

Professional Suitability for Training Procedure

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Professional Suitability for Training Procedure

1 Introduction

To protect the public and the professional reputation of the Trust and associated Academic institutions and professional bodies the Trust has set out a procedure that sets out the way in which the Trust will consider issues relating to the professional suitability of a student to complete a training programme delivered by the Trust and receive resulting professional and academic awards. This procedure is of relevance when training has clinical components, and the student, if successful will have a qualification that permits direct contact with patients.

2 Purpose

The purpose of this procedure is to set out the process that the Trust will follow in the event that there are concerns raised about the suitability for professional practice of any student undertaking training at the Trust.

3 Scope

The procedure applies to all professional training courses delivered by the Trust and by its National Centres. It relates solely to consideration of professional suitability for clinical practice and should be invoked if a student's conduct raises formal concerns about their suitability for qualifying to practice within a recognised professional group following the course.

This procedure is not relevant to be used in cases where the conduct issue does not raise a concern about professional suitability and should be investigated under the relevant procedure see list below:

- Trust's Disciplinary Procedure
- Trust Procedure for Investigating Student Conduct Concerns
- UEL Student Research Misconduct Procedure

The Trust will ensure that the admissions criteria for courses to which the professional suitability procedure will apply will include explicit reference to the procedure in any public information made available about the course.

A concern may be raised by members of the Trust staff, including staff in clinical services, by other students or by members of the public.

4 Definitions

The following definition will be used in this procedure:

Breaches of professional standards relates to act or omissions by students that could lead to one or more of the following (note the list is not exhaustive)

- failure to disclose information about previous matters relating to their professional suitability prior to enrolment on the course, including previous convictions and cautions
- false declaration of previous qualifications, experience or other relevant information provided in support of their application to training
- information that becomes available during the training period about the student that raises direct questions about their professional suitability
- actions that are, or could be harmful to service users, their carers and relatives, members of the public or service providers
- actions that are likely to constitute an unacceptable risk to the others and or the student themselves
- other contraventions of the relevant professional code of conduct for the qualifying profession

5 Duties and responsibilities

Responsibility for implementing this procedure lies with the Directorate of Education and Training and is overseen by the Chief Education & Training Officer/Dean of Postgraduate Studies.

Although it is intended that the named post holders will undertake the duties and responsibilities outlined in this procedure, there may be special circumstances, including a conflict of interest, where these functions may be carried out by an appropriate nominee. In such cases, the nominee will have had any relevant training and be of appropriate seniority.

Course Lead

The Course Lead is responsible for monitoring each student's progress and identifying and/or responding to any issues or concerns that raise questions about the student's professional suitability to practice. Issues or concerns may be raised with the Course Lead by other members of staff, including in clinical services, other students, and/or members of the public.

If concerns are identified then the Course Lead should gather relevant evidence and report this in writing to the appropriate Director of Education. In the event that there is a case to be answered the Course Lead should follow the steps set out in this procedure

Director of Education

The appropriate Director of Education is responsible for considering information received in writing from Course Leads about any concerns and determines whether there is a prima face case to proceed or if the matter should be closed.

In the event that there is a case to be answered the appropriate Director of Education should follow the steps set out in this procedure.

Chief Education and Training Officer/Dean of Postgraduate Studies

The Chief Education and Training Officer/Dean of Postgraduate Studies has overall responsibility for this procedure and its use. The Chief Education and Training Officer/Dean of Postgraduate Studies also has responsibility for determining whether any interim action is to be taken against the student in liaison with the relevant Clinical Service Lead.

The Chief Education and Training Officer/Dean of Postgraduate Studies is responsible following a written appeal from a student for determining in consultation with the appropriate Director of Education whether grounds for appeal are covered by provisions set out and then for appointing an Appeals Panel.

Head of DET Operations

The Head of DET Operations or their delegate is responsible for the administration of this procedure, including the secretarial duties in relation to Professional Practice Panels and Appeals.

6 Procedures

Please refer to Appendix 1 which in tabular form illustrates the trajectory and stages of the procedure.

