

Professional Suitability Policy and Procedure

Concerns about a student's professional suitability should be acted upon promptly in order to provide support to the student and as early intervention may prevent matters from becoming more serious. In the event of doubt as to how a concern should be dealt with, please refer to Student and Academic Services (email: profsuitability@uwe.ac.uk or telephone +44 (0)117 328 7712)

Introduction

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.
2. 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.
3. The programmes of study to which this Policy and Procedure normally applies are listed in Appendix 1. 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 complaint is made that calls into question their suitability for their expected future profession. The Student Casework Manager and Head of Department will agree when the use of the Professional Suitability Policy is appropriate in these circumstances.
4. The University needs to be satisfied that students admitted, 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 Disclosure and Barring Checks (DBS) 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 Procedure in the event that professional suitability concerns are raised.
5. Students undertaking such programmes will be 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
6. This Policy and Procedure sets out how the University will normally respond 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. This Policy and Procedure is not intended to deal with issues of assessing practice competencies which are managed under the University's Academic Regulations and Procedures. In appropriately serious cases, the University has the right to suspend and/or terminate a student's registration on the programme.
7. Examples of where professional suitability concerns may arise include (but are not limited to) instances 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 gives 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 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 failures to respond to communications
- inconsistent, unreliable or inappropriate behaviour in learning, study or placement/work-based learning settings

and where, due to the nature of the programme, the University is concerned that the student's professional suitability may be, or may become, impaired in light of a reasonable suspicion that as a result:

- a risk is posed to the student's own health, safety or wellbeing and/or that of others
 - the proper operation of the profession is or may be adversely affected
 - 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.
8. 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, academic performance or conduct, or from issues raised by University staff, other students, health professionals, placement providers or service users). The University will consider and address concerns regarding students' professional suitability howsoever they arise and will endeavour to take action to deal with concerns promptly and fairly. Staff to whom disclosures are made or concerns are raised are encouraged to consult with their Head of Department and/or the Student Casework Manager to discuss next steps. 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.
 9. This Policy and Procedure 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.
 10. In implementing this Policy and Procedure, the University will remain mindful of its duty of care and of its obligations to students under the Equality Act 2010 including in appropriate cases to make reasonable adjustments. It will also remain mindful of the often confidential and sensitive nature of professional suitability matters and of its obligations under the Data Protection Act 1998.
 11. The standard of proof applied at every stage of this Policy and Procedure is the balance of probabilities.
 12. When dealing with students under this Policy and Procedure, University staff will consider what support and guidance may be offered to students. Students will be reminded of the support services provided by the University through Student and Academic Services and by the Students' Union Advice Centre and will be 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).

13. 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 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.
14. 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 and/or Fitness to Study Policy and Procedure) as an alternative or in addition, and the University is not prevented from doing so at any time.

Concerns about a student's health and wellbeing

15. There may be occasions when a student's physical or mental health means that they pose a risk to themselves, or to others, which may include service users in placement settings. For students following professional programmes, such health concerns will usually be managed through this policy and procedure, especially where the student's presentation gives rise to professional suitability concerns arising from a failure to disclose a health issue, a lack of insight into their condition and/or its impact upon others and/or their professional practice. In all cases, the process will be conducted in as supportive a way as possible and specialist expertise from the internal support services. In some cases, it might be deemed appropriate to manage health concerns through the Fitness to Study Policy. The decision on the appropriate policy framework will be made jointly between the Student Casework Manager, Head of Department and Head of Student Support and Wellbeing.

Conduct which may also be a criminal offence

16. If a student's conduct may be in breach of the criminal law, the University may at its discretion refer the matter to the Police. In addition, the University may at its discretion suspend or delay taking action under this Policy and Procedure pending the outcome of any Police inquiry and/or criminal investigation/prosecution.
17. The University may take action in respect of a student under this Policy and Procedure notwithstanding a conviction or acquittal in criminal proceedings. The University is not bound by the outcome of any criminal prosecution although the University may in its discretion take any penalty imposed by a criminal court into consideration in determining any outcome to be imposed under this Policy and Procedure.

