

Student Fitness to Practise Regulations for BSc (Human Sciences)/MSc Chiropractic and MChiro (Hons) students enrolled on programmes leading to AECC awards

1. Scope and purpose

- 1.1 This policy and its procedures are for the use of AECC staff, and students enrolled on the BSc (HS)/MSc (Chiro) and MChiro programmes leading to AECC awards. Chiropractic students enrolled on Bournemouth University awards should refer to the document AECC Student Fitness to Practise Regulations for BSc/MSc and MChiro Students programme available via the Virtual Learning Environment.
- 1.2 Students enrolled upon the College's Taught Postgraduate Programmes (whether leading to AECC or Bournemouth University awards) as established Health Practitioners would normally be subject to the Fitness to Practise regulations of their relevant Professional Bodies, where applicable and not to these Regulations.
- 1.3 The Student Agreement and the policies and procedures described within it outline expectations and responsibilities for students, and for staff when dealing with students, and provides the framework for the students' learning experience.
- 1.4 This policy and its procedures are for use in matters relating to current students' health, conduct and/or performance which may impact adversely upon their fitness for professional practice.
- 1.5 This policy and its procedures are not intended to consider issues that have arisen prior to admission. Consideration of fitness to practise issues within the admissions process is embodied in DBS screening and/or police checking.
- 1.6 This policy and its procedures are not intended to deal with issues of practice competence which will be managed under the College's assessment procedures. However, concerns about competence may be raised as a part of a fitness to practise procedure and may be considered if they are relevant to the allegations or evidence.
- 1.7 Students who have been found to have committed an academic offence, which may have implications in respect of fitness to practise, may be referred for consideration under this Procedure.
- 1.8 The Fitness to Practise Procedure is an internal procedure and is not a legal process. AECC does not normally use legal professionals in the handling of cases, and it is not expected that students will do so either. As such the engagement of legal professionals by students in relation to Fitness to Practise is not normally permitted, and would be allowed only in exceptional circumstances, in discussion with the Academic Registrar and the Chair of the Fitness to Practise Panel.
- 1.9 The intention of this Procedure is to provide a framework to consider:
 - a) Allegations or evidence of failure by students to maintain standards appropriate to professional practice for health reasons;
and/or
 - b) Allegations or evidence of conduct and/or performance by students leading to a failure to maintain standards appropriate to professional practice.

- 1.10 Failure to maintain appropriate standards may fall into one of the categories listed in paragraph 4.3 of this policy. The College's obligations with respect to the Prevent Duty are implicit to its Fitness to Practise regulations.
- 1.11 This Procedure takes into account and is informed by the requirements of the Standards of Conduct Performance and Ethics set by the General Chiropractic Council (GCC) of the United Kingdom.
- 1.12 The College has a statutory duty to inform the GCC about any sanctions that have been imposed on a student by a Fitness to Practise panel at any level in the institution.
- 1.13 The GCC is responsible for decisions on registration, including any issues that might call an individual's fitness to practise into question. When applying for registration with the GCC an applicant should declare any sanctions imposed upon them, when a student, in relation to fitness to practise. Failure to do so may place their registration with the GCC at risk.
- 1.14 The GCC's standards of Fitness to Practise for Students can be found on the following link: <http://www.gcc-uk.org/UserFiles/Docs/GuidanceforStudents.pdf>
- 1.15 The College is committed to the fair and equal treatment of all individuals regardless of gender, age, disability, colour, race, ethnic or national origin, socio- economic group, sexual orientation, marital status, family responsibilities, religious or political beliefs. The College will seek to ensure that the consideration of matters under these procedures is conducted transparently and in a way which is fair to all parties concerned. All cases will be considered in accordance with the Dignity Diversity and Equality Policy. Where a student or staff member working with this policy has specific protected characteristics under the Equality Act 2010, all endeavours will be made to ensure that information is available in appropriate formats and reasonable adjustments are made to the proceedings and facilities to accommodate their needs.

2. Key responsibilities

- 2.1 Responsibility for the management and implementation of this policy and its procedures lies with the Academic Registrar.
- 2.2 The Academic Registrar provides advice and co-ordinates the initial investigative and subsequent formal hearing stages of the Fitness to Practise procedure at AECC.
- 2.3 The Executive Director of Administration is responsible for the initial review.
- 2.4 The Vice Principal Undergraduate Studies and Quality is responsible for communicating suspensions to students.
- 2.5 The Programme Leader leads the investigation stage.
- 2.6 The College's Appeals Panel for Student Fitness to Practise is chaired by the Principal.
- 2.7 Under these regulations and the associated procedures any College role or officeholder or officer of the Student Union may act through her or his appointed nominee.
- 2.8 Academic Development and Quality Committee considers the effectiveness of the arrangements for student fitness to practise and recommends changes to current policy to Academic Board via the Academic Audit Committee (AAC).

