

## Professional Suitability Policy

### 1 Introduction

- 1.1 The University provides a number of programmes of study where students' professional suitability to register for and undertake the programmes require assessment and monitoring by the University.

These programmes of study are ones which usually lead to professional registration and/or a license to practise in a professional context. They are characterised as being practice-centred and are normally directed towards the achievement of professional competence and/or professional registration. In addition, most of these programmes are accredited and/or regulated by professional, statutory or regulatory bodies (PSRBs). In particular, PSRBs, together with other professional advisory bodies (PABs), are concerned with seeking to ensure that students comply with professional codes of conduct and demonstrate developing standards of professionalism.

- 1.2 The University needs to be satisfied that students admitted to, registering for, and undertaking such programmes are professionally suitable to do so, with reference to the standards of the particular profession and/or the requirements of any relevant PSRBs and/or PABs. The University's Criminal Conviction Policy and Procedures sets out the arrangements for the admission of students with police warnings, reprimands, cautions and convictions. Once students are registered at the University they are subject to this Professional Suitability Policy and the related procedures in the event that professional suitability concerns are raised.

### 2 Standards of Health and Conduct

- 2.1 Students undertaking such programmes are required at all times to:
- demonstrate acceptable standards of conduct
  - demonstrate relevant values and attitudes
  - satisfy relevant criminal record requirements, and
  - satisfy relevant health requirements
- 2.2 This Policy and the related procedures set out how the University normally responds to instances where a concern is raised regarding a student's professional suitability and the type of action that the University may take to deal with the concern and to support the student. They are not intended to deal with issues of assessing practice competencies which are managed under the University's Academic Regulations and Procedures.

The Policy and related Procedures are included within the Policy Framework for Student Behaviour and Health and the principles established for the Framework apply.

- 2.3 Professional suitability concerns may arise (but are not limited to) where a student has or is suspected of having:

- health, mental health, emotional or inter-personal problems, which indicate a lack of insight and appropriate management thereof, and which give rise to concerns about possible risk to self or others
- failed to comply with PSRB and/or PAB requirements in relation to professional suitability at any point in time
- failed to act within any statutory frameworks which set out students' professional duties and responsibilities
- breached standards of acceptable conduct including those set out in the University's Student Conduct Policy or by a relevant PSRB and/or PAB, for example in connection with (but not limited to):
  - abuse or harassment, including through the use of social media
  - violent, aggressive or threatening behaviour (physical, verbal or other)
  - sexual misconduct
  - failure to treat others with dignity or respect, or to practise in a non-discriminatory way
  - dishonesty or untrustworthiness (such as the misrepresentation of qualifications or professional experience, or the forging of documents or signatures, or theft or making false expenses claims)
  - repeat or serious assessment offences
  - activities which constitute a criminal offence
  - the commission or suspected commission of a criminal offence
  - alcohol or substance abuse problems or addiction
  - anti-social behaviour, including that which adversely affects the proper operation of placement/work-based settings
  - the failure to demonstrate an attitude, demeanour or communication appropriate for individuals working in the profession concerned
  - breach of confidentiality
  - lack of motivation or interest and/or failure to engage in learning activities
  - lack of communication and engagement with the programme team, including failure to respond to communications
  - inconsistent, unreliable or inappropriate behaviour in learning, study or placement/work-based learning settings

where, due to the nature of the programme, the concerns bring the student's professional suitability into question because they give rise to a reasonable assessment that as a result:

- a risk is posed to the student's own health, safety or wellbeing and/or that of others; and/or
- the proper operation of the profession is or may be adversely affected; and/or
- a relevant placement or work-based setting is or may be adversely affected; and/or
- trust in the profession or the University may be undermined or the profession or University is brought into disrepute.

- 2.4 The University recognises that concerns regarding students' professional suitability may arise in a variety of ways (e.g. as result of a disclosure made by the student on an annual statement of good health and character, or from the circumstances of a student's practice, performance or conduct, or from issues raised by University staff, other students, health professionals, placement providers or service users). The University considers and addresses concerns regarding students' professional suitability howsoever they arise and endeavours to take action to deal with concerns promptly, proportionately and fairly. The University recognises that dealing with matters in this way is critical not only to ensuring consistency and that relevant professional standards are attained and maintained, but also to supporting

student learning and academic achievement and to the furtherance of a positive student experience.

Staff to whom disclosures are made or concerns are raised are advised to consult with their Head of Department or designated lead and/or the Student Casework Manager to discuss next steps.

### **3 Scope**

- 3.1 The programmes of study to which this Policy normally applies are listed in Appendix 1.
- 3.2 The University also reserves the right to use this Policy and Procedure in relation to students who are qualified professionals on its postgraduate or continuing professional development (CPD) programmes and in situations where a student is following an academic programme but where an allegation or report is made that calls into question their suitability for their expected future profession. The Student Casework Manager and Head of Department or designated lead will decide when the use of the Professional Suitability Policy is appropriate in these circumstances.
- 3.3 The Policy applies to students throughout their period of registration with the University, both on and off campus, and at all times. It is not limited to term time or placement or work-based learning.
- 3.4 Where a student is subject to an allegation of misconduct in a placement or workplace setting which is part of their programme of study, there will be a discussion between the University and the placement provider/workplace to agree the process to be followed. The University usually expects the external organisation to undertake an initial investigation to establish the facts and produce a report to be referred to the University for action under this Policy. In some cases, for instance where there are safeguarding concerns relating to a service user, the external organisation would usually follow their internal procedures in consultation with the University. It is recognised, however, that the relationship between a student and a placement provider varies between programmes and as a result the appropriate approach will also vary.
- 3.5 The Policy also applies to former students seeking a return to study whose registration has previously been interrupted, suspended or terminated when they were under one of the policy or whose actions, if known, may have led to an investigation under the Policy.
- 3.6 Students registered for an award with the University but studying in a partner organisation are usually subject to the policies and procedures of that organisation, but may also be referred to the University particularly if the concerns relate to activities at the University's campuses, student accommodation or learning activities. The procedure to be followed for students registered for a degree apprenticeship and also employed at a partner organisation is jointly agreed on a case by case basis depending on the nature of the allegations.
- 3.7 Whilst the University anticipates that most matters involving professional suitability concerns will be dealt with under this Policy and Procedure, matters may arise where it is appropriate for the University to implement other University processes (such as its Assessment Offences Policy and Procedures) as an alternative or in addition as established in the Policy Framework, and the University is not prevented from doing so at any time.