Conduct which may constitute fraud

18. Where a professional suitability concern involving an allegation of fraud is made against a student who is registered on a National Health Service (NHS) funded programme or is an employee of the NHS, the University may refer the matter to the NHS Counter Fraud Service for its investigation.
19. The following are examples of actions that could raise allegations of fraud:
 - forging signatures (relating to practice or academic work)
 - working whilst absent from the University/placement due to alleged sickness
 - claiming a bursary when not entitled to do so or providing false information in a bursary application or not informing the NHS Bursaries Office when entitlement changes.
20. No internal action will normally be taken by the University other than suspension under paragraph 21 until the NHS Counter Fraud Service has completed its investigations and any subsequent external proceedings have been completed, or the NHS Counter Fraud Service advises that it does not object to the University dealing with the matter.

Temporary suspension or exclusion of student to mitigate risk

21. This section refers to the use of a temporary suspension of a student from their placement, work-based learning setting, related learning activities and/or programme, or temporary exclusion from University premises as a means of mitigating risk, not to their use as a penalty. Any temporary suspension or exclusion made under this section is a neutral act and is not a determination regarding any professional suitability concerns raised.
22. Where the relevant Head of Department and the Student Casework Manager agree that a student about whom 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 temporary suspension and/or exclusion is reasonably required to remove or reduce the risk, the Student Casework Manager will make a recommendation to a Deputy Vice-Chancellor (DVC) that the student be temporarily suspended and/or excluded.

23. The DVC will consider the recommendation and may:

- suspend the student from their placement or work-based learning setting and/or related learning activities for a specified period of time
- suspend the student from their programme for a specified period of time and/or
- exclude the student from University premises 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.

24. The student will be notified in writing of the DVC's decision, with reasons, normally within 3 working days of the date of the decision.

25. The Student Casework Manager will consider whether specific arrangements can reasonably be put in place for the student in order to minimise the impact on their studies, and will liaise with the student's Head of Department to make these arrangements as appropriate.

26. Where the DVC temporarily suspends or excludes a student 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 as paragraphs 66 to 72 below.

27. Where a student is suspended and/or excluded under this section the Student Casework Manager and DVC will 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.

Procedure to be followed at Levels 1, 2 and 3

28. Concerns about a student's professional suitability will normally be dealt with under the following Procedure which has 3 levels of concerns:

- **Level 1:** Initial, emerging or minor concerns
- **Level 2:** Serious and/or continuing concerns
- **Level 3:** Critical and/or persistent or cumulative concerns.

29. The Procedure 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. At which Level 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.

30. Students dealt with under this Procedure will be entitled at any stage to be accompanied and/or represented by one member of staff, friend, relative, or representative of the Students' Union. This is in addition to any health professional or support worker who may usually accompany the student. The role of this individual is to provide support to the student. It is not to advocate or represent the student.
31. Should a student without good cause be unwilling or unable to participate at any stage of this Procedure or attend a meeting/ hearing, the University reserves the right to follow the Procedure in their absence.
32. Where in this Procedure reference is made to any named University officer such reference is to be read as including reference to any appointed nominee.
33. 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.

Investigations

34. Prior to any matter being determined at a meeting under Level 1 or 2 or a hearing at Level 3, the University will undertake an investigation as is reasonable and appropriate in the circumstances. The purpose of the investigation will be 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 (if appropriate). A member of staff will be appointed by the relevant Head of Department to act as Investigating Officer. Any investigation will be carried out in a transparent and fair manner.
35. The Investigating Officer will determine the process to be followed for the investigation and will speak with the student concerned and with other students, staff and third parties where relevant (such as placement providers or health professionals). Where concerns are initial or minor, an investigation meeting with the student may not necessarily be held, but an initial response from the student to the concern will be sought. In more complex cases, a professionals' meeting or case conference may be called in order to ascertain the nature of the concern and gather information. The student will be informed that an investigation is being carried out, the identity of the Investigating Officer, and will be invited to respond.

Action Plans

36. Where the outcome at any Level of this Procedure includes the drawing up of an action plan, the plan will set out how the matter will be managed and any requirements to be placed on the student. The action plan will state that where the student fails to comply with any requirements placed upon them, the matter may be referred to be dealt with at a higher Level of the Procedure. The student will be provided with a copy of the action plan. A date will be arranged at which the action plan will be reviewed by an appropriate member of staff at a review meeting who will consider 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 a higher Level. The student will be invited to the review meeting and the outcomes of the review meeting notified to the student in writing.

