



Abertay University

FITNESS TO PRACTISE POLICY FOR APPLICANTS TO THE BSC (HONS) MENTAL HEALTH NURSING, STUDENT NURSES AND REGISTRANTS STUDYING AT ABERTAY UNIVERSITY

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INTRODUCTION

1. This policy applies to applicants and students registered on a nurse preparation programme of study or a Registered Nurse undertaking a study programme within the Abertay portfolio. The University, in conjunction with other professional bodies, has a duty of care to ensure that the applicant/student is fit to practise in their chosen profession.
2. Being fit to practise means having the skills, knowledge, good character, and good health to do the job safely and effectively to the level required at a particular stage of their educational programme (including at the point of admission).
3. Behaviour considered under this policy includes that which:
 - Breaches the NMC requirement that registered and prospective nurses be of 'good health and good character'.
 - Poses a threat to the reputation of the profession.
 - Represents an ongoing behavioural concern.
 - Contravenes health and safety regulations or presents a potential risk to others.
4. This Policy sets out the way in which cases involving professional issues, which affect competence, conduct and fitness to practise will be dealt with by the University.
5. All students are expected to abide by the University's **Code of Student Discipline: Non-Academic Misconduct** and **Code of Student Discipline: Academic Misconduct**, as well as the **Bullying & Harassment Guidelines** and **Fitness to Study** policy.

Scope of Policy

6. This Policy applies to all applicants and students on the Nursing & Midwifery Council (NMC) accredited pre-registration nurse programme and to any Registered Nurse undertaking a programme of study from the Abertay portfolio. The Programme Leader

for the pre-registration nursing programme will ensure that students are aware of the NMC Code via the student programme handbook and other means of communication. The Code can also be accessed via the [NMC website](#). Registered Nurses will already be fully aware of the Code as registration requires them to work in accordance with it.

Concerns, Complaints and Referrals

7. The University has a responsibility to determine suitability for entry and to investigate complaints or allegations made about students enrolled on any programme. If a programme has an associated professional accreditation e.g., BSc (Hons) Mental Health Nursing then guidance produced by the professional body should be referred to when assessing suitability for entry or conducting a complaint investigation. This Fitness to Practise Policy shall apply to any complaints, allegations, or information, from whatever source, which relates to the following matters (note: this list is not exhaustive):
 - **Behaviour** that could put the student or others at risk.
 - **Conduct** that is incompatible with the desired characteristics of a professional practitioner, ranging from minor misdemeanours to serious misconduct.
 - **Conduct** which is considered to be 'misconduct' under the University's Code(s) of Student Discipline.
 - **Any criminal charges or convictions.**
 - **Competence issues** including a lack of capability, attendance, or engagement, which could prevent the student from performing their chosen profession safely and effectively.

The above applies even where the conduct or behaviour may not be related to the work of the University, may not have taken place on University property, and may not have impacted directly on other members of the University.

Code(s) of Student Discipline

8. The **Code(s) of Student Discipline** apply to all students. Students in breach of the Code(s) of Student Discipline will be subject to the **Disciplinary procedure** and, where relevant, may be referred to the **Fitness to Practise procedure**.

Communication with professional and regulatory bodies

9. The outcome of Fitness to Practise proceedings may be reported to the Nursing & Midwifery Council if deemed appropriate, for example in those cases involving a Registered Nurse. Such referrals will be made using the documentation which can be

found on the [NMC website](#). Making such a referral will not prevent the University from dealing with the matter under this procedure. Where a pre-registration student is withdrawn from the programme as a result of a fitness to practice issue, the reason for the withdrawal will be communicated by Registry to National Health Service Education Scotland (NES) using the standard mechanism for reporting student withdrawals.

Suspension from studies or practise in cases of urgency

10. In cases of urgency, the Principal, the Vice-Principal, or the University Secretary shall have the power to take immediate action to suspend or exclude a student temporarily from the University. These powers will only be used if it is believed that such action is necessary to protect members of the University community, service users or members of the public in general.
11. During any period of suspension or exclusion, all reasonable efforts will be taken to minimise any academic disadvantage to the student (e.g., provision of lecture notes, sitting exams away from the main examination locations etc.). Suspension pending a hearing is not a penalty.
12. Only the Principal, the Vice-Principal or the University Secretary shall have the power to impose a suspension or exclusion.