- 3.8 The Head of Department or designated lead and the Student Casework Manager, in consultation with others as appropriate, determine the appropriate procedure to be followed in any matter.

#### **4 Levels of Action**

- 4.1 The University has three levels for dealing with concerns raised about a student's professional suitability.
- 4.2 The following table provides a framework for decision-makers and students regarding the levels at which concerns about professional suitability are usually considered, and highlights typical sanctions and outcomes which could be applied at each level. The table is intended to be illustrative and not exhaustive, and the University anticipates that there will be circumstances when alternative outcomes are appropriate. The more serious sanctions can only be imposed following a process at the appropriate level.
- 4.3 Table setting out Levels of Action and Outcomes

<b>Level 1 (Local intervention)</b>	
<p>Professional suitability concerns at Level 1 is usually defined as an incident or issue that is initial, emerging or relatively minor and/or contained.</p> <p>Examples of concerns that at this Level include:</p> <ul style="list-style-type: none"> <li>• Anti-social behaviour</li> <li>• Breaching the rules relating to student accommodation</li> <li>• The failure to demonstrate an attitude, demeanour or communication appropriate for individuals working in the profession concerned</li> <li>• Lack of motivation or interest and/or failure to engage in learning activities</li> <li>• Lack of communication and engagement with the programme team, including failures to respond to communications</li> <li>• Behaviour which disrupts learning activities, study or placement/work-based learning settings</li> <li>• Incidents showing a lack of respect for other members of the University community and/or local community</li> <li>• Minor misuse of social media which impacts on the University community</li> <li>• Vexatious, defamatory or malicious claims about other members of the University community</li> </ul>	<p>The University will seek to address the incident or issue as quickly and as close to source as possible.</p> <p>Typical outcomes include:</p> <ul style="list-style-type: none"> <li>• Verbal or written warnings</li> <li>• Action plans including, for instance: requirements to meet established levels of attendance and engagement or to follow established procedures</li> <li>• Support arrangements and/or reasonable adjustments to be put in place</li> <li>• Seizure and retention for a period of time or permanent confiscation, without compensation, of items, for the purpose of maintaining the safety and wellbeing of others</li> <li>• Removal of access to a service provided by the University or to the use of specified facilities for a given period of no longer than one week.</li> </ul>

<ul style="list-style-type: none"> <li>Failure to respect the rights of others to freedom of speech within the law</li> <li>Misuse and/or unauthorised use of University property</li> </ul>	
<b>Level 2</b>	
<p>Professional suitability concerns at Level 2 are usually defined as serious and/or continuing or repeated incidents, behaviour or issues</p> <p>Examples of concerns at this Level include:</p> <ul style="list-style-type: none"> <li>Persistent or repeated Level 1 concerns</li> <li>Impact on others from possession and/or use of illegal drugs</li> <li>Impact on others from use of other substances including alcohol</li> <li>Physical, written or verbal abuse or intimidation against another member of the university community, including via social media;</li> <li>Disruption of or improper interference with the academic, administrative, sporting, social or other activities of the University or of a placement or work-based learning provider</li> <li>Bullying, harassment or discrimination against another person, including the use of discriminatory language;</li> <li>Sexual harassment;</li> <li>Damage to or theft of property from the University or members of the University community;</li> <li>Acts which bring or threaten to bring the University's reputation into disrepute;</li> <li>Persistent failure to comply with outcomes at Level 1</li> </ul>	<p>The University will seek a full investigation of the issues usually by a nominee of the Head of Department or designated lead with the support of the Student Policy Team, for the consideration of the Head of Department or designated lead.</p> <p>Typical outcomes include:</p> <ul style="list-style-type: none"> <li>Any outcome at Level 1</li> <li>Attendance on an appropriate educative programme to the misconduct</li> <li>Temporary withdrawal from placement to other work-based setting or learning activity</li> <li>Reparation to the University or individual in respect of loss caused</li> <li>Referral to the Police or other external authority</li> <li>Financial Penalties (up to £1000)<sup>1</sup></li> <li>Restorative justice</li> </ul>
<b>Level 3</b>	
<p>Professional suitability concerns at Level 3 are usually defined as critical and/or persistent or cumulative incidents, behaviour or issues</p> <p>Examples of issues which will usually be considered at this level include:</p>	<p>The University will seek a full investigation of the issues by a nominee of the Head of Department or designated lead with the support of the Student Policy Team, for consideration at a Professional Suitability Hearing.</p>

<sup>1</sup> The University is aware that a number of students experience financial hardship during their studies, and hopes that the existence of this sanction will serve as a deterrent. The Directorate will, from time to time, determine the maximum level of fine. We do not expect that financial penalties will be used on a regular basis. Any revenue the University receives through the levying of financial penalties will be added to the Student Hardship Fund. Non-payment of any financial penalty will be treated as a debt to the University.