- 2.9 Academic Board approves new policies or amendments to existing policies relating to student fitness to practise.
- 2.10 Where members of the Student Union have a role as a panel member in any proceedings under this policy their role is to serve as a full member of the panel in determining the matter under consideration and not to act as an advocate for the student.

3. Introduction

- 3.1 Chiropractic students represent the future chiropractic profession. While they are not yet bound by the full set of professional responsibilities imposed on practising chiropractors, nevertheless, it is important that issues that may affect their fitness to practise are addressed by the College in a fair and transparent manner. This document outlines the policy and mechanisms by which those concerns affecting a student's fitness to practise may be processed in a prompt, fair and equitable manner.
- 3.2 The College and General Chiropractic Council expect students to demonstrate and adhere to certain personal attributes that should be espoused by any clinical practitioner. They include:
- Honesty
 - Integrity
 - Reliability
 - Tolerance
 - Conscientiousness
 - Recognition of personal limitations
 - Respect for patients and colleagues.
- 3.3 The intention of this policy and its associated Disciplinary and Academic Offences Procedures is to establish remedial and/or support mechanisms to enable the student to remain in the BSc (Human Sciences)/MSc Chiropractic or MChiro programmes wherever possible, where the proposed remedial or support action or activity does not place patients, the public, the student, the College, or the Chiropractic Profession at risk from undergraduate activity.
- 3.4 Following the College's offer of a place on the BSc (Human Sciences)/MSc Chiropractic or MChiro programmes, and for the duration of their registration with the College, students will be expected to indicate to the College authorities if they are aware of any issues that may affect their ability to study and/or practise chiropractic. The General Chiropractic Council of the UK (GCC) has issued appropriate guidelines, which may be accessed at the following link:
- http://www.gcc-uk.org/files/link_file/GuidanceforStudents.pdf
- 3.5 It is hoped that, in the majority of cases, issues concerning a student's potential fitness to practise may be resolved with the student's co-operation at an early and preferably informal stage.

4. Fitness to Practise policy and its extent

- 4.1 These regulations have been drafted to align in principle to the GCC Code (<https://www.gcc-uk.org/good-practice/>).

Furthermore, the College shall pay due regard to specific guidelines on Fitness to Practise issues as published from time to time by the Professional Standards Authority UK (PSA) and/or the General Chiropractic Council (GCC).

Additionally, the College shall take heed of its obligations under the Equality Act (2010) as amended from time to time, notwithstanding the requirement for students to demonstrate ability within prescribed limits of physical capacity.

- 4.2 Students are required to sign, on an annual basis, a declaration to the effect that they remain in good physical and mental health, and have neither been charged with nor convicted of criminal activity since their enhanced Disclosure and Barring Services check, or police check.

Students who become aware that they are suffering from any medical or personal condition which may threaten their fitness to practise, and which may lead to their having either to discontinue or compromise their studies, should seek advice from their personal tutor, or other faculty member at the earliest opportunity, and inform the Academic Registrar forthwith.

- 4.3 The policy encompasses Fitness to Practise (FtP) concerns in three primary areas, which should not be taken to be exhaustive, and which may be further sub-divided as necessary:

Area 1: Health or Personal Issues

Issues that may affect the student's future ability to practise chiropractic, including:

- Chronic physical illness
- Physical impairment
- Psychiatric illnesses
- Drug and/or alcohol abuse

These are likely to:

- Affect a student's studies, progression or career pathways
- Expose the student, patients or staff members or general public to potential risk
- Expose the College, or the Chiropractic Profession to potential risk

Area 2: Professional Attitudes

Issues of concern regarding professional attitudes during the programme, including:

- Plagiarism
- Cheating in any summative assessment
- Poor attendance
- Inappropriate behaviour
- Contravention of significant aspects of policy, e.g. giving treatment or therapeutic advice outside of scheduled classes or the teaching clinic.
- Behaviour which demonstrates digression from the tasks at hand, engaging in activities irrelevant to the curriculum, inconsistency or non-application and therefore showing a lack of professionalism.

Area 3: Issues External to the Programme

Issues regarding the actions of students occurring outside the programme, covering aspects such as:

- Any offence which is potentially punishable by a custodial sentence of more than three months duration, violent offences against the person) according to current sentencing guidelines.
- Actions or behaviour likely to bring the College, or the Chiropractic Profession into disrepute, whether punishable in law or not.
- Actions or behaviour contrary to the Prevent Duty, whether referred to the Channel Programme or not.

4.4 Concerns will be classified into three groups, according to the following features:

Minor

- An issue that raises concerns about fitness to practise that would best be dealt with initially through support and counselling.
- Examples would include, but not be limited to, poor attendance, appearance, or some aspects of inappropriate behaviour.

Major

- Issues that raise more significant concerns in regards to fitness to practise issues or career options.
- Examples would include dishonesty, serious health issues, serious limitations of technical competence, plagiarism in coursework, significant contravention of a policy, drug and/or alcohol abuse.
- Normally minor concerns would escalate to this category if aggravated by repetition and/or dishonesty.