6.1 Stage 1: Local Investigation

6.1.1 Raising a concern

Any concerns about a student's professional suitability to practice raised by any individual are to be made in writing to the Course Lead.

The Course Lead will consider the nature of the concerns and gather relevant information, including seeking the view of the Clinical Service Lead within the relevant placement.

If the Course Lead considers there is the basis of concerns about professional suitability they will raise these in writing to the appropriate Director of Education.

Based on the information provided to the Course Lead, including the information provided by the Clinical Service, and if the Course Lead considers the concerns

are serious enough to warrant interim measures, they should include this in their written submission (see section 6.2 below).

6.1.2 Considering whether there is a case to answer

The appropriate Director of Education will consider the information supplied and will determine whether there is a 'prima face' case to answer or if the matter should be closed.

If the Director of Education determines there is a 'prima face case', a 'local' investigation and report will be prepared by the Course Lead.

At the same time, the Chief Education & Training Officer/Dean of Postgraduate Studies will consider the merit of taking interim measures (see section 6.2 below).

The Chief Education & Training Officer/Dean of Postgraduate Studies has the ultimate responsibility for determining whether any interim action is to be taken against the student (in liaison with the relevant Clinical Service Lead) and for communicating this to the student.

6.1.3 Local Investigation by Course Lead

The Course Lead is responsible for notifying the student of the concerns and the investigation. This responsibility may be delegated where, for example, there is a conflict of interest.

The Course Lead will submit a report in respect of the concern raised about professional suitability, conclusions and recommendations to the appropriate Director of Education within 14 working days.

The Director of Education will consider the findings and recommendations and, subject to approval, will be responsible for relaying these to the student as soon as a decision is reached.

If the decision and recommendations of the 'local' investigation are accepted by the student then the procedure is closed.

If in the process of collating the relevant information, the Course Lead considers there is evidence to suggest that the case would be appropriately investigated through the Trust Procedure for Investigating Student Conduct Concerns, then the Course Lead will recommend to the appropriate Director of Education that the case be transferred out of the Professional Suitability for Training Procedure.

6.2 Interim Measures

At any time during the instigation of this procedure, the Chief Education & Training Officer may make a decision in respect of any interim action relating to the student, for example, suspending studies, suspending access to clients/patients, or alternative, according to the circumstances of the case.

The decision in respect of any interim action will be made within ten working days of receiving the information from the Course Lead, whether that is the written submission of concerns, 'Local' Investigation report, or panel report.

In exceptional cases, the Chief Education & Training Officer/Dean of Postgraduate Studies, in liaison with the Clinical Service Lead, may take the decision that the allegations being investigated are so serious that the student will be suspended from the course and/or their clinical placement during the investigation.

A student who is the subject of professional suitability proceedings and against whom a criminal charge in relation to that conduct is pending or who is the subject of police investigation may be suspended or excluded pending the investigation or the trial.

The student will be informed in writing of the decision to suspend, and the circumstances will be reviewed within five working days.

The student has the right to make a written representation to the Chief Education and Training Officer/Dean of Postgraduate Studies against suspension within five working days of notification, which will be considered as part of the first review.

All suspensions will be reassessed every three weeks by the Chief Education and Training Officer/Dean of Postgraduate Studies in liaison with the Clinical Service Lead. Confirmation of either the continuation or the lifting of suspension will be provided in writing to the student within a week of reassessment.

In the event that the investigation determines that the allegations are unfounded the student who has been suspended will not be further penalised in respect of completing their course of study and clinical placement.

6.3 Transition to Stage 2

If the decision of the 'local' investigation is not accepted by the student, the matter will pass to the Chief Education and Training Officer/Dean of Postgraduate Studies who will establish a Professional Practice Panel (see below).

6.4 Stage 2: Professional Practice Panel

The Chief Education and Training Officer/ Dean of Postgraduate Studies will establish a Professional Practice Panel which will normally comprise the following members:

- A senior member of the Directorate of Education and Training as Chair
- Two members of staff from the relevant subject discipline within the Trust who have had no previous involvement in the case. The panel should include a senior clinician from the service line where a student

is on a clinical placement, or any other senior member of staff as appropriate.