<ul style="list-style-type: none"> <li>• Alcohol or substance abuse problems or addiction</li> <li>• Dealing illegal drugs and/or possession of quantities of drugs beyond normally associated with personal use, and/or possession of paraphernalia used in dealing drugs</li> <li>• Serious physical, written or verbal abuse or intimidation against another member of the University community or of a placement or work-based learning provider, including via social media</li> <li>• Sexual misconduct including serious sexual harassment</li> <li>• Physical violence</li> <li>• Failure to treat others with dignity or respect, or to practise in a non-discriminatory way</li> <li>• Dishonesty or untrustworthiness (such as the forging of documents or signatures, or theft or making false expenses claims)</li> <li>• Activities which constitute a criminal offence</li> <li>• The commission or suspected commission of a criminal offence</li> <li>• Persistent failure to comply with sanctions under Level 2.</li> </ul>	<p><b>Typical Sanctions include:</b></p> <ul style="list-style-type: none"> <li>• Any sanction at Level 1 and/or 2</li> <li>• Withdrawal from placement or other work-based activity or learning activity</li> <li>• Transfer to a non-professional programme</li> <li>• Recommendation that a professional award is to be withheld or an alternative non-professional award made</li> <li>• Suspension from the University, and/or parts of the campus, for a given period of time</li> <li>• Permanent Expulsion from the University</li> <li>• Not to permit readmission to a professional programme in future</li> </ul>
--	--

- 4.4 The Procedures may be entered at any level without any requirement for an earlier level to have been commenced or exhausted, although it is anticipated that most situations can be managed by action taken at Levels 1 and/or 2. The level at which the procedure is implemented will depend on factors such as the nature of the professional suitability concern, the seriousness of any risk posed and the student's response to any steps taken so far by the University to manage the situation.
- 4.5 A student's unreasonable failure to engage with an investigation may in itself become a professional suitability issue.

## 5 Operating Principles

The operating principles set out in the Framework for Student Behaviour and Health apply to all proceedings under this Policy.

## 6 Concerns about a student's health and wellbeing

There may be occasions when a student's physical or mental health means that they pose a serious risk to themselves or to others, which may include service users in placement settings. For students following professional programmes, such health concerns may exceptionally be managed through the 'fitness to study' procedure under this Policy. This usually includes where the student's presentation gives rise to professional suitability

concerns arising from a lack of insight into their condition and/or its impact upon others and/or their professional practice. The process is conducted in as supportive a way as possible and with specialist expertise from internal support services. The decision on the appropriate procedure is made jointly between the Student Casework Manager, Head of Department or designated lead and Head of Student Support and Wellbeing.

## **7 Completion of Procedures**

Where a student decides to withdraw from the programme, or is withdrawn on academic or competency grounds, and there is an outstanding professional suitability concern, the professional suitability process will normally continue until completed so that a formal judgement may be reached whether or not the student chooses to engage with the process.

## **8 Conduct which may also be a criminal offence**

- 8.1 If a student's conduct may be in breach of the criminal law, the University will usually at its discretion suspend or delay taking action under this Policy pending the outcome of any Police inquiry and/or criminal investigation/prosecution.
- 8.2 The University may, at its discretion, refer the matter to the Police. The decision will be made by the Student Casework Manager in consultation with members of the University, Faculty and Student and Academic Services Executives.
- 8.3 The University may take action in respect of a student under this Policy and Procedure notwithstanding a conviction or acquittal in criminal proceedings.

## **9 Support for Students**

When dealing with students under this Policy and Procedure, University staff consider what support and guidance may be offered to students. In this respect, all students are treated equally regardless of their part in the process.

## **10 Confidentiality**

Students should be aware that, in the course of dealing with professional suitability concerns, the University may consider it appropriate to discuss and/or refer matters and/or their outcomes to third parties such as PSRBs or placement providers and agencies such as Social Services, the Police or the Disclosure and Barring Service. The University will normally notify the student when doing so, but may do so on occasion without notification to the student such as in situations deemed to be of risk.

Where such a third party or agency carries out any investigation or other process, the University may suspend or delay taking action under this Policy and Procedure, although it is not obliged to do so. The University will not be bound by the outcome of any third party or agency investigation or other process.

## **11 Precautionary Measures**

The University may use precautionary measures as a temporary means of mitigating risk for the duration of part or the whole of an investigation.

Details are set out in section 19 in the procedures below.

## **12      Reviews and Appeals**

- 12.1 Students may request a review of a decision made at Level 1 of the Policy. The process to be followed is in paragraph 21.9 below.
- 12.2 Students may raise a written appeal to [complaints@uwe.ac.uk](mailto:complaints@uwe.ac.uk) against: any suspension or exclusion imposed under paragraph 11 above; or, the outcome of Levels 2 and 3 of the Policy; or, a decision to suspend or exclude following a Return to Study meeting. The grounds for appeal and the process to be followed are set out at paragraph 28 below.

## **13      References**

The University regularly provides student-related references to third parties (such as educational institutions and potential employers).

When providing a reference in a professionally-related context (for example, in connection with potential employment in a profession or admission on to a professional programme of study at another institution) for a student who has been subject to this Policy at Level 3 and is found to have breached the Policy, the University reserves the right depending on the circumstances of the case and the recommendation of the Level 3 Panel to refer to the matter on the basis of there being legitimate and serious concerns about possible risks. Students are actively encouraged to contact the organisation concerned and discuss full details of the case with the prospective employer.

The University does not normally refer to issues arising in connection with professional suitability proceedings under Levels 1 and 2 when providing references requested in a professional context, but reserves the right to do so when it considers it appropriate to do so (for example, in a matter involving issues of safeguarding and/or client/service-user safety).

## **14      Professional Bodies**

A Panel may, in cases where they have found that a student has breached the required standards and/or their professional suitability for the programme of study is compromised, at their discretion decide that the relevant professional body and/or the DBS is notified of the professional suitability concern raised against the student, the associated circumstances, and the decision and outcome of the Level 3 proceedings.

Such a notification will not usually be made until any internal procedures are completed.

## **15      Alternate Officers**

Where in this Policy and procedure reference is made to any named University officer such reference is to be read as including reference to any appointed nominee.

References to the University Executive includes the Directorate, Assistant Vice-Chancellors, Pro Vice-Chancellors and Executive Deans of Faculties and Heads of Professional Services.

## **16      Complaints related to an investigation under the Professional Suitability Policy**

Where a student has a complaint related to the administration of this Policy and Procedure, they should raise it with the Student Casework Manager at the earliest opportunity, so that

wherever possible the University can take quick action to remedy the complaint. Should it not be possible to resolve the complaint, students are encouraged to submit a formal complaint under the University complaints procedure:

<https://www1.uwe.ac.uk/about/contactus/complaints.aspx>. Students may find it helpful to approach The Students' Union's Advice Centre in the first instance for independent advice.