Critical

- An unpredicted event giving rise to the need for immediate action because of the likelihood of significant harm to the College, its patients, its validating body, its students the general public, or the Chiropractic Profession, either involving a student, or resulting from the action of a student.
- Examples would include cheating in written examinations or OSCEs, conviction of criminal activity punishable with a custodial sentence of more than three months duration, falsification of clinical records, violent behaviour, racially motivated abuse, inappropriately sexualised behaviour to staff, fellow students or clinic patients.
- Normally major concerns would escalate to this category if aggravated by repetition and/or dishonesty.

The Vice Principal Undergraduate Studies and Quality (VPUSQ) should be notified immediately of any such critical incident. If there are implications for the safety of patients, staff, students or the general public, the VPUSQ has delegated authority through the Principal from the Board of Governors to temporarily suspend the student by means of an interim suspension order, or place limits on the continuation of his/her studies, in accordance with the provisions of paragraph 4 of the College's disciplinary regulations.

5. Misconduct that is also a criminal offence

- 5.1 Students are required to keep the AECC informed of any criminal investigations, charges or convictions in order that a risk assessment may be made as to the suitability of their continued enrolment at the AECC and fitness to practise.

- 5.2 If a matter referred under this Procedure could be a criminal offence, the Academic Registrar will consult with senior colleagues before taking any action.
- 5.3 The Academic Registrar will determine whether the allegations, if substantiated, would be a serious offence (i.e. one that would never be filtered from a Disclosure and Barring Service certificate in the UK).
- 5.4 The College will normally report any suspected criminal offence to the police. If a person claims to be the victim of an offence committed by a student, but does not wish the police to be involved, the Academic Registrar may agree not to report the matter.
- 5.5 If the Academic Registrar regards the alleged misconduct as constituting a serious offence, no internal action (other than recommending to the Vice-Principal Undergraduate Studies and Quality that the student be suspended from practice and/or the College as appropriate) will normally be taken until the matter has been reported to the police, and either any criminal proceedings have been completed or the police have advised that they do not object to the College dealing with the matter.
- 5.6 If the Academic Registrar does not regard the alleged misconduct as constituting a serious offence, it may be dealt with internally.
- 5.7 If a student has been sentenced by a criminal court in respect of any misconduct that is dealt with under this procedure, the sanction imposed by the criminal court will be taken into consideration in determining the penalty under this procedure.

6. Misconduct that constitutes fraud

- 6.1 The following are some examples of actions that could be considered fraud:
- Forging signatures (relating to practice or academic work)
 - Working whilst absent from the College due to sickness
 - Falsification of clinic records
 - Falsification of research data
 - Financial fraud
- Financial fraud that is also a criminal offence will be treated according to paragraph 6.4 (above).

7. Initiation of fitness to practise procedure – initial review

- 7.1 Concerns about a student's inability/failure to maintain standards appropriate to professional practice should be reported to the Academic Registrar, who will ask the Executive Director of Administration (EDoA), in consultation with a senior clinician, to carry out an initial review of the available facts. This initial review will normally include an interview with the student. Alternatively, the student may be offered the opportunity to make written representation. The EDoA is empowered to take statements and collect evidence from all staff members and students as appropriate to the needs of the initial investigation.
- 7.2 Following that review the EDoA may decide:
- there is no case to answer, *or*
 - that the issue can be dealt with more appropriately under a different procedure, *or*
 - that no further action should be taken other than the provision of advice and guidance as appropriate and a note placed on the student file referring to this, *or*

- that the student should remain in practice whilst a full investigation is carried out,
or
- that the student should be suspended from practice whilst the matter is fully investigated.

7.3 The Initial Review will normally be completed within 10 working days from when the concerns were originally raised with the EDoA. If there is a delay, the parties will be informed of the reasons for delay and kept informed of progress.

8. Suspension from practice

8.1 Suspension from practice will not normally occur until after the EDoA has concluded the Initial Review. However, in some circumstances, particularly if serious matters have been raised (such as a potential criminal offence) or there is a perceived risk to the student's safety or the safety of others, the EDoA may decide to recommend that the VPUSQ suspend the student immediately before the Initial Review.

8.2 Suspension from practice during an investigation is a neutral act and does not constitute disciplinary action. Normally a student will be suspended from practice by the College only if there are concerns for their own or others safety, if there appears to be significant failure to maintain professional conduct, or to facilitate a full investigation of the facts.

8.3 When a student is suspended from practice this will normally be confirmed to him/her in writing by the VPUSQ or their representative within 5 working days of the suspension being applied. If there is a delay, the parties will be informed of the reasons for delay and kept informed of progress.

8.4 The confirmation will provide information about why a suspension from practice is deemed necessary including details of the allegations/concerns and an outline of the procedures that will be followed by the College.