Level 1 – Initial, Emerging or Minor Concerns

37. Initial, emerging or minor concerns about a student's professional suitability will normally be dealt with under Level 1 in the following way.

38. The Programme Leader will inform 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 will be provided with a copy of this Policy and Procedure. The Programme Leader will arrange a meeting with the student to discuss the concern and any support needs the student may have.

39. Following the meeting, the Programme Leader will determine whether or not the student's professional suitability is impaired or may become impaired 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
- the matter be referred to another Level
- issue a warning
- support arrangements and/or reasonable adjustments be put in place for the student
- an action plan be drawn up
- the matter be referred for consideration under another University process

40. The student will be notified in writing normally within 8 working days of the date of the meeting of the Programme Leader's decision, with reasons, and any actions to be taken.

41. A copy of the decision letter and any associated documentation will be retained and a copy sent to the Head of Department.

Level 2 – Serious and/or continuing or repeated concerns

42. Serious and/or continuing or repeated concerns about a student's professional suitability will normally be dealt with under Level 2 in the following way.

43. The Head of Department responsible for the area in which the programme resides will inform 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 will be provided with a copy of this Policy and Procedure.
44. The student will be invited to a meeting with the Head of Department to discuss the concern and any support needs the student may have. The student will be 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.
45. The student will normally be given at least 5 working days' notice of the meeting and will be provided in advance of the meeting with relevant documentation supporting the concern.
46. The Head of Department will determine whether or not the student's professional suitability is impaired or may become impaired 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
 - support arrangements and/or reasonable adjustments be put in place for the student
 - an action plan be drawn up
 - issue a warning
 - the student be withdrawn temporarily from placement, other work-based setting or related learning activity
 - the matter be referred to another Level
 - the matter be referred for consideration under another University process
47. The student will be notified in writing normally within 8 working days of the meeting of the decision of the Head of Department, with reasons, and any actions to be taken.
48. A copy of the decision letter and any associated documentation will be retained and a copy kept by the Head of Department.

Level 3 - Critical, and/or persistent or cumulative concerns

49. Critical and/or persistent or cumulative concerns about a student's professional suitability will normally be dealt with under Level 3 in the following way.
50. The student will be informed in writing that there is a concern about their professional suitability and of the nature of the concern and that the matter is to be dealt with under Level 3. The student will be provided with a copy of this Policy and Procedure.
51. The student will be invited to a hearing before a Professional Suitability Panel. At least 10 working days in advance of the hearing the student will normally be given in writing:

- notice of the date, time and place of the hearing
 - details of the professional suitability concern
 - a copy of the investigation report
 - a reminder of the right to be accompanied and/or represented at the Hearing as detailed under paragraph 30.
52. A member of staff from Student and Academic Services, appointed by the Director, will act as Secretary to the Professional Suitability Panel. They will act as a neutral observer at the panel hearing and will provide advice and guidance on procedure. A note-taker may also be in attendance at the hearing.
53. The student may submit to the Secretary to the Professional Suitability Panel, at least five working days in advance of the hearing date, a written statement in response to the concern to be considered at the hearing.
54. Notice of any witnesses to be called by the student and/or the University's Case Presenter at the hearing must be given in writing to the Secretary to the Professional Suitability Panel at least 2 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 to the Professional Suitability Panel will provide a copy of each party's witness notice and statements to the other party.
55. A Professional Suitability Panel will be convened by the Director of Student and Academic Services and will normally consist of:
- A PVC/Executive Dean of Faculty, or Deputy, or an Associate Dean, or Head of 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, and
 - one member of the relevant profession and external to the University.
56. All Professional Suitability Panel members will be impartial and will have not normally had prior involvement in the case. A Professional Suitability Panel will not meet unless all members of the Panel are present.
57. Whilst the order and procedure to be followed at a hearing before a Professional Suitability Panel will be at the discretion of the Chair and will comply with the principles of natural justice, the following will normally occur:
- A member of University staff appointed to act as Case Presenter (usually the Investigating Officer) will outline the professional suitability concern and the evidence in support of the concern.
 - The student may respond at this stage.
 - The Case Presenter may call and question witnesses.

- The student may question these witnesses.
- The student will present their case.
- The student may call and question witnesses.
- The Case Presenter may question these witnesses.
- The Case Presenter will sum up.
- The student may reply.
- The members of the Professional Suitability Panel may question any witness at any time during the hearing and may recall the 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 will be taken of the proceedings.