Once a case has been completed the responding student should raise any matter about the application of the Procedures under the Appeal process, see paragraph 28 below.

## **Procedure to be followed**

17 Concerns about a student's professional suitability including failure to comply with the University's standards of conduct and PSRB codes, may result in the University taking action under this Policy and Procedures and/or such other University procedures as it considers reasonable and appropriate.

## **18 Criminal Offences and Legal Proceedings**

- 18.1 If an allegation might constitute a criminal offence or where a police, criminal or other legal investigation or legal proceedings are likely or under way, the Head of Department or Student Casework Manager may give formal notice to the student of an intention to invoke the Professional Suitability Procedures but may postpone further action until the investigation and/or proceedings have been concluded. However, there may be circumstances in which the processes run concurrently or consecutively, particularly where there is an immediate issue of risk to the student or others. The Head of Department and/or the Student Casework Manager usually consult with the relevant external agencies before determining how to proceed.
- 18.2 In such cases precautionary measures may be taken under these procedures to mitigate risks, pending the progression or outcome of any police, criminal or other legal investigation or proceedings. (See section 19 below).
- 18.3 The University is not bound by the outcome of any criminal prosecution although the University may at its discretion take any penalty imposed by a criminal court into consideration in determining any outcome to be imposed under this Policy and Procedures.

## **19 Precautionary measures**

- 19.1 Any precautionary measures taken are neutral in that they are not a determination regarding any of the allegations being investigated. The University has a responsibility to take reasonable steps to protect the academic position of a student in these circumstances regardless of the allegations.
- 19.2 Measures might include:
  - temporary suspension of a student from their placement, work-based learning setting, related learning activities and/or programme
  - temporary exclusion from University premises either particular areas/campuses, such as student residences, or as a whole
  - temporary removal of access to University facilities and/or resources
  - temporary non-contact agreements.
- 19.3 A risk assessment is undertaken and where the relevant Head of Department and the Student Casework Manager, in consultation with others as appropriate, judge that a student about whom serious professional suitability concerns have been raised poses a serious risk to:
  - their own health, safety and/or wellbeing and/or that of others
  - the professional activities of a placement provider or other professional organisation or to a practice situation
  - the property of the University and/or others, and/or
  - the reputation of the University or a placement provider or other professional organisation, and/or its proper functioning and/or its activities

and immediate action in the form of precautionary measures is reasonably required to remove or reduce the risk, the Student Casework Manager makes a recommendation to a nominated member of the University Directorate where the student is to be temporarily suspended and/or excluded or to the Executive Dean of the Faculty or their nominee for other actions.

- 19.3 The decision-maker considers the recommendation and may impose an action for a specified period of time pending steps being taken under this Policy and Procedure and/or any police inquiry and/or criminal investigation/prosecution or other external proceedings.
- 19.4 The student is notified in writing of the decision, with reasons, normally within 3 working days of the date of the decision.
- 19.5 The Head of Department considers whether specific arrangements can reasonably be put in place for the student in order to minimise the impact on their studies, and liaises with the student's Programme Leader or other nominated person to make these arrangements as appropriate.
- 19.6 Where a precautionary measure is taken in accordance with this section, the student may appeal that decision within 10 working days of the date of the written notification of the decision, on one or more of the following grounds:
  - the University has failed to follow the procedure set out in this Policy and Procedure
  - the decision was unreasonable and/or disproportionate
  - material new information/evidence is available which was not reasonably available before.

The process for submitting an appeal is set out in paragraph 28 below.

- 19.7 Where a student is suspended and/or excluded under this section the Student Casework Manager, Head of Department and member of the University Directorate review at regular intervals whether it is reasonable for the suspension/exclusion to continue or whether it should be revoked or extended for a further specified period of time.

## **20 Advice and Assistance**

- 20.1 Any students involved in the process are reminded that The Students' Union Advice Centre is available to give independent, non-judgemental and confidential advice about any matter in this Policy and Procedure. With appropriate notice they will also be able to accompany students to any meeting arranged under this policy and procedure. Contact details and further information about the Advice Centre's services can be found at this address:  
<https://www.thestudentsunion.co.uk/advice-centre/contactus/>
- 20.2 The names of any reporting student(s) and the responding student(s) may be provided to The Students' Union Advice Centre by the Student Casework team in order that they might pro-actively contact the students to offer support. No other information about the matter reported will be provided.
- 20.3 Students are encouraged where appropriate to seek support from relevant external sources (e.g. local GPs or mental health services) as well as from sources internal to the University (e.g. the Wellbeing Service and Disability Service).

**21      Level 1: Local Intervention**

- 21.1 Examples of concerns and issues at Level 1 are set out in paragraph 4.1 above.
- 21.2 Level 1 normally involves intervention by a Head of Department/designated lead within a department, or their nominee, at an early stage when an incident occurs or an issue arises which are emerging or relatively minor with the aim of addressing it as quickly, close to the source and as effectively as possible. Staff taking action under Level 1 can seek guidance from the Student Casework Team in Student and Academic Services prior to invoking this Policy and Procedure.
- 21.3 Alternative Procedures: Reports at this level may also fall within the scope of other University procedures such as those set out in the Policy Framework. It may be appropriate for a matter to be dealt with under one of those alternative procedures which might offer the most effective and immediate means of influencing and managing a situation. A particular example is inappropriate behaviour in student accommodation when the Student Accommodation rules apply. The Student Casework Manager can advise on this matter.
- 21.4 On receiving a report, the Head of Department's nominee investigates the matter and gathers any evidence, including from the reporting person and any witnesses if appropriate.
- 21.5 The member of staff informs the student that there is a concern about their professional suitability and the nature of the concern and that the matter is to be dealt with under Level 1. The student is provided with a copy of this Procedure. A meeting is arranged with the student to discuss the concern and any support needs the student may have. The student is given advanced notice of the date and time of the meeting so that they can take advice and/or seek support before the meeting. They are to be informed who will be present at the meeting and reminded that they can bring somebody with them for support (see paragraph 9). The staff member may also invite another independent and appropriately trained member of staff to attend in support.
- 21.6 Following the meeting, the staff member determines whether the concern is justified or allegation is founded and, if so, whether the student's professional suitability is or may become compromised and any actions to be taken. Such actions may include, but are not limited to, one or more of the following outcomes:
- no further action to be taken
  - verbal warning or written warning
  - action plan including, for instance: requirements to meet established levels of attendance and engagement or to follow established procedures
  - support arrangements and/or reasonable adjustments to be put in place
  - seizure and retention for a period of time or permanent confiscation, without compensation, of items, for the purpose of maintaining the safety and wellbeing of others
  - removal of access to a service provided by the University or to the use of specified facilities for a given period of no longer than one week
  - referral to another Level in this Procedure or to be considered under another University process.
- 21.7 The student is normally notified in writing within eight working days of the meeting of the staff member's decision, with reasons, and any actions to be taken. A copy of the letter is sent to the Head of Department or designated lead.