8.5 Any suspension from practice will be reported to the Academic Registrar. The EDoA may also recommend to the VPUSQ that the student be suspended from their studies pending further investigation.

9. Suspension from studies

9.1 If the EDoA believes that a suspension from studies is also necessary pending further investigations, this will be communicated to the VPUSQ who will review the available information before reaching a decision. When a student is suspended from studies this will normally be confirmed to him/her in writing by the VPUSQ within 5 working days of the suspension being applied. Any such suspension shall be reported to the Principal, the Academic Registrar and to the Manager of the Students' Union.

9.2 Normally no student shall be suspended from study unless s/he has been given the opportunity to make representations to the Programme Leader either in person or in writing, as the student chooses. The student may be represented by a friend or representative (not acting in a legal capacity). In cases deemed to be urgent, particularly if the safety of others is perceived to be at risk, a student may be suspended from study with immediate effect and before being given the opportunity to make representations. In this instance the student or his/her representative shall be permitted to put forward representations at the earliest possible opportunity thereafter.

9.3 A student who is suspended from studies may be prohibited from entering all or any part of the

College's premises and from participating in College activities including exercising their functions or duties of any office or committee membership in the College or the Students' Union. Suspension may be subject to qualification, such as permission to take an examination. The terms of the suspension shall be notified in writing to the student. The suspension may include a requirement that the student shall have no contact with a named person or persons.

- 9.4 In any event, any decision to suspend a student from study shall be subject to review by the EDoA and VPUSQ after 20 working days. Such a review shall not involve a hearing but the student, either personally or through his or her friend or representative, shall be entitled to submit written representations.

10. Investigation Stage

- 10.1 If the EDoA considers that the allegations warrant a full review, the Programme Leader will carry out a full investigation. The Programme Leader is empowered to take statements and collect evidence from all staff members and students as appropriate to the needs of the initial investigation. The aim will be for all investigations to be completed as soon as possible and normally within 20 working days following the Initial Review. In particularly complex cases, the Investigation may take longer and the student will be kept informed of any delays and the reasons for the delay.
- 10.2 At the end of the Investigation, the Programme Leader will submit an Investigation Review to the EDoA for consideration. The Programme Leader shall be responsible for presenting the College's case, based on the Investigation Review, should the EDoA decide that a Fitness to Practice Hearing is necessary.
- 10.3 At any point during the investigation the EDoA may decide that it is necessary to recommend that the VPUSQ suspend the student from practice (if they have not already been suspended) to facilitate the investigation or to protect the safety of the student or others. If this occurs, the procedures outlined in Section 9 will apply.
- 10.4 Having reviewed the Investigation Report the EDoA may decide:
- there is no case to answer, *or*
 - that no further action should be taken other than the provision of advice and guidance as appropriate and a note placed on the student file referring to this, *or*
 - that the case should proceed to a Fitness to Practise Hearing, and the Academic Registrar be informed accordingly.
- 10.5 If the case is to proceed to a Fitness to Practise Hearing, the EDoA will recommend to the VPUSQ whether any suspension should continue to apply pending the outcome of the Hearing.
- 10.6 If the EDoA considers that there is no case to answer, all records related to the case will be destroyed. If no further action is to be taken, the student may be offered advice and guidance as appropriate and a note to that effect will be placed upon the student's file.

11. The Fitness to Practise Hearing

- 11.1 The Fitness to Practise Hearing will be arranged by the Academic Registrar as soon as is practicable after the Investigation has been completed, and normally within 20 working days. The student is entitled to a minimum of 10 working days' notice for the Hearing, but this may be held earlier if the student agrees in writing. If there is a delay, the parties will be informed of the reasons for delay and kept informed of progress.

- 11.2 The student will be notified in writing of the allegation(s) and under which category (as specified in Section 4.3) the allegations will be considered as well as the date, time and location of the Hearing.
- 11.3 The student will be invited to submit appropriate documentation in their defence e.g. written statement and supporting evidence.
- 11.4 If there are a series of related concerns/allegations the Hearing may, at its discretion, deal with all these at one hearing. If two or more students are involved in related allegations of misconduct, the Hearing may at its discretion deal with their cases together.
- 11.5 If the student is unable to attend, the Hearing will normally be rescheduled. It should be noted that where reasonable effort has been made to allow the student to attend the Hearing, the Hearing may take place in the absence of the student.
- 11.6 Students may be accompanied at a Hearing by a friend or representative (not acting in a legal capacity) for support or representation as appropriate.
- 11.7 The friend or representative shall be permitted to put forward the student's case under the direction of the Chair of the Hearing, and shall be permitted to ask questions of the College's representatives.
- 11.8 It is recommended that students' use the services of the Students' Union if they are required to appear before a Fitness to Practise Hearing.

