or tap to enter a date.](#)

Panel

Chair	Click or tap here to enter name
Lay Member	Click or tap to enter a date
Registrant Member	Click or tap here to enter text

Outcome

Sanction	Choose the sanction
Length of time (if applicable)	Length of time

Appendix 4: Fitness to Practise Decision Making Guidance

Student

Fitness to Practise Panel Guidance

Introduction

Although panels must exercise their own judgement in making recommendations, they must also take into consideration guidance and advice within this document. The starting point for any panel is the extent to which the student has departed from those standards.

This decision making guidance aims to provide consistency and transparency in decision making. It ensures that all parties, including the student, are aware of the approach that the Fitness to Practise panels will take when considering what sanction, if any, to impose on a student whose fitness to practise is impaired.

Panels should generally follow this guidance. Where a panel has reason to depart from the guidance, it should clearly explain why it has done so in its reasons. Nothing in this guidance is intended to constrain a panel's discretion in any particular case.

General Principles

Fairness

There is an overarching duty to act fairly when making a decision. Fairness is not a fixed concept; it may change over time and will depend on the facts and circumstances of each case.

The seriousness of the behaviour

The seriousness of the behaviour is an important factor. It will depend on the facts and circumstances of a particular case and the values the behaviour indicates. Some particular types of behaviour are likely to indicate that more serious action should be taken.

Proportionality

Decisions must be proportionate. The principle of proportionality needs to ensure a balancing exercise has been carried out between:

- the interests of the student
- the interests of the wider public
- the interests of the University

Having considered the interests of the student and the interests of the wider public, the most appropriate recommendation must be made by the panel to the Head of Department, even though this may lead to reputation or financial difficulties for the student. The Head of CRHS considers the panel recommendations and conveys the decision to the student.

Temporary Measures

The Head may receive information about a student that raises concerns about their fitness to practise. In these cases, a Temporary Measure restricting the student's practise may be required while an investigation is conducted.

The general principles outlined above also need to be considered when making a decision.

Amount of information

A decision to impose a Temporary Measure is likely to be made at an early stage in the case. Often a decision will need to be made on much less information and evidence than will be available when making a final decision. It must be decided if, on the face of it, there is a case to answer and then assess the risk based on the information available at the time.

Test

In Temporary Measure decisions, the test is whether or not, on the face of it, there is a case to answer. This is known as the prima facie test.

Factors to be taken into account

The decision about a Temporary Measure will depend on the particular facts and circumstances of each case. The following areas should be considered:

- the seriousness of the allegations
- the likelihood of the alleged behaviour being repeated
- the severity of the harm or risk of harm if the alleged behaviour is repeated
- the effect on public confidence in the integrity of the University
- any other steps which could be taken to protect against the risk of the harm

This list shows examples but there may be other factors to be taken into account. When imposing a Temporary Measure the following aspects must be satisfied:

- that in all the circumstances there may be impairment of the student's fitness to practise which:
- poses a real risk to members of the public or
- adversely affects the public interest or
- adversely affects the interests of the student; and
- that after balancing the interests of the student and the interests of the public, that an order is necessary to protect against such risks.

Possible outcomes

No order

If there is not enough information to make an informed assessment or that a Temporary Measure would be disproportionate to the harm that is being protected against, then a measure should not be imposed.

Temporary Conditions Measure

If it is necessary to impose a Temporary Measure then the least restrictive Temporary Measure should be considered.

Temporary Suspension Measure

A Temporary Suspension Measure will prevent a student from practising until the outcome of the case. This may lead to the student suffering from financial and/or reputational damage but often a Temporary Suspension Measure will be the only way to protect the public, maintain the public interest and/or act in the student's best interests.

Temporary Conditions and Suspension Measure

There may be exceptional cases where both types of Temporary Measures are appropriate. The reasons for this should be clearly detailed in relation to why they have imposed both measures.

Fitness to Practise Panel

Fact Finding Standard of proof

In the fact-finding stage the panel is required to operate to the civil standard of proof, which is the balance of probabilities, in that the alleged circumstances are more likely than not to have happened.

Misconduct

Misconduct has been defined as:

‘behaviour which falls short of that which can be reasonably expected of a student nurse/midwife’.
The NMC Code is referred to here and any breaches of the Code are identified at this stage.

Impairment & Sanction

The following guidance aims to guide panel recommendations during FTP proceedings.

Mitigating and Aggravating Factors

Any mitigating factors (also known as extenuating circumstances) must be considered and balanced against any aggravating factors (these may increase the severity).

Public protection and upholding the public interest are the overriding aims. Mitigating factors are less likely to influence a decision where there are greater public protection and public interest concerns.

Seriousness of the behaviour is also important. In some circumstances the behaviour of a student is so serious that it indicates they are fundamentally unsuitable to continue on the programme. It may be that no number of mitigating factors will change that conclusion.

