



University of
Salford
MANCHESTER

FITNESS TO PRACTISE PROCEDURE

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Quality and Enhancement Office

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1.0 Purpose

- 1.1 The Procedure relates to professional misconduct and/or professional unsuitability of students whose professions are regulated by Professional, Statutory and Regulatory Bodies (PSRBs). The relevant PSRBs and associated programmes are listed in Appendix A.
- 1.2 The Procedure provides information on what types of activity or behaviour constitute professional misconduct and/or professional unsuitability, the support available, the processes which must be followed in dealing with allegations, and the sanctions which may be applied where such allegations are established.
- 1.3 The Procedure sets out the process for dealing with allegations relating to student professional misconduct and/or professional unsuitability within a reasonable timescale, having due regard to the spirit of natural justice. The Procedure is a safeguard for public protection and public safety and is informed by the obligation on practitioners to comply with those regulatory bodies' professional codes of practice and standards. A flow chart setting out the stages of the Procedure is provided in Appendix H.
- 1.4 The Procedure should be applied in instances where, in the light of concerns or allegations of professional misconduct and/or professional unsuitability, consideration needs to be given not only to the student's status as a student of the University but also to their membership of, or entry to, their chosen profession.
- 1.5 The University's Student Disciplinary Procedure and Academic Misconduct Procedure apply across the whole University, where consideration needs to be given only to the student's status as a student of the University. Where concerns are raised in relation to disciplinary or academic misconduct matters involving a student on a programme covered by this Procedure, the case may be considered under the Fitness to Practise Procedure and provision is made to allow this, including allowing the application of disciplinary and academic misconduct sanctions. In case of doubt as to which Procedure to follow, the Dean of School (or nominee) shall, in consultation with staff named in the other Procedures or the Quality and Enhancement Office, as appropriate, to determine whether it is more appropriate to apply the Fitness to Practise Procedure, the Student Disciplinary Procedure or the Academic Misconduct Procedure (see Related Documentation for location of policy documents). In order to avoid 'double jeopardy' a single issue or case against a student may not be considered through the formal stages of more than one Procedure.

2.0 Scope

- 2.1 This Procedure applies to students registered at the University of Salford whose professions are regulated by relevant PSRBs, identified in Appendix A.
- 2.2 This Procedure does not apply to students registered at collaborative partner institutions unless specified in the collaborative partnership agreement.
- 2.3 This Procedure does not cover concerns arising after a student has completed their programme or left the University before completion.
- 2.4 The Procedure is not a means for third parties to seek resolution to disputes. The University deals with allegations of misconduct as potential breaches of discipline and

not as criminal offences. The Procedure does not, and cannot, seek to replace criminal or civil legal proceedings, nor those of PSRBs, which may also be pursued.

- 2.5 The University may take action against a student even if the person who raised concerns does not wish the matter to be taken further.
- 2.6 Disclosure of the progress and outcome of a case will only ever be shared with third parties (including students or members of staff who raise concerns) where there are legitimate grounds for doing so. Outcomes may be included in references (see section 9.29).
- 2.7 Where a student is also a member of staff, guidance should be sought from Human Resources Division and the Quality and Enhancement Office as to how any allegation might be considered.
- 2.8 Should a student withdraw partway through the process, prior to any final outcome, then the Dean of School (or nominee) may choose not to proceed with any future hearing. Any such cases must be reported for information to the Quality & Enhancement Office and a note made on the student's record.

3.0 Professional Misconduct/Professional Unsuitability

- 3.1 Initiation of the Procedure may arise as a result of concerns raised by the student's conduct or behaviour; these concerns may be raised by members of the University, placement staff or members of the public.
- 3.2 PSRBs require students pursuing programmes of study leading to, or enhancing registration as a practitioner, to be fit to practise at the point of registration. Some PSRBs require students seeking to enter the profession to comply fully with their professional codes of practice and standards. This means having the knowledge, skills, attitudes, good health and good character to carry out the duties of a registered practitioner safely and effectively.
- 3.3 PSRBs provide guidance for students, setting out the professional and personal conduct expected of student practitioners in order for them to be fit to practise. This guidance is based on the standard set out in the relevant professional codes of practice and standards which registered practitioners must follow. Student practitioners are directed to the relevant professional codes of practice and standards as part of their programme of study.