12. The fitness to practise panel

- 12.1 Membership of the Fitness to Practise Panel shall consist of:
 - one member of chiropractic faculty not directly involved in current teaching of the student who shall chair the Panel
 - one registered member from an independent health care profession (lay member)
 - a representative of the Students' Union Executive other than the Student Union President.
- 12.2 No member of the Fitness to Practise Panel shall be connected in a pastoral role to the student (e.g. personal tutor, clinical mentor, counsellor). Members of the Fitness to Practise Panel must remain, and be seen to remain, impartial at all times.
- 12.3 The Academic Registrar shall act as Hearing Secretary. The role of the Secretary is to convene the Hearing, prepare and circulate papers in advance of the meeting, advise on policy and procedure and precedents, and complete all documentation post-Hearing. The Hearing Secretary is not a member of the Fitness to Practise Panel and does not participate in the discussions regarding the case in question.

13. Witnesses

- 13.1 Witness statements relating to the concerns/allegation(s) may be provided by either party. Normally, only witness statements that are signed and dated by the witness will be accepted, and witnesses must provide contact details.
- 13.2 Any party may request that their witnesses attend in person. Requests for witnesses to attend must be submitted to the Hearing Secretary at least 7 working days in advance of the hearing. Requests

will be considered by the Panel Chair in advance of the Hearing.

- 13.3 The Panel Chair may also request that witnesses attend the Hearing. Normally witnesses will be informed in advance of the hearing that they are required to attend. In exceptional cases, the hearing may be adjourned to allow witnesses to attend.
- 13.4 Witnesses shall attend only to present their evidence and to answer any questions that the Fitness to Practise Panel, or the other party, may put to them through the Chair. Once their evidence has been heard and there are no more questions, witnesses must withdraw.

14. Documentation

- 14.1 All documentation must be submitted to the Hearing Secretary 7 working days before the Hearing. All documentation to be considered at the Hearing will be circulated to all parties, by the Hearing Secretary, 5 working days before the Hearing.
- 14.2 Any documentation submitted after the deadline will be accepted only at the Chair's discretion.
- 14.3 The Fitness to Practise Panel shall rely only on relevant evidence presented at the Hearing, or in written format beforehand. New written evidence will not normally be accepted during the Hearing. If, exceptionally, the Chair believes it is appropriate to accept new written evidence during the Hearing, the Hearing may be adjourned for a short time to allow all parties time to consider the evidence.

15. Order of proceedings

- 15.1 The agenda for the meeting of the Panel shall normally be as follows:
- a) Introduction of those present by the Chair
 - b) The Programme Leader shall set out the concerns/allegation. The Programme Leader may call witnesses in support of the allegations
 - c) The student, or his/her representative, shall respond to the concerns/allegation(s); The student may call witnesses in defence of the allegations
 - d) The Fitness to Practise Panel shall have the opportunity to question the Programme Leader, the student and any witnesses
 - e) The student and the Programme Leader shall have the opportunity to ask questions through the Chair of the other party
 - f) The Programme Leader shall sum up the concerns/allegations. New evidence is not admissible at this time
 - g) The student shall sum up. New evidence is not admissible at this time
 - h) The Programme Leader and the student shall withdraw whilst the Fitness to Practise Panel reach their decision in private
 - i) The student, his/her representative and the Programme Leader may return for the decision.
- 15.2 The agenda may be varied at the discretion of the Chair.
- 15.3 The Chair may ask for additional enquiries to be undertaken and may call for additional witnesses to attend.
- 15.4 At the discretion of the Chair, proceedings may be adjourned for a period not normally exceeding 20

working days in the first instance, and its findings or decision deferred accordingly. If there is a delay, the parties will be informed of the reasons for delay and kept informed of progress.

16. Hearing outcome and penalties

- 16.1 The Fitness to Practise Panel shall find a student is unable/has failed to maintain standards appropriate to professional practice only if, on the evidence before it, it is satisfied on the balance of probability that the allegations are substantiated. If the members of the Fitness to Practise Panel do not reach a unanimous conclusion, the decision will be made by a majority.
- 16.2 Where the student's guilt has been established by the Panel, the student shall be given the opportunity to present evidence of mitigation to the panel in order to inform their deliberations on the sanction to be applied.
- 16.3 When determining the outcome, consideration shall be given to the seriousness of misconduct and the circumstances surrounding it, and any mitigating factors. They may also consider the requirement of practice placement and whether a suitable placement is available to the student.
- 16.4 The following outcomes and penalties may apply (plus any academic penalty as per 17.5, if appropriate):
- a) No case to answer. No further action will be taken.
 - b) A first written warning. This shall detail the allegation(s), state the outcome of the Hearing and outline any recommendations. This warning shall remain on the student's file for a period of 12 months from the date of issue, or for a lesser period as specified by the Fitness to Practise Panel. See paragraph 18 below.
 - c) A final written warning. A final written warning may be issued after a first written warning if there is a failure to improve and conduct remains unsatisfactory. A final written warning may be issued immediately when no first written warning has been given if the misconduct is serious but does not justify expulsion/withdrawal from the programme. The warning shall detail the allegation(s), state the outcome of the Hearing and outline any recommendations. This warning shall remain on the student's file until completion of their studies or for a lesser period as specified by the Fitness to Practise Panel. See also paragraph 18 below.
 - d) Either first or final written warnings may include specific undertakings or conditions imposed upon the student. Generally, an undertaking is a specific acknowledgement on the part of the student that their fitness to practise has been impaired, and includes specific arrangements to address this issue. Conditions of practice are more appropriate to concerns about a student's behaviour or health. See Appendix 3 for further details.
 - e) Recommendation to the Vice-Principal (Undergraduate Studies and Quality) that the student be suspended from the College for a fixed period, up to a maximum of twelve months. A student who is suspended is prohibited from entering College premises, and from participating in College activities. Suspension may be subject to qualification, such as permission to take an examination. The student will be notified of the suspension in writing. A suspension may include a requirement that the student shall have no contact with a named person or persons.
 - f) Recommendation to the Vice-Principal (Undergraduate Studies and Quality) that the student be expelled from the College.