- Where appropriate up to two further members of the Panel may be drawn from partner (professional) bodies in the delivery of training.

The Secretary of the Professional Practice Panel will be the Head of DET Operations or their delegate.

Neither the student's adviser/supervisor or the Course Lead can be members of the Panel.

The appropriate Director of Education will submit to the Secretary of the Professional Practice Panel such evidence as they deem relevant including a copy of the report from the Course Lead.

The Secretary will send copies of the evidence to the members of the Panel and at the same time to the student concerned and will convene a meeting of the Panel within 14 working days of receiving the report and any supporting evidence.

The Panel will consider written evidence and call for interview persons they consider relevant to their task, this must include providing the student the opportunity of being interviewed by the Panel. The student may bring a friend or colleague to support them but is not entitled to bring a legal representative to the meeting. The Panel will have the power to seek such other evidence as it deems necessary. Following consideration of the evidence the Panel will prepare a report of its conclusions and its reasons. The report will set out whether or not the Panel found concerns about the student's professional suitability for the award of a professional qualification.

It will have the power to determine one of the following recommended outcomes (as appropriate) to the Chief Education and Training Officer/Dean of Postgraduate Studies:

- permit the student to continue with training
- discontinue the placement and make arrangements for locating an alternative placement if this is permitted under the Rules of Assessment
- suspend or terminate training

The Chief Education and Training Officer/Dean of Postgraduate Studies will ensure that the recommended outcome is taken in the light of the Panel's recommendations and inform the student of the actions within 14 working days of receipt of the Panel report.

6.5 Further action on finding ground for Professional Unsuitability

If the case of professional unsuitability against the student is found proven, the Chief Education and Training Officer/Dean of Postgraduate Studies in consultation with the appropriate Director of Education and Clinical Service Lead will ensure that a report should be made to the relevant professional or statutory body.

6.6 Stage 3: Procedure for an appeal against decisions of the Professional Practice Panel

The student must be advised that if they wish to appeal the decision of the investigation a written notice of appeal must be received by the appropriate Director of Education within fourteen working days of the student being informed of the decision by the Professional Practice Panel.

On receipt of a written appeal, the Director of Education will consult with the Chief Education and Training Officer/Dean of Postgraduate Studies and determine whether the grounds for the appeal are covered by the provisions set out below and warrant therefore consideration by a Professional Practice Panel. This must take place within 10 working days of receipt of the complaint.

The grounds for the appeal shall be one or more of the following:

- (1) that new evidence had become available that the student was unable to bring originally that could materially affect the Professional Practice Panel's decision; and or
- (2) that there was evidence of procedural irregularity or prejudice or bias in the conduct of the hearing by the Professional Practice Panel.

If the Chief Education and Training Officer/Dean of Postgraduate Studies concludes that there are no grounds for appeal, the Director of Education shall inform the student in writing giving the reasons for that decision.

If the Chief Education and Training Officer/Dean of Postgraduate Studies concludes the appeal is well brought under the grounds set out above, they will appoint an Appeals Panel which will normally comprise:

- A suitably senior clinical member of staff as Chair who shall be from a different profession from that relevant to the course
- One member of staff from the relevant subject and professional discipline within the Trust who have had no previous involvement in the case. It shall not be a Director of Education or member of the Professional Practice Panel from stage 2.
- Where appropriate up to two further members of the Panel may be drawn from partner (professional) bodies in the delivery of training.

The Secretary of the Appeals Panel will be the Head of DET Operations or their delegate.

The Appeals Panel will be supplied with all documents relating to the original hearing, together with a written statement submitted by the student setting out the grounds for the appeal. The Panel will not proceed by way of a re-hearing, but will have power to require the presentation of such further evidence as it deems necessary.

The Appeals Panel will have the same powers as the Professional Practice Panel and may confirm the decision of the Professional Practice Panel or substitute such other decision as it considers appropriate.

The Appeals Panel will conclude its findings in a report giving reasons for its decision.

When the Appeals Panel has reached its decision, the Secretary will inform the student and the appropriate Director of Education concerned in writing. The decision of the Professional Practice Appeals Panel will be final.