Mitigating and aggravating factors must be considered when deciding:

- if a student is fit to practise or if their fitness to practise is impaired
- what sanction or outcome is recommended It should be decided if:
- the factor is present or absent
- the factor is relevant to the matter
- the factor mitigates or aggravates the matter

Some common factors are:

- insight, regret and apology
- previous history
- circumstances leading up to the behaviour
- conduct inside or outside of work duress
- references or testimonials??
- cooperation with the Fitness to Practise process
- isolated incident or a pattern of behaviour
- consequences of the behaviour
- abuse of trust
- concealing wrongdoing

This list shows examples but other factors may be relevant.

Insight, regret and apology

The Panel is responsible for more than simply looking at whether the student has shown any insight or not. They need to assess the quality and nature of the insight. The student may still be deemed unsuitable for the programme of study even if they have shown some insight into what happened.

Examples of insight and regret are:

They have apologised for the conduct (genuine remorse).

The student has demonstrated sufficient insight and has taken appropriate steps to remedy any concerns.

The behaviour in question arose in unique circumstances. While this does not excuse the student's behaviour, this may suggest that the risk of repetition in the future is reduced.

The student has an otherwise positive record, including an absence of any other concerns either

previously or currently.

There is evidence of reflection on the conduct

They have given sufficient assurance that the risk of repetition of the conduct is low

Circumstances leading up to the behaviour

The circumstances leading up to an incident should be carefully examined. Evidence that behaviour has occurred in extreme circumstances that no longer exist may provide some reassurance. However, the risk of extreme circumstances arising in the future will still be relevant to evaluating risk.

These are some examples of factors that may be mitigating.

- The behaviour was spontaneous.
- A lack of experience. Whether a student's experience level is a mitigating factor will depend on the nature of the behaviour. It also depends on whether the behaviour is something that is likely to improve with experience or reveals an underlying issue with the student's values.
- A lack of support such as inadequate clinical supervision may be a mitigating factor. Any failure by the placement area should be considered against the nature of the behaviour and any underlying concern about the student's values. It is also important to remember that students remain personally responsible for their own behaviour.
- Personal circumstances such as work issues, family life or health problems. For these to be mitigating, the student would be expected to show the impact of the issue on their behaviour. The student has the responsibility for establishing this and may provide medical evidence or other evidence. Health can be a mitigating factor but only if in itself it does not impair fitness to practise.

These are some examples of factors that may be aggravating.

- If the behaviour was premeditated (planned) or deliberate
- A failure to raise concerns. Students have a responsibility to raise concerns, particularly where the concern presents a risk of harm to people who use services or if the concern has been present for a long time
- If the student is experienced it is likely to be an aggravating factor, however if they have been exposed to a new area or situation this may need to be taken into account

Conduct inside or outside of practice

- Inside practice
- Most behaviour that is considered will have taken place in practice. Therefore, the fact the behaviour took place in practice is not automatically aggravating. For it to be aggravating, the behaviour needs to be sufficiently serious.
- It is unlikely that the fact that behaviour that took place in practice will be mitigating.

Outside practice

The fact that behaviour took place outside practice will not usually be mitigating.

It is likely that certain behaviour that occurs outside of practice or in a student's personal life is an aggravating factor where the behaviour is so serious as to affect the reputation of the profession. The facts and circumstances of the behaviour need to be carefully considered, as well as where it took place, any underlying issues about the values displayed by the behaviour and how that

relates to the student's role.

Duress

To be mitigating there will need to be evidence that the student was forced, induced or coerced into a particular behaviour.

Cooperation with Fitness to Practise process

Cooperation with the Fitness to Practise process can be a mitigating factor. There will be different levels of cooperation in each case. Cooperation includes:

- providing substantive (full and considered) comments to any allegations
- making early admissions
- engaging in any meaningful way with the process

If a student fails to be open and honest during the investigation or otherwise disrupts an investigation, for example, putting pressure on witnesses not to cooperate, or failing to comply with a Temporary Measure, this is likely to be an aggravating factor.

As a student has a right to deny allegations, it is also possible that a student can cooperate with the process without admitting the allegations.

Previous history

It is a mitigating factor that the student has previous good history, in that there has been:

- No pattern of previous Fitness to Practise referrals
- No previous issues with their behaviour
- No previous Fitness to Practise findings have been made
- It is likely that previous criminal or fitness to practise findings are viewed as aggravating factors.
- Isolated incident or a pattern of behaviour
- Whether the student's behaviour is an isolated incident or part of a pattern of behaviour should be considered.

Generally, if the behaviour was isolated this may be viewed as a mitigating factor. Some isolated behaviours will be so serious that the most severe action needs to be taken.

A pattern of behaviour is likely to be an aggravating factor especially if the same type of behaviour is repeated. A significant pattern of low-level behaviour can also lead to serious action being taken.