- 21.8 The member of staff notifies the Student Casework team when an initial report is received in case action is already being taken elsewhere and provides a brief report of the incident and action taken to the Student Casework team when it is concluded so that a record of the case is kept centrally. The member of staff also retains any records for future reference if necessary.
- 21.9 Review: Students may request a review of a decision made under Level 1 of these Procedures. A written request may be sent to the Head of Student and Academic Policy Enhancement within ten working days of the date of the notification on one or more of the following grounds:
- the Procedure has not been followed adequately;
  - the decision is unreasonable and/or a disproportionate sanction has been imposed;
  - there is material new information/evidence which was not reasonably available before.

The Students' Union Advice Centre is able to support students.

The Head of Student and Academic Policy Enhancement will arrange for a review of the case to be undertaken, usually by a member of the Student Policy team, and the findings referred to him/her. A decision will be made either to uphold the original decision, to refer the matter back for further consideration, or to impose an alternative sanction.

## **22 Serious or Critical Concerns under Level 2 and Level 3**

- 22.1 Reports of concerns or issues should be submitted in writing. Examples of allegations of serious and/or continuing or repeated concerns at Level 2 and critical and/or persistent or cumulative concerns under Level 3 are set out in paragraph 4.1 above.
- 22.2 An Investigating Officer is appointed by the Head of Department/designated lead to investigate reports under Levels 2 and 3. The Head of Department should be assured that the Investigating officer has sufficient experience and training to conduct an investigation and that they are independent from the matter to be investigated. The Investigating Officer is supported and advised by a caseworker from the Student Casework team. In certain circumstances, for instance where specialist training or expertise is required, a student caseworker may be appointed in consultation with the Student Casework Manager to lead the investigation and work with a member of the Department.
- 22.3 Alternative Procedures: Where applicable, the Student Casework Manager in consultation with the Head of Department and others decides whether action is to be taken under this Policy and Procedure or an alternative procedure.

When a concern is raised by a placement/work-based learning provider, the Head of Department or nominee liaises with the provider and the Student Casework Manager to agree the appropriate process to be followed.

### **22.4 Investigation**

An investigation is undertaken prior to a matter being determined under Level 2 or Level 3 of the Procedure. The purpose of the investigation is to inform the University of the nature of the professional suitability concern, to recommend to the Head of Department the level at which it should be dealt with (if any), and to prepare a report to be presented at the relevant level. An investigation is to be reasonable and appropriate in the circumstances

and is carried out in accordance with the operating principles set out in the Policy Framework for Student Behaviour and Health. Guidance on investigations is available separately.

The Investigating Officer determines the process to be followed for investigation, advised by the caseworker. As part of an investigation:

- any action taken under Level 1 is reviewed
- the Officer speaks with and gathers information from those raising a concern or reporting an incident, such as placement providers or health professionals
- the Officer gathers evidence from other sources as appropriate, for instance relevant information from University staff
- the Officer speaks to the student to hear their response to the concerns and to gather evidence.

The individual reporting a concern is informed of the procedure that will be followed, that their identity and that of any witnesses cannot normally be withheld from the responding student, and how their statement and any evidence will be used and shared. Within the confines of data protection rules and the confidentiality of proceedings, they may be kept informed of progress.

- 22.5 The student is informed that an investigation is being carried out and the identity of the Investigating Officer, the nature of the concerns or matters raised, and has a right to respond.

Care is taken to avoid placing the student in a position whereby they incriminate themselves unfairly.

The student will be given at least 3 working days' notice of any meeting and has the right to be accompanied to the meeting as set out in the operating principles.

- 22.6 The Investigating Officer provides a report and any evidence, including the student's statement, and setting out the professional suitability concerns to the Head of Department with a recommendation as to whether the matter is to be taken forward and, if so, whether it can be concluded at Level 1 or is to be considered at Level 2 or Level 3 under the Policy.
- 22.7 The Head of Department considers the report, evidence and recommendations and determines how the matter is to be progressed.
- 22.8 The Head of Department informs the student of their decision in writing normally within 8 working days of the meeting with the Investigating Officer. If further investigation is required following the meeting, the student should be notified of this and kept informed of progress.

### **23      Level 2: Meeting**

- 23.1 Following the investigation and determination that the matter is to be considered under Level 2, the Head of Department responsible for the area in which the programme resides or their nominee informs the student in writing that there is a concern about their professional suitability and the nature of the concern and that the matter is to be dealt with under Level 2. The student is provided with a copy of this Policy and Procedure.