If any action had been taken to inform the relevant professional or statutory body the Chief Education and Training Officer/Dean of Postgraduate Studies in consultation with the appropriate Director of Education will ensure that they are updated on the outcome of the appeal.

6.7 Stage 4 Post final appeals process

A student who remains dissatisfied after an appeal, and who is on a validated course, may approach The Office of the Independent Adjudicator for Higher Education (OIA) which provides an independent process for the review of student complaints or appeals.

When the Trust's internal procedures for dealing with professional suitability to practice have been exhausted, the Trust will issue a Completion of Procedures letter. If the student is on a non-validated course, this will be the end of the process.

Students who are on a validated course and who are wishing to avail themselves of the opportunity of an independent review by the OIA must submit their application to the OIA within twelve months of the issue of the Completion of Procedures letter. Full details of the scheme are available on request and will be enclosed with the Completion of Procedures letter.

7 Training Requirements

Staff involved in the investigation of allegations of student misconduct must have knowledge of this procedure and be familiar with the OIA Good Practice Framework in relation to Disciplinary Procedures.

When needed, staff involved in the investigation of allegations of student misconduct can access Human Resources for advice and guidance regarding complex allegations.

All staff within the Trust should be made aware of this procedure, and training on identifying and reporting allegations of misconduct, and investigating allegations, should be provided to all staff involved in the delivery of education and training at the Trust.

8 Process for monitoring compliance with this policy

A process audit will be conducted on each completed file on each occasion when this process is instituted. This review will be at the direction of the Dean of Postgraduate Studies. Any issues of non-compliance with the procedure will be escalated to the Trust Academic Governance and Quality Assurance Committee for review and monitoring actions to address variances.

9 References

- The Good Practice Framework: Disciplinary Procedures (Office of the Independent Adjudicator)
- Universities UK, How to handle alleged student misconduct which may also constitute a criminal offence: guidance-for-higher-education-institutions.pdf (universitiesuk.ac.uk)
- University of Essex: Code of Student Conduct

10 Associated documents¹

- Student Charter
- Procedure for Investigating Student Conduct Concerns
- Terms and Conditions of Study
- Course Handbook
- Academic Freedom and Freedom of Speech Policy
- Academic Offences Procedures
- University of Essex Study and Wellbeing Intervention Policy and Procedure
- Grievance Policy and Procedure (Staff)
- Disciplinary Policy and Procedure (Staff)
- Bullying and Harassment Procedure (Staff)

¹ For the current version of Trust procedures, please refer to the intranet.

11 Equality Analysis

Completed by	Isabelle Brat
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Date	January 2023

The following questions determine whether analysis is needed	Yes	No
Does the policy affect service users, employees or the wider community? The relevance of a policy to equality depends not just on the number of those affected but on the significance of the effect on them.	X	
Is it likely to affect people with particular protected characteristics differently?		X
Is it a major policy, significantly affecting how Trust services are delivered?		X
Will the policy have a significant effect on how partner organisations operate in terms of equality?		X
Does the policy relate to functions that have been identified through engagement as being important to people with particular protected characteristics?		X
Does the policy relate to an area with known inequalities?		X
Does the policy relate to any equality objectives that have been set by the Trust?		X
Other?		

If the answer to *all* of these questions was no, then the assessment is complete.

If the answer to *any* of the questions was yes, then undertake the following analysis:

	Yes	No	Comment
Do policy outcomes and service take-up differ between people with different protected characteristics?		X	
What are the key findings of any engagement you have		X	

undertaken?			
If there is a greater effect on one group, is that consistent with the policy aims?		X	
If the policy has negative effects on people sharing particular characteristics, what steps can be taken to mitigate these effects?			N/A
Will the policy deliver practical benefits for certain groups?		X	
Does the policy miss opportunities to advance equality of opportunity and foster good relations?		X	
Do other policies need to change to enable this policy to be effective?		X	
Additional comments			

If one or more answers are yes, then the policy may unlawful under the Equality Act 2010 –seek advice from Human Resources (for staff related policies) or the Trust’s Equalities Lead (for all other policies).

Appendix 1 Procedure