Consequences of the behaviour

The consequences of behaviour are relevant. To decide if this factor mitigates or aggravates as well as consider the impact on the victim, including the level of harm and potential harm. If there is evidence the behaviour would not have caused direct or indirect harm then this is likely to be a mitigating factor.

Some cases may involve serious behaviour but cause no harm or risk of harm while other cases may involve less serious behaviour that caused or could cause significant amounts of harm.

Abuse of trust

People who use services, their families, employers and the public trust students to provide an acceptable standard of care to those who use services.

In assessing this factor, the following should be considered:

- whether the behaviour amounts to a fundamental failure to follow the statutory regulations of their Regulator
- the nature and extent of the relationship between the student and the people who were

affected by the behaviour

- the vulnerabilities of any person, or group of people, affected, or potentially affected, by the behaviour

Concealing wrongdoing

If a student has taken steps to conceal their wrongdoing, such as changing records, accessing premises or systems when instructed not to do so, this should be considered an aggravating factor. However, if the student has been under duress or bullied this may have altered their behaviour and should be considered alongside this aspect.

Sanction Decision

Panel recommending sanctions must do so proportionately. Any interference with a student nurse's right to practise in their chosen profession may engage the right to respect for private and family life, which is protected by Article 8 of the European Convention on Human Rights.

Accordingly, any interference with the student's ability to practise must be no more than is necessary to satisfy the public interest, which includes the protection of the public. It must strike a fair balance between the rights of the nurse and the public interest.

When recommending sanctions, the starting point should be the course of action that is least restrictive to the student. If this does not adequately address the public protection and interest concerns, then the panel should move onto the next least restrictive recommendation.

Temporary Measures

Panels need to be cautious that they do not give disproportionate weight to whether or not the student nurse/midwife has previously been the subject of a temporary measure.

Sanctions

The Panel may recommend:

- take no further action
- impose a warning of up to 3 years
- impose condition(s)
- impose a warning and condition(s)
- impose a Suspension from Programme/Suspension of Studies for up to one year
- impose a Suspension from Programme/Suspension of Studies and condition(s)

recommend withdrawal from the Programme (with or without award)

The least restrictive recommendation must be considered first, working upwards until a recommendation is made that adequately addresses the behaviour. Reasons must be given for the recommended sanction as well as why each alternative outcome was not considered appropriate.

Further information about each sanction is below.

No Further Action

Where a student's fitness to practise is impaired, it will usually be necessary to take action to protect the public, in the public interest or in the interests of the student.

The student's level of insight and any remediation (action to correct behaviour) must be taken into consideration when deciding if their fitness to practise is impaired. The seriousness of the behaviour must also be considered here.

Warning

The fitness to practise panel may want to consider the following questions when deciding whether it is appropriate to recommend that a warning be issued:

Is there evidence that the student may pose a danger to patients or the public (including fellow students and staff)? If so, a warning is unlikely to be appropriate.

Has the student behaved unprofessionally?

Has the student shown insight into the behaviour and the impact of the behaviour?

Does the student's behaviour raise concerns, but falls short of indicating that the student is currently not fit to practise (although they may have been in the immediate past)?

Are the concerns sufficiently serious that, if there were a repetition, it would likely result in a finding of impaired fitness to practise? The panel will need to consider the degree to which the concern could affect patient safety and public confidence in the profession and the University.

Conditions

The objectives of any recommended conditions should be made clear so that the student knows what is expected of them. Any recommended conditions should be appropriate, proportionate, workable and measurable, and should set a specific time for review of progress.

Will imposing conditions be sufficient to protect patients and the public interest? Before recommending conditions, the panel should satisfy themselves that:

- the behaviour can be improved by setting conditions as part of an action plan
- the objectives of the conditions are clear
- any future review of the action plan will be able to decide whether the objective has been achieved,
- the additional resources required to supervise the student under conditions are in place or will be made available.

Although this list is not exhaustive, conditions may be appropriate when most or all of the following factors are apparent:

- The student has shown sufficient insight, and there is no evidence that they are inherently incapable of following good practice and professional values
- There is no evidence of harmful, deep-seated personality or attitudinal problems
- There are identifiable areas of the student's practice in need of further assessment or remedial action
- There is potential for remediation to be successful
- The student is willing to respond positively to support and conditions
- The student is willing to be honest and open with patients, colleagues and practice assessors and supervisors if things go wrong
- Patients, colleagues, peers and staff will not be put in danger either directly or indirectly as a result of the conditions
- It is possible to formulate appropriate and practical conditions which can be verified and monitored

Conditions Table

Conditions should normally follow the format set out in the condition's table below. However, panels must always make sure that recommended conditions are suitable for the particular circumstances of the case. Where necessary, the Panel should tailor recommendations to meet those circumstances. Not all of the conditions below may be required, these will depend on the individual case.