In this instance the Academic Registrar will provide the Principal with copies of the original allegations and the minutes of the Fitness to Practise Hearing (and the Appeals Hearing

if appropriate) for consideration following expiry of the Appeals deadline or 10 days of the Appeals Hearing taking place.

- g) On withdrawal the student ceases to be a member of the College, and loses all rights and privileges of membership.

- 16.5 If an academic offence is found to have been committed, academic penalties as per the College's Academic Offences: Policy and Procedures may also be applied as well as those set out in Section 17.4.
- 16.6 The decision of the Fitness to Practise Panel shall be communicated verbally to the student and to the Programme Leader as soon as possible after adjourning to consider the evidence. In the event of a significant delay, the decision of the Fitness to Practise Panel shall be communicated in writing to all parties, normally within 5 working days. All verbal communications regarding the decision of the Fitness to Practise Panel shall be confirmed in writing, normally within 5 working days.
- 16.7 The outcome letter will outline the reason for the Fitness to Practise Panel's decision.
- 16.8 If a penalty has been applied, the student will be notified of their right to appeal, the grounds for appeal and the process to be followed.
- 16.9 If a penalty has been applied the Panel Secretary shall notify the GCC of the Fitness to Practise Panel's decision.
- 16.10 Except with the agreement of the Chair, the proceedings of the Hearing shall remain confidential, with the exception of its decision.

17. Review hearings

- 17.1 Where imposed sanctions involve undertakings, conditions or suspension from part of the programme, the Fitness to Practise Panel shall make provision for review hearings at suitable dates to determine the student's compliance with the remedial or supportive regime. Review Hearings shall normally be conducted by the original members of the Fitness to Practise panel. Non-compliance with the requirements of such review hearings shall make the student liable for further Fitness to Practise proceedings.

Written Warnings

- 17.2 If a written warning has been given, this will be placed on the student's file for the specified period. Providing the student complies fully with the recommendation of the Fitness to Practise Panel and demonstrates satisfactory conduct and performance during the specified period, the warning will cease to apply on expiry. If the student is subject to further fitness to practise or disciplinary procedures during the period of the warning, the original allegations/concerns may also be taken into account when the further allegations are considered. Current written warnings may be referred to in any references that the College is required to give.

18. Illness

- 18.1 If it appears to those considering an allegation of misconduct that the student in question is suffering from illness, the proceedings may be adjourned for the preparation of a medical report.
- 18.2 If there is medical evidence that the student is suffering from illness, those dealing with the case may suspend or end the proceedings, if it is felt appropriate to do so. It may be made a condition of

suspension or termination of the proceedings that the student seeks appropriate support and/or treatment.