PROCEDURE FOR APPLICANTS

13. The university's Admissions Team will notify the Chair of the Fitness to Practise Panel of any applicants declaring Criminal Convictions. The Chair will apply [NHS Scotland's Risk Scoring Assessment for Disclosure Purposes](#). Any applicant who scores as medium to high risk using this framework will have their application, and any contextual evidence gathered by the Chair, referred to the Fitness to Practice panel for further consideration.
14. The outcomes the Panel can reach in relation to an applicant are: -
 - (i) A judgement that the risk is sufficiently controlled to allow the applicant to progress to the next stage of the application process.
 - (ii) To reject the application on the basis that the risk remains too high to be considered for admission to a nursing programme.
15. The Fitness to Practise Panel will communicate its decision to the university's Admissions Team in writing normally within five working days of the date of the Panel meeting. The Admissions Team will then communicate the decision to the applicant via the applicant's portal.

PROCEDURE FOR STUDENTS – STAGE 1

Investigation

16. Complaints or allegations (of the type set out in section 2.2 of this Procedure) about students enrolled on Mental Health Nursing programmes should be brought to the attention of the Programme Leader and Head of Division to determine whether a Fitness to Practise investigation is required. In cases involving pre-registration students, the Head of Division will undertake to keep informed the registrant with responsibility for signing the declaration of good health and good character, which is required in order for a student to apply for registration with the NMC.

The initial outcomes are:

1. No further action or remedial action required
The Programme Leader and Head of Division may agree that the matter can be dealt with informally or under an alternative procedure and does not merit further investigation.
2. Further investigation required
Where it is agreed that further investigation is required, the Programme Leader or Head of Division will inform the student of this in writing and invite them to attend a **Stage 1 meeting**.

STAGE 1 meeting – notification and procedure

17. The **Stage 1** meeting should be scheduled as soon as practicable following the initial investigation, and normally not more than ten working days since the matter was first identified.
18. An invitation to the Stage 1 meeting should be sent by email to the student and should include:
 - The **nature of the concern**.
 - The **date, time, and location** of the meeting (note: the student should normally be given at least five working days' notice of this meeting).
 - The **meeting attendees**. Normally the meeting will be chaired by the Head of Division or Programme Leader and observed by another member of University staff.
 - Confirmation of the **student's right to be accompanied** at this meeting by another member of the University community i.e., a fellow student, a member of staff or a member of the Students' Association.
 - A copy of this **Procedure**.
19. Students with additional support requirements should arrange additional

assistance for the meeting (i.e., a signer if they have a hearing impairment).

20. If the proposed date or time of the meeting are not suitable for the student or their companion, the re-arranged meeting will take place no later than 5 working days after the original date. Failure to attend by the student, without advance notification, will not prevent the Panel from considering the matter and reaching a decision.

Bypassing Stage 1

21. Matters which concern repeat professional issues, or are sufficiently serious, may be referred directly to Stage 2 of this Procedure. This approach may be taken where, for example:
- a) A student has previously had a sanction imposed at Stage 1 of this procedure and a further referral is made for a similar repeat professional issue.
 - b) The concern raised is considered by an NMC registrant to be sufficiently serious and limited in ambiguity that immediate action should be taken.
 - c) In circumstances where a concern has been raised by a member of the public which is deemed to be sufficiently serious and limited in ambiguity that immediate action should be taken.

Stage 1 Conduct of meeting and potential outcomes

22. At the Stage 1 meeting, the Programme Leader/Head of Division shall set out the nature of the allegation complaint or information. The student should be made aware of the potential outcomes of the meeting. These are:
- (1) That no further action or remedial action may be taken.
 - (2) That one or both of the following sanctions may be imposed.
 - A period of close monitoring of the student's performance and/or conduct.
 - A formal reprimand to remain on the student's record for the duration of their study.
 - (3) That the case may be referred to Stage 2 of this Procedure.