Condition (s)	Notes
---------------	-------

You must tell the Centre about any professional investigation started against you and/or any professional disciplinary proceedings taken against you within 7 days of you receiving notice of them.	
You must work with your personal academic tutor, Practice Assessor/Practice Supervisor (or their nominated deputy) to create an Action plan designed to address the concerns about the following areas of your practice: [x]	Panel to list the areas which it has decided to be of concern, or areas in which the student needs development.
You must meet with your personal academic tutor, Practice Assessor/Practice Supervisor (or their nominated deputy) at least every [x] weeks or months] to discuss the standard of your performance and your progress towards achieving the aims set out in your Action plan.	Panel to set out the minimum frequency of meetings and who the student must meet with.
You must forward to the University a copy of your Action Plan within 28 days of the date on which these conditions become effective or 7 days prior to the date on which you start placement, whichever is sooner.	
You must send a report from your personal academic tutor, Practice Assessor/Practice Supervisor (or their nominated deputy) setting out the standard of your performance and your progress towards achieving the aims set out in your Action Plan to the University [every x months].	Panel to set out how often this report will be reviewed and who will review this report.
You must not attend any practice placements until [x] date.	Panel to stipulate length of time student requires to be suspended from placement.
You must not carry out [x] until your personal academic tutor, Practice Assessor/Practice Supervisor (or their nominated deputy) deems you competent to do so.	Panel to specify the particular procedure(s) and assessment of competency.
You must keep a personal development log recording every time you have undertaken [name of procedure], which must be signed by the person who supervised you, and contain that person's comments on how you carried out the procedure(s).	
You must provide a copy of this personal development log, or confirmation that you have not carried out [name of procedure] to the University [every x months].	Panel to state who will receive and review this log.

Before you return to practice placement you must successfully undertake and pass [x] within [x] months of the date on which these conditions become effective, and send a copy of your results to the University within [x] days of you receiving them.	Panel to specify the course. The course must be assessed, not simply completed through attendance. Panel to specify the time periods.
You must write a reflective piece, no greater than [x] words, discussing: <i>'The impact these incidents had on patients, their families, colleagues and the reputation of the nursing profession; What you have learned from these incidents; Steps you have taken to ensure these incidents do not happen again'</i>	The Panel to specify content and length of any reflective piece. The Panel must set a deadline for submission and decide who will review the piece and give the student any feedback they may require.

Suspension from Programme/Suspension of Studies

Does the seriousness of the case require temporary removal from the programme?

Will a period of suspension be sufficient to protect patients and the public interest?

Although this list is not exhaustive, suspension may be an appropriate recommendation when some or all of the following factors are apparent:

- The breach of professional values is serious, but is not fundamentally incompatible with the student continuing on the course. Remediation is possible, but suspension is necessary for patient and/or student safety reasons
- There is potential for remediation while the student is suspended
- The student's judgement may be impaired and there is a risk to patient safety if the student is allowed to continue on the course, even with conditions.
- There is no evidence that the student is inherently incapable of following good practice and professional values.
- The panel is satisfied the student has insight and is not likely to repeat the behaviour.
- There will be appropriate support for the student when returning to the course.
- A single instance of misconduct but where a lesser sanction is not sufficient.
- No evidence of harmful deep-seated personality or attitudinal problems.
- No evidence of repetition of behaviour since the incident.
- The panel is satisfied that the student has insight and does not pose a significant risk of repeating behaviour.
- In cases where the only issue relates to the student's health, there is a risk to patient safety if they were allowed to continue to practise even with conditions.
- In cases where the only issue relates to the student's lack of competence, there is a risk to patient safety if they were allowed to continue to practise even with conditions.

Withdrawal

Is recommending withdrawal from the programme the only sanction which is sufficient to protect the public interest?

Is the seriousness of the case incompatible with future registration (see above for the factors to take into account when considering seriousness)?

Can public confidence in the profession and the University be sustained if the student nurse/midwife is not removed from the programme?

Abuse of position, abuse of trust, or violation of the rights of patients, particularly in relation to vulnerable patients

Serious departure from the relevant professional standards including (but not limited to):

Professional Codes of Conduct

Doing harm to others or behaving in such a way that could foreseeably result in harm to others, particularly patients or other people the student comes into contact with in a professional capacity, either deliberately, recklessly, negligently or through incompetence, particularly where there is a continuing risk to patients. Harm may include physical, emotional and financial harm.

The panel will need to consider the seriousness of the harm in determining its' recommendation

Any serious misconduct of a sexual nature, including involvement in child pornography

Dishonesty, especially where the dishonesty is persistent or covered up, however all of the circumstances of the case must be taken into consideration

Persistent lack of insight into seriousness of actions or consequences

Convictions or cautions involving any of the conduct or behaviour set out above

Reasons

It is important full reasons are given for the recommendations and that these are made are clear to enable the student to understand why a recommendation was made

Appendix 5 Student Response Form

Student Fitness to Practise Response Form

The University would like to understand your position and it would be helpful to us if you would focus your thoughts under the following headings when replying to us. Do not feel obliged to respond to all questions, just those that are relevant.