19. Appeals stage

- 19.1 A student may appeal against a finding of guilt or a sanction imposed following a finding of guilt. The appeal must be made in writing to the Academic Registrar within 10 working days of the date of the written confirmation of the Fitness to Practise Panel's decision and must specify the grounds on which it is based. An appeal may be made on the following grounds:
- The procedures outlined in this document were not followed
 - New evidence has become available which was not available at the time of the Disciplinary Hearing (appeals based on evidence that was available but not presented at the time will not normally be accepted)
 - The penalty is disproportionate in the circumstances of the case.
- Disagreement with the decision of the Disciplinary Panel is not grounds for appeal and appeals made solely on this basis will be dismissed.
- 19.2 The Appeals Panel shall comprise the Principal, one member of academic staff and the Students' Union President. The Academic Registrar shall act as Secretary but shall not be a decision-making member. Any person who was a member of the Fitness to Practise Panel shall take no part in the meeting of the Appeals Panel at which any appeal from the Fitness to Practise Committee's decision is considered (except for the purposes of presenting a report).
- 19.3 There shall be no entitlement to a rehearing of a case. The Panel hearing the appeal may overturn the finding of guilt where they consider it just to do so. In particular a finding may be overturned in the light of new evidence; or where it was considered that the original hearing was not conducted fairly; or where the finding of guilt was unreasonable in the light of the findings of fact. The student may present the appeal in person or in writing as s/he chooses and may be accompanied by a friend or representative, not acting in a legal capacity.
- 19.4 The Chair of the Fitness to Practise Panel shall also be entitled to make written submissions or oral representations to the Appeals Panel.
- 19.5 The Panel hearing an appeal against a sanction may impose a lesser or greater sanction, having considered whether the original sanction imposed was fair and reasonable in the light of all the circumstances of the case, and the student's means and general personal circumstances.
- 19.6 Where an appeal is pending against a decision of the Fitness to Practise Panel to suspend or expel a student the Chair of the Fitness to Practise Panel shall have power to defer the operation of the suspension or expulsion pending the appeal.
- 19.7 The proceedings of the Appeals Panel shall take such form as the Panel considers appropriate to an investigation of the grounds for the appeal as stated in the appellant's notice.
- 19.8 The Appeals Panel shall in its discretion have power to call witnesses and examine any evidence relevant to the subject of the appeal and may adjourn its proceedings or defer its decision for that or any other purpose.
- 19.9 The Appeals Panel shall consider its decision in private and shall notify the appellant of it in writing but shall not be obliged to advise the appellant of the reasons for it. The decision of the Appeals Panel shall be final and no further appeal may be permitted within the College.

20. Further action: Referral to the Office of the Independent Adjudicator

20.1 If, after exhausting the Appeals Stages, the student still feels there to have been an error of judgement, or that due process has not been followed, s/he may refer their case to the OIA. Students wishing to make a case to the OIA must do so within 12 months of the date of the Completion of Procedures letter using the OIA complaint form. Further information is available from the OIA website <http://oiahe.org.uk/making-a-complaint-to-the-oia/how-to-make-a-complaint.aspx>. Students may also contact the OIA by post or telephone and request to be sent a form. The OIA will determine whether the student's case is eligible for consideration under its rules.

Contact details for the Independent Adjudicator are:

Office of the Independent Adjudicator

5th Floor

Thames Tower Reading

Berkshire

RG1 1LX

Tel: 01189 599813

Email: enquiries@oiahe.org.uk

21. Monitoring and review of student fitness to practise cases

21.1 The Academic Registrar will prepare an annual review of student fitness to practise cases across all awards. This annual review will be considered by Academic Development and Quality Committee and Academic Board, with a view to identifying any trends and whether there is a need to revise any policy or practices. This report will not refer to individuals by name.

22. Links to other AECC documents

- Student Charter
- Student Agreement
- Dignity Diversity and Equality Policy
- Fitness to Study Policy for all students enrolled on programmes leading to AECC awards from September 2017
- Student Complaints Policy for students enrolled on programmes leading to on AECC awards
- Student Disciplinary Policy and Procedures for all students enrolled on programmes leading to AECC Awards
- Academic Offences Policy for all students enrolled on programmes leading to AECC awards

Version:	1.0
Approved by:	Academic Board
Originator/Author	Academic Registrar
Policy Owner	Academic Registrar
Reference/ source	Internal and BU
Date approved	16 November 2016
Effective from	1 September 2017
Review date	Spring 2019
Target	All staff and all BSc/MSc and MChiro Students enrolled on programmes leading to AECC awards
Policy location	SIP/VLE, public website
Equality analysis	No direct impact. The policy provides for reasonable adjustments to be made, where appropriate, for students with specific protected characteristics under the Equality Act 2010. Monitoring will be undertaken to assess whether there is any differential impact in the handling of cases

Appendix 1

GCC Table of Areas of Concern

Area of Concern	Examples of Concern
Criminal Conviction or Caution	<ul style="list-style-type: none"> • Possession of child pornography • Theft • Financial fraud • Possession of illegal substances • Child abuse or any other abuse • Physical violence
Drug or Alcohol Abuse	<ul style="list-style-type: none"> • Drunk driving • Alcohol consumption that affects clinical work or the work environment • Dealing, possessing or misusing drugs even if there are no legal proceedings
Aggressive, Violent or Threatening Behaviour	<ul style="list-style-type: none"> • Assault • Physical violence • Bullying • Abuse
Persistent Inappropriate Attitude or Behaviour	<ul style="list-style-type: none"> • Uncommitted to work (for example, non-attendance, not taking concerns expressed by staff seriously enough, messing around) • Neglect of administrative tasks • Poor time management • Poor communication skills • Failure to listen to, accept or follow educational advice
Cheating, Dishonesty or Fraud	<ul style="list-style-type: none"> • Cheating in examinations, logbooks or portfolios • Plagiarism – passing off others' work as one's own • Forging a supervisor's name on assessments • Falsifying research data • Fraudulent CVs or other documents • Misrepresentation of qualifications • Financial fraud
Unprofessional behaviour or attitudes	<ul style="list-style-type: none"> • Breach of confidentiality • Misleading patients about their care or treatment • Failure to obtain proper consent from a patient • Sexual, racial or other forms of harassment • Inappropriate examinations • Failure to keep appropriate boundaries in behaviour • Persistent rudeness to patients, colleagues or others • Unlawful discrimination • Inappropriate use of the internet or social media
Health Concerns, and Insight into or Management of These Concerns	<ul style="list-style-type: none"> • Failure to seek medical treatment or other support • Refusal to follow medical advice or care plans, including monitoring and reviews, in relation to maintaining fitness to practise • Failure to recognise own limits and abilities, or lack of insight into health concerns