PROCEDURE – STAGE 2 (INCLUDING IMMEDIATE REFERRAL TO STAGE 2 MEETING)

23. The Stage 2 Meeting will normally be convened as soon as reasonably practicable after completion of Stage 1 of this Procedure.
24. The Stage 2 letter should include:

- The **nature of the concern** and any information established during Stage 1.
 - The **date, time, and location** of this meeting (note: the student should normally be given at least five working days' notice of this meeting).
 - The **members of the Fitness to Practise Panel** and other Stage 2 meeting attendees (see below).
 - Confirmation of the **student's right to be accompanied** at this meeting by another member of the University community i.e., a fellow student, a member of staff or a member of the Students' Association.
 - The **student's right to provide a written or oral statement** at the meeting.
 - The student's **right to review documents in advance** of the meeting.
 - The student's **right to submit documents in advance** of the meeting.
 - The University's and the student's right to **call and question witnesses**;¹
 - **How the meeting will be conducted** – case laid out, questioning of witnesses, consideration of evidence, deliberations in private.
 - The **potential outcomes** of the Stage 2 meeting.
 - A copy of this **Procedure**.
25. Students with additional support requirements should arrange appropriate assistance for the meeting (i.e., a signer if they have a hearing impairment).
26. If the proposed date or time of the meeting are not suitable for the student or their companion, the re-arranged meeting will take place no later than 5 working days after the original date. Failure to attend by the student, without advance notification, will not prevent the Panel from considering the matter and reaching a decision.

Fitness to Practise Panel composition

27. The Panel will normally comprise:

- The Dean of School (Chair).
- A senior member of the School who is a Registered Nurse.
- A member of University staff, usually independent of the School and not directly connected to the student who has experience of professionally accredited programmes.
- A representative from professional practice who is a registered nurse and who has experience of Fitness to Practice issues at a strategic level.
- An elected member of the students Student Association with appropriate training².

¹ To ensure sufficient time is allocated, students must inform the Chair in writing at least one week in advance of the meeting of the Panel if they intend to call witnesses. Witnesses will not be provided with a set of papers as their role is to provide relevant evidence to the panel and not to question those in attendance or provide a character reference for the student.

² Training will be provided by the School of Applied Sciences.

- The Panel may co-opt an individual with experience of a Fitness to Practise Panel at another higher education institution if necessary and practicable.
- 28. Members of staff who (a) have been involved at Stage 1 or (b) reported the allegation, complaint or information being considered, cannot sit on the Panel at Stage 2, but may be called as witnesses.
- 29. A member of Academic Services will be in attendance to record the decision of the Panel.

Outcomes of Stage 2

- 30. The Panel must decide the following:
 - (1) Based on the evidence provided, has the allegation or complaint been proven on the balance of probabilities; and
 - (2) Whether the facts prove and call into question the student's fitness to practise by reference to the NMC Code.
- 31. The Committee may impose one or more of the following sanctions:
 - Close monitoring of the student's performance and conduct.
 - A written or oral reprimand.
 - Suspension of matriculated student status for a period.
 - Suspension of access to University facilities, such as IT and Library services.
 - Exclusion for a period not exceeding one academic year.
 - A recommendation is made to the Student Progression Panel that the student is unable to progress to the next stage and instead is required to re-enrol,
 - Recommendation to withdraw the student from their programme of study³
 - Recommendation that the student be expelled from the University.
- 32. The purpose of the outcomes is to protect the student and others. The Panel will work through the different outcomes from the least to the most severe (as set out above). The Panel will only consider a harsher outcome if they are satisfied that the less harsh warning or sanction is not sufficiently strong to protect the public.
- 33. In making the decision on whether a warning or a sanction should be made, the Panel will ensure that it is proportionate to the concern and that it is likely to effectively address the concern that has been raised.
- 34. When a sanction is agreed, the Chair should advise the Dean of Teaching and Learning, as the Chair of the Programme Assessment Board. Only the Principal, Vice-Principal or

³ In cases of this type the panel may choose to refer the student to the School Academic Advisor in order to discuss the possibility of transfer to another suitable programme

University Secretary shall have the power to impose a suspension or exclusion.