Please return this form as soon as possible no later than _____ by email to _____.

1. Student Details

a. Name: Insert full name	b. Student ID: Enter your ID Number
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Information we have that relates to the allegation(s):

<To be completed by FtP chair>

.....and, in light of the above, your fitness to practise as a student nurse is impaired by reason of your *misconduct/conviction/health*.

2. Allegations

a. Do you admit any of the allegations?	Yes ☐	No ☐	Partially ☐
---	------------------------------	-----------------------------	------------------------------------

b. Detail which allegations you admit or partially admit below (if any)

Click or tap here to enter text.

c. Please detail below your own view of what happened and any explanation of further information you would like us to know about. Please provide information about all the allegations, including those you do not admit.

Click or tap here to enter text.

3. Misconduct/Conviction/Health

Do you admit misconduct/conviction/health*?	Yes ☐	No ☐
Please detail below any further explanation or information you would like us to know about in relation to misconduct/conviction/health.		
Click or tap here to enter text.		

Only complete part 4 if you have made admissions to the allegations and/or misconduct

4. Insight and Mitigation

If you accept that the allegations, either in full or in part, are correct, what if any insight have you had on your practice or conduct? Your reflections and insights are likely to be important factors when we make our decision. Where relevant, please tell us what you have learned from what happened: how you think you handled the matter referred to above. What would you do differently, if anything? Consider if your actions had an impact on other people and the profession and what that impact was or could have been.
Click or tap here to enter text.

Mitigation

Detail below any particular mitigation you wish the panel to take into account

Click or tap here to enter text.

Other Information

Is there any further information you would like us to take into consideration?

Click or tap here to enter text.

Fitness to Practise Outcomes

It will be a matter for the Head of Centre (or deputy) to decide how your case is dealt with.
For example:

Options

- a. Your case may be considered at a **panel**, where you give evidence and are cross examined by the panel. If you do not agree the facts or misconduct, then this is not a suitable option for you.
- b. This matter can be considered at a **resolving the case by consensus meeting**, where the Head of Department and the Investigating Officer will meet with you and agree a suitable sanction to mark the seriousness of the behaviour. This can only be considered an option if you agree to the facts and misconduct and demonstrate insight into your behaviour as detailed in this form. This may not always be suitable depending on the seriousness of the case.

The information I have provided is true and accurate to the best of my knowledge and belief.

Name: Enter name

Date: Select a date

Appendix 6 Investigation Officer Report

Investigation Report***Student's Full Name & Student ID Number Inserted here***

Introduction	Investigation authorised by: Name and Role
	Investigating Officer: Name and Role
	Date investigation began: Click or tap to enter a date
	Initial Allegations: A summary of the allegations made on the Fitness to Practise referral form
	Background to the investigation: Brief overview of the matter
Process of investigation	The investigation process: Explain how the investigation was authorised

	Evidence collected: List all evidence collected
	Evidence not collected: List all evidence that could not be collected and why
	Persons interviewed: List all people interviewed
	Persons not interviewed: List any witnesses that could not be interviewed and why
	Anonymised statements: If any, explain why and provide details of any enquiries into witness
The investigation findings	Summary of written and physical evidence: name and summarise each document contained, set out how the evidence supported or did not support your findings and why

	Summary of witness evidence: name and summarise each witness statement, quote from statement where relevant, set out how the witness statement supported or did not support your findings and why
	Facts established: detail what the investigation has established
	Facts that could not be established: detail any part of the investigation that was inconclusive
	Mitigating factors: detail if there were any mitigating factors uncovered that are relevant to the investigation
	Other relevant information: detail any other information that is relevant to the matter

Conclusion	Final Allegations:
[if required]	A summary of the allegations resulting from the investigation, these may be the same as the initial allegations, or these may be different depending on the evidence collected
	Recommendation: ☐ No further action required ☐ Informal action required ☐ Refer to Fitness to Practise

	Further details on recommendation: Such as the type of action suggested for example, the matter could be heard at a meeting as allegations were admitted, and if there are any other recommendations related to the matter for example, referral to Occupational Health. The investigator should not recommend a possible sanction
	Investigating Officer: Insert signature here Date: Click or tap to enter a date. This is signed above as an accurate and true account, to the best of my knowledge and belief.
Supporting documents	List all documents collected as part of the investigation and included in this report as appendices

Appendix 7: Investigator Officer Guidance

Investigator Officer Guidance

An investigation is a fact-finding exercise to collect all the relevant information on allegations regarding a student's Fitness to Practise.

The investigating officer will use the **Investigation Report Template**.

The investigating officer must not have had any previous involvement in the issue or concern being investigated.

The investigating officer should gather and document what the issues of the matter are, consider what evidence may be available and relevant, and how it may be collected.