- 23.2 The student is invited to a meeting with the Head of Department or nominee to discuss the concern and any support needs the student may have. The student is given a full opportunity to respond to the concern. The Head of Department may invite other staff members to attend the meeting and may consult with and seek information from other persons in order to deal with the matter and to provide support to the student. Records of previous meetings under this Procedure and any action plans may be available at the meeting.
- 23.3 The student is normally given at least 5 working days' notice of the meeting and is provided in advance of the meeting with relevant documentation supporting the concern.
- 23.4 Following the meeting, the Head of Department or nominee determines
- whether the concerns are justified and/or any allegations about the student's conduct are founded and, if so
  - whether or not the student's professional suitability is compromised or may become compromised and any actions to be taken.
- 23.5 Such actions may include, but are not limited to, one or more of the following outcomes:
- No further action to be taken
  - Any outcome at Level 1
  - Temporary withdrawal from placement, other work-based setting or related learning activity
  - Reparation to the University or individual in respect of loss caused
  - Referral to the Police or other external authority
  - A financial penalty (up to £1000)<sup>1</sup>
  - Restorative justice
  - The matter be referred to another Level or for consideration under another University process
- 23.6 The student is notified in writing normally within 8 working days of the meeting of the decision of the Head of Department or nominee, with reasons, and any actions to be taken.
- 23.7 A copy of the decision letter and associated documentation is retained centrally by the Student Casework team.

#### **24      Level 3: Professional Suitability Hearing**

- 24.1 A concern that it is inappropriate to consider at a lower level or a critical matter is dealt with by a Professional Suitability Panel at a hearing.
- 24.2 A Professional Suitability Panel is convened by the Director of Student and Academic Services (SAS). The Panel normally consists of:
- A PVC/Executive Dean of Faculty, or Deputy, or an Associate Dean, or an Assistant Vice-Chancellor, or a Head of Department (not from the student's department) - who will act as Chair
  - one member of academic staff from the Department in which the student is based
  - one independent member of academic staff from another Department within the University or a senior member of staff from a Professional Services if particular expertise is required, and
  - one member of the relevant profession and external to the University.

Consideration is given to the balance of the Panel in terms of knowledge, experience and representation and to reflect the responding and reporting students in the particular case. Panel members are to be independent and impartial.

- 24.3 A Secretary to the Panel is nominated by the Director of SAS. The Secretary acts as neutral observer at the panel hearing and provides advice and guidance on procedure. The Secretary arranges for the Professional Suitability Hearing to be organised by the Student Casework team in accordance with the Procedures and deals with queries from the student or the Panel on the procedure involved. The Secretary also ensures that information is shared as appropriate with the parties and that a record of the hearing is taken.
- 24.4 The Investigating Officer normally presents the University's case (Case Presenter) at the Hearing unless the Head of Department decides to do so.
- 24.5 Once the date of the Professional Suitability Panel hearing is arranged, the student is normally provided with at least 10 working days' notice of the date and other details of the hearing, the professional suitability concern and the identity of the Panel members. They are reminded of their right to be accompanied at the hearing as set out in paragraph 4 of the Policy Framework for Student Behaviour and Health.
- 24.6 The Secretary arranges for the information collected during the investigation that are to be considered by the Panel, including, but not limited to, the investigation report and written statements, to be provided to the Panel members and the student and/or the student's support if they have one, at least 7 working days prior to the hearing.
- 24.7 The student may provide a written statement and evidence in response to the concern to be considered to the Secretary at least 4 working days prior to the hearing date. The Secretary will arrange for the information to be provided to the Panel.
- 24.8 Notice of any witnesses to be called by the student and/or the Case Presenter at the hearing must be given in writing to the Secretary to the Professional Suitability Panel at least 3 working days in advance of the date of the hearing, together with a written statement of the contribution that each witness will make. The Secretary will inform each party of the other party's witness notice. It is the responsibility of the student and/or the case presenter to ensure that their witnesses are available to attend on the arranged date.
- 24.9 While the order and procedure to be followed at a hearing is at the discretion of the Chair, it shall include:
  - the Case Presenter outlining the concerns/matters investigated, the professional suitability concerns raised and the evidence in support
  - the student presenting his/her response to the concerns
  - the right of the Case Presenter and the student to call witnesses, to provide evidence, and for them to be questioned by the Panel
  - the Panel members may question the Case Presenter, the student and the witnesses at any time during the hearing and may recall both parties or witnesses at any time

The Chair may adjourn or postpone the hearing where it is reasonable to do so.

The Professional Suitability Panel may ask for specific enquiries to be undertaken, additional witnesses to be called and/or additional information to be presented. Minutes are taken of the proceedings.

Guidance on the procedure and conduct of a hearing is available separately.

- 24.10 If a student chooses, without good reason, not to present a response to the allegations for consideration by the Panel and/or not to attend a Disciplinary Hearing, the Panel may decide to continue with the hearing and to reach a finding in their absence.
- 24.11 After the case has been heard the Panel meets in private to deliberate and to determine its findings and to reach a decision in the matter.
- 24.12 The Professional Suitability Panel determines:
  - whether, on the balance of probability, the concerns are justified and/or any allegations about the student's conduct are founded and, if so
  - whether or not the student's professional suitability is compromised or may become compromised and any actions to be taken.

Such actions include, but are not limited to, one or more of the following:

- Any sanction at Level 1 and/or 2
- Withdrawal from placement or other work-based activity or learning activity
- Transfer to a non-professional programme
- Recommendation that a professional award is to be withheld or an alternative non-professional award made
- Suspension from the University, and/or parts of the campus, for a given period of time
- Permanent Expulsion from the University
- Not to permit readmission to a professional programme in future.

## **25 Exclusion, Suspension and Expulsion**

- 25.1 If the Professional Suitability Panel recommends that a student should be subject to an exclusion from the premises, a suspension from their programme or expulsion from the University, the matter is referred to the nominated member of the University Directorate for a decision to be made.
- 25.2 If it is appropriate in the case of a suspension, the Head of Department or designated lead ensures with the Secretary of the Professional Suitability Panel that a plan to support the student's study is devised and implemented.

## **26 Communication of Decision**

- 26.1 The Chair of the Panel writes to the student conveying the Panel's decision, and once the member of University Directorate has approved any recommendation, normally within 8 working days of the hearing with reasons and any action to be taken. A copy of the record of the meeting will also be provided to the student. If the member of University Directorate decides to exclude or suspend a student, the student is informed of any conditions associated with eligibility to return.

In all cases the most appropriate and supportive manner for the outcome to be communicated to the student is considered in advance of notification to the student. If the student was not informed of the outcome at the hearing, wherever possible, the written notification detailing the decision is given to the student in person.