35. The terms 'suspension', 'exclusion' and 'expulsion' are defined in Appendix A.
36. In cases where the outcome of the Fitness to Practise Panel results in a suspension/exclusion/recommendation to withdraw, the procedure for considering a return to study should be made clear to the student by the Director of Student and Academic Services at the time of his/her interruption (noting that the Chair of the Fitness to Practice Committee may need to be consulted in relation to any requisite professional expectations).

Recording and communication of decisions

37. The Fitness to Practise Panel will communicate its decision to the student in writing normally within five working days of the date of the Panel meeting. The notice confirming the decision will give details of the right of appeal. A copy of the report will be retained in the student record. Where appropriate and in all cases involving pre-registration students, the outcome of investigations will be reported to the registrant with responsibility for signing the declaration of good health and good character which is required in order for a student to apply for NMC registration.

Right to appeal

38. The student may appeal against the decision of a Fitness to Practise Panel, but only if there are valid *grounds to appeal*. The only valid grounds for appeal are:
 - a) Procedural irregularity; or
 - b) Evidence of bias or prejudice; or
 - c) Substantive new evidence which has become available, and which was not presented to the original Panel for good reason.
39. An appeal against a decision of a Fitness to Practise Panel must be made in writing to Academic Services, clearly stating the grounds of appeal, not more than 10 working days after the date on the Panel's decision letter. The appellant should also make explicit whether they are appealing the finding of the Panel, the sanction imposed or both the finding and the sanction.
40. On receipt of the appeal, the Director of Academic Services will review the case to determine whether there are grounds for the appeal to proceed.
41. If the appeal is deemed not to contain grounds to proceed, the student will be advised of this **normally** within five working days of receipt of the appeal. The student will be informed of the right to seek an independent review of the University's decision by the Scottish Public Services Ombudsman.

42. If the Director of Academic Services considers that the appeal should proceed, the matter will be referred to an Appeal Panel. In order to ensure that professional issues are taken into account, while also ensuring fairness when reaching a conclusion, the Panel must include one member from another HEI who has strategic experience of Fitness to Practise.
43. The composition of the appeal panel will be individuals who were not involved in the first Panel:
 - An appropriate delegate for the Dean of School (Chair).
 - A senior member of the School who is a Registered Nurse.
 - A member of University staff, usually independent of the School and not directly connected to the student who has experience of professionally accredited programmes.
 - A representative from professional practice who is a Registered Nurse and who has experience of Fitness to Practice issues at a strategic level.
44. An elected member of the Student Association with appropriate training.⁴A co-opted individual with experience of a Fitness to Practise Panel at another higher education institution. Where an appeal is upheld, the Appeal Panel can remove the sanction and/or refer the matter back to the Fitness to Practise Panel with recommendations for the matter to be reviewed. If the appeal is rejected, the Appeal Panel will review the level of penalty imposed and may confirm it, reduce it, or increase it. The decision will also be communicated to the School and to Registry, in order to be lodged in the student's record.
45. The decision of the Appeal Panel is final and concludes the University's internal procedures.
46. A student who remains dissatisfied with the outcome of the University's internal processes may seek an independent review of the University's decision by the Scottish Public Services Ombudsman.

⁴ Training will be provided by the School of Applied Sciences.