Investigating officers may wish to interview various people. It is helpful for the investigating officer to prepare a list of questions in advance. Questions should usually be open and not leading. A question should not suggest any particular answer and should not convey the investigator's own opinions.

It is important that a record of any meetings are made to include a detailed note of what has been said, to include both the questions asked and the answers provided.

The notes should therefore record:

- the date and venue of the interview
- names of all people present
- an accurate record of the interview (this will not be verbatim)
- any refusal to answer a question
- the start and finish times, and details of any adjournments

Notes should be completed without gaps, to avoid the accusation that gaps have been filled in after the meeting

The notes taken do not need to record every word said but they should accurately capture the key points of any discussion.

The note of interview should be sent to the interviewee for confirmation of accuracy. A confirmatory hard copy signature should be obtained and attached to the record of the interview.

Interviews should be conducted in person, wherever possible, there will be a few occasions, such as when a member of staff has left their post and lives or works in another area, when the only practical method is to conduct the interview by telephone. In this situation a conference call can be arranged to enable the IO to record the interview.

The investigating officer should explain that they have been instructed by the Head of Centre to conduct a fitness to practise investigation because concerns have been raised. The interviewee must be made aware that a note will be taken, that they will be

given a copy of the notes for accuracy confirmation and that a copy of the confirmed notes will be made available to the student concerned and to those considering the case if the matter is referred to a fitness to practise panel. It is suggested that in addition the witness is reminded of not only the need to maintain confidentiality in respect of the matter but also not to discuss their evidence with others who may also be witnesses. There may be obvious exceptions (where such dialogue is integral to the interviewee's professional educational duties) but generally confidentiality within the process is important.

Witnesses cannot, other than in very exceptional circumstances, remain anonymous. An integral feature of fairness and natural justice is that someone accused of doing something wrong must know:

- (i) the identity of the person making the accusation.
- (ii) the details of the accusation.

Prospective complainants must be aware that for this reason it is very difficult to act upon anonymous complaints.

Generally, the witness will know something of the background, but if this is not the case this should be recorded. It may or may not be necessary to briefly explain the background. The investigator must not contaminate the interviewee's evidence by saying what other witnesses have said, and care should be taken to avoid giving information to a witness that might influence their own evidence.

It is helpful to obtain basic information about the witness, such as:

- Name and Job Title
- Length of time they have been in post and brief professional history
- Dates and/or times when incident(s) took place, period of contact with the student, and information about that contact
- Relationship with student to include information on whether they know the student under investigation socially, in order that potential conflicts of interest are identified at the outset and to avoid potential embarrassment to both witness and student.
- Details of the witness's experience and contact with the student, with dates and contemporaneous records or other documentation such as emails sent to, or received from, the student, where possible.
- Where possible, obtain specific examples of problems or behaviours seen/experienced by witness, with an explanation of why the behaviour was a problem and obtain information about what feedback, advice or warnings were given to the student.

Investigation Planning

Identify possible parties relevant to the investigation.

Decide the order evidence should be collected - an investigator should also consider interviewing the student under investigation at an early stage. Doing this can help to establish what facts are disputed and allow an investigator to focus the rest of the investigation on these areas. Also, if they admit the allegations against them are correct it might remove the need to investigate the matter as fully as planned

The interview process

Before the meeting takes place an investigator should	establish how the interviewee may be able to help with the investigation and plan initial questions accordingly book an appropriate time and place for the meeting write to the interviewee inviting them to the meeting and detail any rights of accompaniment
At the start of the meeting an investigator should explain	who is present and why the role of the investigator the purpose of the meeting the need for confidentiality during the investigation that the interviewee's witness statement may be used in an investigation report who will see the interviewee's witness statement
During the meeting an investigator should	ask questions to gather the facts of the matter probe the interviewee without it being in an adversarial manner record responses and any refusal to respond seek evidence that may substantiate the information provided
At the end of the meeting an investigator should	check if there is anything else the interviewee thinks is important before ending the interview ask if there are other

	witnesses that they think should be interviewed and why explain that they may need to be interviewed again explain that the interviewee will be provided shortly with a copy of their witness statement for them to check and confirm that it is accurate
After the meeting an investigator should	provide the interviewee with a copy of their statement and seek agreement that it is accurate consider what the important facts from the meeting were and whether evidence already collected supports or contradicts these consider whether the meeting suggested any further evidence needs to be collected or interviews arranged

Questioning Approaches

Open questions: Encourage an interviewee to open up. They can provide a rich source of information that an investigator can then go on to explore in more detail.	For example: Explain to me exactly what you saw... Describe exactly what happened... Talk me through what you heard...
Closed / specific questions: Usually give a Yes, No or definite answer.	They can be helpful to gather specific facts and can help focus an overly talkative interviewee. For example: What time did you leave your placement? How many times did that happen? Did you speak to your Practice Assessor/Practice Supervisor about that? Who else was there?
Probing questions: Can test the strength of an interviewee's account and challenge any inconsistencies. However, it is important to phrase these questions, so they are inquisitive rather than interrogative.	For example: When you say she was aggressive what exactly do you mean by aggressive? You mentioned earlier that X... tell me more about that.
Feelings questions: Can help to focus an interviewee on what is important to them and reveal their beliefs. However, they should be used sparingly as the meeting is mainly to establish the facts of a matter.	For example: What was important to you about that? What is your main concern about what happened?