Appendix 2

GCC Recommendations for Questions to Consider when establishing whether there are fitness-to-practise concerns

Question	Explanatory Note
1. Has a student's conduct harmed patients, students or staff, or put them at risk?	Harm or risk of harm might be demonstrated by one incident, or a series of incidents, which gives rise to concern. The latter could indicate persistent failings that are not being safely managed through care and developmental support, or that this appears to have failed.
2. Has a student shown a deliberate or reckless disregard of professional and clinical responsibilities towards patients, other students or staff?	An isolated lapse from normally high standards of conduct would not necessarily call a student's fitness to practise into question. But persistent misconduct that could indicate a student's lack of integrity, an unwillingness to behave responsibly, a serious lack of insight, or a lack of willingness to respond to staff who raise an issue, would call a student's fitness to practise into question.
3. Is a student's health or impairment compromising patient safety?	A student's health or impairment does not in itself bring their fitness to practise into question. A fitness to practise issue may arise if a student shows lack of insight into their condition or does not follow medical advice on how to manage their condition.
4. Has a student abused a patient's, another student's or a member of staff's trust, or violated their autonomy or other fundamental rights?	Behaviour that shows a student has acted with no or little regard for another person's feelings or rights, and has therefore abused their professional position, would usually give rise to concerns about their fitness to practise.
5. Has a student behaved dishonestly, fraudulently or in a way designed to mislead or harm others?	If a student behaves in a way which might undermine the profession or bring it into disrepute, then this should be considered a fitness to practise issue. This includes: dishonesty, cheating, forgery (for example, of a supervisor's signature), plagiarism or failing to keep to regulations.

Appendix 3

GCC Guidelines on the Imposition of Warnings, Undertakings and Conditions

Warnings

A student should be issued with a warning when they have not kept to the professional standards of behaviour expected and it is necessary to make a formal response in the interests of maintaining and upholding professional values. The purpose of a warning is to show the student that the behaviour is inappropriate and should not be repeated. As well as a warning, students should be given appropriate support to deal with the behaviour concerned.

Warnings might be appropriate:

- at the early stages of a student's education and training
- if the student shows insight into their behaviour and its impact
- if there is no evidence that the student poses a risk to the safety of patients or others
- if it is an instance of one-off behaviour

Any warnings given to a student should be formally recorded so that any repeat behaviour or patterns of behaviour can be identified. If a warning has been given and is later breached, this should also be recorded so that it may be taken into account in any future panel hearing. Any repeat behaviour or breaches of warnings should lead to consideration of more severe sanctions.

Undertakings

An undertaking is an explicit acknowledgement between a student and a chiropractic education provider that the student's fitness to practise may have been impaired, and they have reached an agreement as to how this will be addressed. This usually happens when the student acknowledges they have behaved inappropriately. It may happen before the Panel has sat, or during the proceedings, but before the decision. Undertakings can be helpful when there is agreement on both sides and a mechanism can be agreed to protect patients and the public.

Undertakings can include restrictions on the student's practice or behaviour or a commitment to increased supervision or additional teaching, when these are likely to be effective in addressing the concerns. There must be evidence to show that the student will keep to the undertaking because, for example, they:

- have shown genuine insight into their behaviour
- have a wish to address it, and
- have already made changes to their actions, or tried to put things right

However, before agreeing to an undertaking, the panel needs to be sure that it will offer sufficient protection for patients, the public, other students, and staff.

Conditions

Conditions are appropriate when there is significant concern about the behaviour or health of a student. To impose this sanction, the panel must be satisfied that:

- the student has shown insight into the problem and has agreed to keep to the conditions
- there is no evidence that the student is inherently incapable of practising professionally

and upholding professional values

- the student is capable of responding positively to remedial teaching, support and increased supervision
- the student is willing to be honest with patients, colleagues and supervisors if things go wrong
- patients will not be put in danger either directly or indirectly as a result of the conditions
- the conditions are sufficient to protect patients while they are in force

The objectives of any conditions must be set out clearly so that the student knows what they expected to do to keep to them, and so that any future panel can decide whether the conditions have been met and the original shortcomings addressed. Any conditions should be appropriate, workable and measurable.