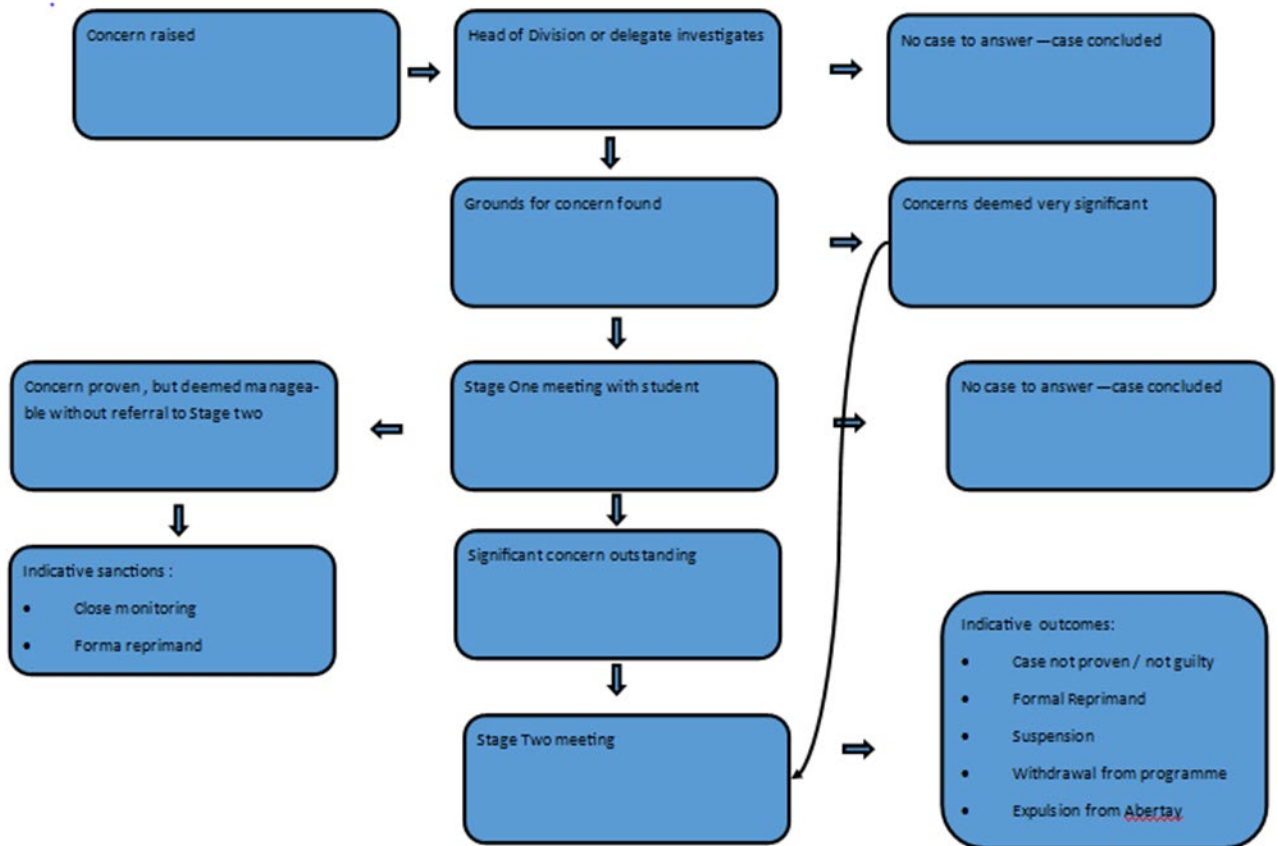
APPENDIX A - DEFINITION OF EXPULSION, SUSPENSION OR EXCLUSION

Expulsion is the permanent termination of matriculated student status involving a total prohibition on attendance at or access to the University and on any participation in University activities. A student who has been expelled will not normally be eligible for re-admittance to the University.

Suspension of matriculated student status involves a temporary total prohibition on attendance at or access to the University and on any participation in University activities; but it may be subject to qualification, such as permission to attend for the purpose of an examination. Suspension should be used only where exclusion from specified activities or facilities is considered to be inadequate.

Exclusion involves selective restriction on attendance at or access to the University or prohibition on exercising the functions or duties of any office or committee membership in the University or Students' Association. It may also extend to restriction on access to other places such as hospital wards or school premises (where access to such places is integral to the student's programme of study or professional training). The exact details of such exclusion must be specified in writing and elements of it may be temporary or permanent. An order of expulsion, suspension or exclusion may include a requirement that the student have no contact of any kind with a named person or persons.

Appendix B Fitness to Practice Flowchart for enrolled students



Version Control Table

Version No.	Purpose/Changes	Author	Date
2.2	Update to include section on Applicants	A. Cameron	17.2.22