Asking “What else?”: Helps an investigator to probe deeper beyond the initial information provided. However, care needs to be taken to ask this sensitively.	For example: What else can you tell me about what happened? What else do I need to know about the matter?
Summaries: Provide an opportunity to check that the correct information is recorded. They also allow the interviewee to reflect on what they have said, to correct any inaccuracies and to give further details where there are gaps.	For example: So can I clarify that what you are telling me is that you left your placement at 10am because there was a problem at home and you did not return to work. Have I got that right?

Investigation Report

An investigator should endeavour to reach conclusions about what did or did not happen, even when evidence is contested or contradictory. In these circumstances, an investigator will need to decide whether, on the balance of probabilities, they could justifiably prefer one version of the matter over another and explain why.

An investigation report should include...	
Introduction	name and job title of the person who authorised the investigation name and job title of the person who conducted the investigation a brief overview of the circumstances that led to the investigation the terms of reference of the investigation and if they were amended
Process of the investigation	how the investigation was conducted what evidence was collected whether any pieces of evidence could not be names and job titles of all witnesses and why each witness was relevant to the matter whether any witnesses could not be interviewed and why where a witness statement has been anonymised explain why and provide any details of enquiry into their character and background

The investigation findings	summarise the findings from all relevant documents summarise the key evidence from each witness statement what facts have been established what facts have not been established whether there are any mitigating factors to consider whether there is any other relevant information to consider
Conclusion of report (if required)	recommendations based on all evidence collected any other recommendations related to the matter
Supporting documents	copies of all documents and witness statements collected and referred to in the report should be included and clearly referenced

Recommendations

In considering the presentation of evidence, the investigator may consider the following questions:

- a. Has the student's behaviour harmed patients (including colleagues and staff) or put them at risk of harm?
- b. Has the student shown a deliberate or reckless disregard of professional and clinical responsibilities towards patients or colleagues?
- c. Has the student abused a patient's trust or violated a patient's autonomy or other fundamental rights?
- d. Has the student shown a deliberate and reckless disregard to the processes for the delivery of nursing care or put the reputation of the profession and/or educational institution at risk?
- e. Has the student behaved dishonestly, fraudulently, or in a way designed to mislead or harm others?
- f. Is the student's health or disability, or their management of this, compromising patient safety?

If the answer to any of the questions above is 'yes', it would normally be appropriate to present this evidence to a fitness to practise panel.

The investigator may also consider the following questions:

b. Has the student shown insight into the behaviour? When did the student show insight into the behaviour? Has the student considered appropriate actions or developmental behaviour to address the issues raised?

c. Are there mitigating circumstances that contributed to the fitness to practise issue, and which have been recognised? Has the possibility been considered that a reasonable adjustment may be required? Have steps been taken to seek additional support in these circumstances?

The IO may determine that there is insufficient evidence to call into question the student's fitness to practise. In these circumstances, it may be felt that additional measures are required to ensure the student is able to address the issues that prompted the investigation, and the student and all relevant teaching staff will need to be informed of these. It is important to ensure that all serious matters reaching the threshold of student fitness to practise are considered through the fitness to practise procedures, in the light of the implications for patient safety.

Further information on conducting an investigation can be found at

http://www.acas.org.uk/media/pdf/e/h/Conducting_Workplace_Investigations_Feb_191.pdf

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Appendix 8 Recommendation from Fit to Practise Panel

Fitness to Practise Outcome

Student's Full Name	Click or tap here to enter text.	
Student ID	Click or tap here to enter text.	
Fitness to Practise Panel Date	Click or tap to enter a date.	
Was the student present for the Panel?	Yes ☐	No ☐
If No - Detail the reasons below why the Panel proceeded in the absence of the student		
Click or tap here to enter text.		
Representative or Supporter Name (If applicable)	Click or tap here to enter text.	

Panel Members

	Name	Job Title
CRHS Chair	Click or tap here to enter text.	Click or tap here to enter text.
Practice Representative	Click or tap here to enter text.	Click or tap here to enter text.
Lay Member	Click or tap here to enter text.	Click or tap here to enter text.

Others Present

Administrator to the Panel	Click or tap here to enter text.	Click or tap here to enter text.
Investigating Officer	Click or tap here to enter text.	Click or tap here to enter text.