- 26.2 The Secretary notifies other parties to the matter, where appropriate, and others as necessary and appropriate of the outcome or parts of the outcome once the student has been informed formally.
- 26.3 The University notifies external organisations of the investigation and/or outcome where the Panel has decided it should do so, for instance to the relevant PSRB or the DBS, or where it has an obligation to do so, such as Student Finance England.

## **27 Action Plans**

Where an action plan is drawn up, the student is to be informed that if he or she fails to comply with any identified actions, the case may be referred to be dealt with at a higher level of this Procedure. The student is provided with a copy of the action plan. A date is arranged at which the action plan will be reviewed and a decision taken on whether the action plan should continue and, if so, whether it should be amended, and whether any requirements have been complied with and, if not, whether the matter should be referred to another level. The student is invited to the review meeting and the outcomes of the review meeting notified to the student in writing.

## **28 Fitness to Study Procedure**

- 28.1 This procedure may be used in exceptional circumstances when a student's physical or mental health means that:
  - they pose a very serious or critical risk to themselves, or to others, which may include service users in placement settings, and
  - gives rise to professional suitability concerns arising from a lack of insight into their health and/or its impact upon others and/or their professional practice, and
  - rapid action is required.

The decision on whether this route through the Professional Suitability Procedures is to be used is made jointly between the Student Casework Manager, Head of Department and Head of Student Support and Wellbeing.

The procedure has two levels of action which are levels 2 and 3 as set out below. Initial or emerging concerns are managed under the Professional Suitability Procedures (Section 21) in the usual way.

### **28.2 Level 2 – Continuing and/or Serious Concerns**

Continuing and/or serious concerns about a student's fitness to study is normally dealt with under Level 2. The case is managed by the Head of Department or designated lead or their nominee working with a caseworker from the Student Casework team.

The designated lead or nominee informs the student that there is a concern about their fitness to study, the nature of the concern, and that the matter is to be managed under Level 2 of this Policy. The student is provided with a copy of this Procedure.

The student is invited to attend a meeting with the member of staff and the Student Policy caseworker to discuss the concern, any support needs the student may have, and to seek to identify the student's perception of the concern. The student is given a full opportunity to respond to the concern and is entitled to be accompanied at the meeting as set out in the Policy Framework.

Further guidance on such meetings can be found under the University's general Fitness to Study Policy and Procedures and in separate guidance.

Following the meeting a report and evidence is provided to the Head of Department, who will determine whether the student's fitness to study and/or professional suitability is compromised or may become compromised and any actions to be taken. He or she may decide to meet the student to explore the matters raised. Actions may include (but are not limited to) one or more of the following outcomes:

- support arrangements and/or reasonable adjustments to be put in place for the student;
- an action plan to be drawn up, where possible with the agreement of the student, setting out how the matter will be managed and any requirements to be placed on the student (for example, in respect of his/her future conduct or support he or she is to seek);
- the matter be referred to another level;
- it be recommended to the student that s/he take a period of voluntary interruption.

The student is notified in writing normally within five working days of the decision made by the Head of Department, with reasons, and any actions to be taken.

### **28.3 Level 3 - Persistent and/or Critical Concerns**

Persistent and/or critical concerns about a student's fitness to study are dealt with under Level 3.

The particular process to be followed in dealing with a matter under Level 3 is at the discretion of the Head of Department and the Head of Student Support and Wellbeing or the Student Casework Manager and depends upon the circumstances of the matter (for example, the seriousness of the concern, the risk posed, and whether the student is able to engage with the process).

Where there are such concerns about the risks posed by a student's health or where a temporary suspension under section 11 is being considered, Student and Academic Services normally gets in touch with the "emergency contact" provided by the student at the point of registration. The student's consent for this action to be taken is usually sought. The University reserves the right to make this contact if it deems the student's vital interests are at risk even if such consent is not given and/or the student is unable to give such consent.

Normally, a case conference is called by the Head of Department to discuss the nature of the concerns and consider possible outcomes. The case conference comprises the Head of Department, designated lead or another senior member of the Faculty Executive (who will act as Chair) and, as is appropriate in the circumstances and at the discretion of the Chair, two senior members of staff who act as Panel members. These could include:

- a senior member of Student and Academic Services, such as the Head of Wellbeing or Disability Services
- the designated lead from an academic department or professional service or nominee
- another member of academic staff from the department, such as the Programme Leader
- Head of an appropriate professional service, such as Accommodation Services

The Panel may also seek advice from a member of the relevant profession external to the University.

A caseworker from the Student Casework Team is also present to advise the Panel, and a minute-taker if necessary. Other individuals may be called upon to provide information (for example, staff who have been involved with the student) either in person or in writing. Relevant external professionals (for example, psychiatrists, GPs, mental health workers, probation officers) may also be invited to attend. Provision is made for the production of written reports (for example, medical reports) where appropriate.

Normally the student is invited to attend the case conference, and the case conference seeks to identify the student's perception of the concern and of the impact on their professional suitability. The student is entitled to be accompanied to the case conference, normally by no more than one person, and preferably a close family member. The student is informed of the case conference in writing at least 24 hours in advance, the purpose of the case conference, the nature of the concern, who will be present, and that the matter is to be managed under Level 3.

Further guidance on such case conferences can be found under the University's general Fitness to Study Policy and Procedures and in separate guidance.

The Panel determines whether the student's fitness to study is or may become compromised and, if so, whether their professional suitability is compromised, and any actions to be taken. Such actions may include (but are not limited to) one or more of the following outcomes:

- support arrangements and/or reasonable adjustments to be put in place for the student;
- an action plan to be drawn up, where possible with the agreement of the student, setting out how the matter is to be managed and any requirements to be placed on the student (for example, in respect of his/her future conduct or support he or she needs to seek);
- the matter referred to an earlier level of this Procedure;
- the student be withdrawn from placement or other University related activity;
- the student be permitted to continue on a part-time basis or to study by means of formal or informal distance learning with appropriate support;
- it be recommended to the student that s/he take a period of voluntary interruption;
- it be recommended to the student that they transfer onto a non-professional programme;
- it be recommended that the student be excluded from University premises for a stated period of time, with arrangements put in place to support his or her study as is reasonable, with or without conditions, for any subsequent return on to the premises;
- it be recommended that the student be suspended from their programme of study for a stated period of time, with or without conditions, for any subsequent return to study;
- it be recommended that the student be expelled from the University.