58. The Professional Suitability Panel will retire in private to deliberate. The Secretary to the Professional Suitability Panel may retire with the Panel in order to provide procedural advice but will play no part in the Panel's decision-making. Matters will be determined by the Professional Suitability Panel on the balance of probabilities. If a consensus of decision is not achieved, the Chair will have the casting vote.
59. The Professional Suitability Panel will determine whether or not the student's professional suitability is impaired, or may become impaired, and any actions to be taken. Such actions may include (but are not limited to) one or more of the following outcomes:
 - no action be taken
 - support arrangements and/or reasonable adjustments be put in place for the student
 - an action plan be drawn up
 - the matter be referred to an earlier Level
 - the matter be referred for consideration under another University process
 - a written warning be given to the student
 - the student be withdrawn from placement or other work-based activity or related learning activity
 - the student be transferred to a non-professional programme
 - a recommendation be made to the Deputy Vice-Chancellor (DVC) that a professional award is withheld or withdrawn
 - a recommendation be made to the Award Board that an alternative non-professional award be awarded
 - a recommendation be made to the Deputy Vice-Chancellor (DVC) that the student be suspended from the programme for a specified period of time (with or without conditions)
 - a recommendation be made to the Deputy Vice-Chancellor (DVC) that the student be expelled from the University
 - a recommendation be made to the Deputy Vice-Chancellor (DVC) that the student be expelled from the University and not be permitted readmission on a professional programme in the future

60. The student will be notified in writing normally within 8 working days of the date of the hearing of the decision of the Professional Suitability Panel, with reasons, and any actions to be taken (although the student and the Case Presenter may also be notified verbally in advance of this time).
61. The hearing (and any subsequent meeting held to review progress and/or to provide additional support) will be formally recorded with one copy sent to the student, one copy retained and a third copy sent to the Head of Department.

Employment references

62. The University regularly provides student-related references to third parties (such as educational institutions and potential employers).
63. When providing a reference in a professional 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 and Procedure at Level 3, the University will refer to the professional suitability concern raised against the student, the associated circumstances, and the decision and outcome of the Level 3 proceedings. Students will be actively encouraged to contact the employing organisation and discuss full details of the case with the prospective employer.
64. The University will 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).
65. The University will not normally refer to issues arising in professional suitability proceedings under Levels 1, 2 or 3 when providing references for students in non-professional contexts unless there are legitimate and serious concerns about possible risk to others.

Appeals

66. Students may raise a written appeal to the Head of Complaints and Appeals against any neutral suspension or exclusion imposed under paragraph 21 above, or against the outcome of Levels 2 and 3 of this Policy and Procedure, within 10 working days of the date of the decision letter, on one or more of the stated grounds. The grounds for appeal against neutral suspension/exclusion are set out at paragraph 26 above. The grounds for appeal against the outcome of Levels 2 and 3 are:
 - the University has failed to follow the procedure set out in this Policy and Procedure
 - the decision is irrational and/or a disproportionate outcome has been imposed
 - material new information/evidence is available which was not reasonably available before.

67. The decision of the DVC or Professional Suitability Panel, as appropriate, will take effect and remain in force until such time as it may be changed by the appeal outcome.
68. The Head of Complaints and Appeals will consider the appeal submission and determine whether there are valid grounds to proceed, and the student will be informed accordingly.
69. Where valid grounds have been determined, the Vice-Chancellor (VC) will invite the student to submit additional evidence within a specified timeframe for further consideration.
70. The VC will determine the appeal, and will make one of the following decisions:
 - dismiss the appeal (in whole or part) and/or
 - uphold the appeal (in whole or part) and (as appropriate):
 - refer the matter back to an earlier level of this Procedure for reconsideration
 - refer the matter back to an earlier level of this Procedure for fresh consideration
 - impose an alternative outcome
 - confirm the original decision
71. The outcome of the appeal will be notified to the student in writing, with reasons, normally within 8 working days of determination of the appeal.
72. The decision of the VC will be final and will conclude this Procedure. A 'Completion of Procedures' letter will be 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.

*Approved by LTSEC
21 June 2017*

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 (paras 2 and 3)

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
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