Witness Name <i>(add more rows if required)</i>	Click or tap here to enter text.	Click or tap here to enter text.
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Recommendation

The Panel have carefully considered all of the evidence in this case and recommend the most appropriate and proportionate sanction is: Choose the sanction	
Length of time (if applicable)	Length of time

Reasons for Recommendation

Background
<i>Copy from investigation report</i>

List of Allegations
<i>Copy from letter to student</i>

Facts found proved
<i>Insert reasons for finding facts proved or not proved, with short reasons under each allegation, including any conflicts within the evidence and how these were resolved</i>

Misconduct		
Found proved	Yes ☐	No ☐
<i>Insert reasons for finding misconduct proved or not proved. If proved, relevant breaches of the professional Code must be highlighted here</i>		

Recommended Sanction	Choose the sanction
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Length of time (if applicable)	Length of time
Reasons	
Insert reasons for sanction decision, - including mitigating and aggravating factors, proportionality, insight and risk	

Signed Enter name here (Fitness to Practise Chair)

Date Enter a date

Signed Enter name here (Head of Centre)

Date Enter a date

Appendix 9 Policy on Referral to Disclosure Scotland

Policy Statement

Introduction

1. As a provider of “regulated work”, as defined by Schedules 2 and 3 of the Protection of Vulnerable Groups (Scotland) Act 2007, the University of the Highlands and Islands are legally obliged in certain circumstances (known as referral grounds) to submit referrals on individuals to Disclosure Scotland. The legal requirement to refer is contained with section 9 of the Protection of Vulnerable Groups (Scotland) Act 2007.
2. The obligation to refer to Disclosure Scotland exists irrespective of involvement of other agencies – e.g. police, regulatory bodies, local authorities etc.

Types of conduct

3. The obligation to refer arises when an individual in a “regulated work” role (i.e. the position is eligible for a PVG check) is responsible for one of the following:
 - harming a child or protected adult
 - placing a child or protected adult at risk of harm
 - inappropriate behaviour involving pornography
 - inappropriate behaviour of a sexual nature involving a child or protected adult
 - giving inappropriate medical treatment to a child or protected adult

Harm

4. “Harm” can include:
 - physical harm (including assault or inappropriate restraints);
 - psychological/emotional harm (for example, placing a child/protected adults in a state of fear, alarm or distress) ;
 - “damage to property, rights or interests”, such as theft, fraud, embezzlement or extortion
 - attempts to harm
 - trying to make others cause harm
 - encouraging someone to self harm
5. Placing at “risk of harm” is a wide ranging category but may include behaviour or incompetence that may cause someone to be harmed (even if unintentional and/or where harm does not actually occur)
6. The above list of types of conduct is not exhaustive
7. The conduct does not need to have happened in the workplace but must be something the organisation becomes aware of that subsequently leads to the action as below or equivalent.

When to refer to Disclosure Scotland

8. A referral to Disclosure Scotland outlining the conduct need only be done if the behaviour meant that the student involved:

- Was removed from the programme as a result

9. The referral must be made within three months of the date of decision of the University of the Highlands and Islands to either dismiss/permanently remove the individual from “regulated work” or the date that the individual would have been permanently removed.

10. The three-month period to submit referrals to Disclosure Scotland is a statutory requirement, irrespective of any associated dismissal appeals or appeal periods. Even when an individual appeals against a decision to permanently remove from regulated work, the three-month period begins on the date of the decision to either dismiss or permanently remove from regulated work.

11. The type of conduct committed by the individual must be in relation to the group that the individual is in regulated work with, whether that regulated work is for University of the Highlands and Islands or another organisation – for example, if an individual is permanently removed from the programme due to assaulting a child, but they are only in regulated work with protected adults, it is not possible under current legislation for the organisation to refer that individual to Disclosure Scotland.

How to refer an individual to Disclosure Scotland

12. An employer referral form is available on the Disclosure Scotland website, which asks for the information on the individual’s identity, type of “regulated work” involved in for University of the Highlands and Islands, PVG Scheme number, information on the harmful behaviour and details (with documentation) relevant to the investigation carried out by University of the Highlands and Islands – and the outcome.

13. The referral should not identify any children or protected adults by name (for example, victims and witnesses) and should use a coded reference (e.g. child A, age 12). The completed referral form and documentation can be submitted via e-mail to pucorrespondence@disclosurescotland.gsi.gov.uk or can be printed out and posted to the address provided in the form.

Contacts

14. More information on this can be found on the Disclosure Scotland website (<https://www.mygov.scot/disclosure-types/>) or by contacting Disclosure Scotland on 0300 0200 040 or via info@disclosurescotland.gsi.gov.uk.

15. The form recommended for completion to submit a referral can be found at <https://www.mygov.scot/pvg-referrals/>

The Protection Unit or Customer Engagement Team at Disclosure Scotland are available to provide advice on whether a specific situation means a referral must be submitted to Disclosure Scotland

Appendix 10 Fitness to Practice Process