Where a decision to recommend withdrawal from an activity, suspension, exclusion or expulsion is made, the process in section 24 above will be followed.

The student will be notified in writing of the decision and outcome of the case conference with reasons, normally within five working days.

The minutes of the proceedings and the determination of the case conference are available to all in attendance and are kept securely by the Student Casework Team.

## **29 Appeals**

29.1 Students may raise a written appeal to [complaints@uwe.ac.uk](mailto:complaints@uwe.ac.uk) against the outcome of Levels 2 and 3 of this Procedure within ten working days of the date of the notification on one or more of the following grounds:

- The University has failed to follow its own Procedure adequately;
- The decision is unreasonable and/or a disproportionate sanction has been imposed;
- The student has material new information/evidence which was not reasonably available before.

The Students' Union Advice Centre is able to support students through the appeal process.

29.2 A member of the team considers the appeal submission and determines whether there are valid grounds to appeal.

29.3 Where valid grounds are determined, the appeal will progress to the Vice-Chancellor, or nominee, for consideration. Should the Vice-Chancellor have been involved in the procedures at an earlier stage, the appeal will be considered by a member of the Board of Governors.

29.4 The Vice Chancellor (or nominee) considers the evidence provided and determines the outcome of an appeal. The Vice Chancellor (or nominee) makes one of the following decisions:

- Dismiss the appeal; or
- Uphold the appeal and:
  - refer the matter back to an earlier level of the Procedure for reconsideration, e.g. if the correct process has not been followed, or if material new information or evidence has been made available; or
  - impose an alternative sanction or action.

29.5 The outcome of the appeal is notified to the student in writing together with reasons within seven working days of determination of the appeal. This decision is final and concludes this Procedure. A "Completion of Procedures" letter is issued to the student. Further information on procedures for external and independent review can be obtained from the Office of the Independent Adjudicator for Higher Education website ([www.oiahe.org.uk](http://www.oiahe.org.uk)).

## **30 Return to Study**

30.1 A request to return to study, following either voluntary or imposed suspension of studies or a decision of exclusion, must be made by a student in writing to the Student Casework Team in Student and Academic Services.

30.2 The process by which the outcome of a return to study request is determined may vary according to the circumstances of the matter and the interests of fairness, and is at the

discretion of the Head of Department or designated lead. Each student's case varies depending upon the context and specific circumstances. In each case, however, a return to study by a student is dependent upon the student satisfying the Head of Department, or nominee, that they are in a position to return to study safely, has insight into the professional suitability concerns raised previously and that they have complied with any conditions placed upon their return.

- 30.3 Normally the student is invited to meet with the Head of Department or nominee to consider the request to return to study. A student caseworker will also attend. The Head of Department may require the student to produce satisfactory medical and/or other evidence to support the request to return (for example, evidence of engagement with support, a psychiatrist's report or GP's letter) from recognised professionals preferably with sufficient knowledge of the student, the demands of higher education, and the student's intended programme of study in order to give an informed opinion. The student may be asked to provide such evidence before a decision is made whether to arrange a meeting.
- 30.4 The Head of Department determines whether to permit the student to return to study. In reaching his or her decision, he or she may consult with relevant University staff and/or external professionals. He or she may decide that the matter should remain under this Policy and may impose conditions upon any return to study (for example, relating to the student's conduct, any support the student should seek and/or his or her academic progress). The Head of Department considers any support and/or reasonable adjustments which should be put in place for the student in connection with his/her return to study and is responsible for ensuring that any support and reasonable adjustments identified are provided/ made.
- 30.5 The decision of the Head of Department is notified to the student in writing, with reasons, within a reasonable time of the student's written request to return to study. If the request is turned down, the letter includes information on the process of re-application for a return to study.
- 30.6 The student may appeal that decision within 10 working days of the date of the written notification of the decision, on one or more of the following grounds:
  - the University has failed to follow the procedure set out in this Policy and Procedure
  - the decision was unreasonable and/or disproportionate
  - material new information/evidence is available which was not reasonably available before.

The process for submitting an appeal is set out in paragraph 26 above.

- 30.7 The University works collaboratively with the student in respect of any support arrangements put in place for a return to study. Before or on their return, the student is invited to attend a meeting or be in contact by other means with appropriate members of academic staff and/or support services. An action plan may be drawn up to support the student's successful transition back to study. The action plan will detail any conditions imposed and any support identified by the Head of Department in respect of the student's return. The action plan will include a timetable for any review. If conditions are attached, failure to comply may lead to further action under the Professional Suitability Procedures. The student will be sent a copy of the action plan.

## **APPENDIX 1 – Programmes normally applicable to the Professional Suitability Policy and Procedure**

To note: The Policy and Procedure may be invoked for other programmes where it is deemed appropriate to do so

### **Faculty of Arts, Creative Industries and Education**

Postgraduate Certificate in Education  
All Initial Teacher Training Programmes  
Early Childhood Studies Programmes  
Education and Technology Programmes

### **Faculty of Health and Applied Sciences**

Nursing Programmes  
Midwifery Programmes  
Physiotherapy Programmes  
Occupational Therapy Programmes  
Radiography Programmes, including Nuclear Medicine and Medical Ultrasound  
Paramedic Science Programmes  
Optometry Programmes  
Healthcare Science Programmes  
Biomedical Science Programmes  
Sports Rehabilitation Programmes  
Music Therapy Programmes  
Social Work Programmes  
Counselling Programmes  
Psychotherapy Programmes  
Practitioner Psychology Programmes, including Health Psychology  
Physician Associate Programmes  
Foundation programmes for Health Professions/Health and Social Care  
Policing Programmes