4.0 Professional Misconduct

- 4.1 Professional misconduct includes any conduct or behaviour that would bring the profession into disrepute or that puts the proper operation of practice and/or client confidence at risk.

5.0 Professional Misconduct that is also a Criminal Offence or Subject to Civil Proceedings

- 5.1 The following process applies where the alleged professional misconduct reported is, or is likely to be, subject to any Police action, criminal proceedings and/or civil proceedings.

- 5.2 The Dean of School (or nominee) may at any stage defer (either completely or partially) taking action under this Procedure in relation to an allegation of professional misconduct until the Police action, criminal proceedings and/or civil proceedings against the student have been concluded. The Dean of School (or nominee) shall consider suspension pending a hearing as set out in Appendix B. The Dean of School (or nominee) will notify the student when a decision has been taken to defer action.
- 5.3 The Dean of School must ensure in cases arising which involve police action, criminal proceedings and/or civil proceedings against a student of the University that the Quality & Enhancement Office is informed at the earliest opportunity.
- 5.4 In cases where the allegation concerns the most serious misconduct (for example sexual violence) the Quality & Enhancement Office will arrange for an appropriate member of staff to be identified to act as a key contact for the student under investigation (normally a member of staff from the School) and, where an alleged victim is a student of the University, to support the alleged victim (normally a member of staff from Student Experience and Support).
- 5.5 The University shall normally report any suspected criminal offence to the Police. However, if a person claims to be the victim of an offence committed by a student but does not wish the Police to be involved, the Dean of School (or nominee) may agree not to report the matter.
- 5.6 The University may rely upon any finding of guilt or liability made against the student in any criminal and/or civil proceedings for the purposes of taking action against the student for professional misconduct under this Procedure but only if, and to the extent that, the finding relates to that professional misconduct.
- 5.7 Where a student has been sentenced by a criminal court in respect of their misconduct, the sentence imposed shall be taken into consideration when determining any sanction for professional misconduct under this Procedure.
- 6.0 Professional Unsuitability**
- 6.1 Sometimes, even where professional misconduct is not involved and/or client safety is not at risk, concerns may arise that a student is unsuitable for the profession for which they are studying. The student, other students, their tutors, members of the public, or a placement provider may be the first to notice this. The issues of concern may be resolved by appropriate support and guidance, or by withdrawal from the programme on the part of the student. If the professional unsuitability is considered to be of a temporary nature, the student may seek an interruption of study as a course of action (e.g. due to illness).
- 6.2 Claims submitted under other University Procedures (e.g. Personal Mitigating Circumstances) may be used by the School or the student in evidence in the context of an allegation of professional unsuitability.
- 6.3 A decision about professional unsuitability should take into account a student's level of study and how far they are from independent practise.
- 6.4 A decision on professional suitability can only be on the suitability of the student at the point of the decision being made, that is either at the School Hearing (section 9.6) for the Fitness to Practise Panel hearing (section 9.7).

7.0 Support, Training and Education

7.1 The University, as an educational institution, is committed to providing appropriate support, training and education about professional practise to students. Information on relevant codes and standards, along with ways students are expected to meet them must be integrated into relevant programmes of study. Programme teams must also ensure that students are provided with information about this Procedure.

8.0 Standard and Burden of Proof

8.1 The burden is on the University to demonstrate and evidence allegations of professional misconduct and/or professional unsuitability. In deciding whether the student has committed professional misconduct and/or demonstrated professional unsuitability, the standard of proof shall be 'the balance of probabilities', that is on the evidence available, the student is more likely than not to have committed professional misconduct/demonstrated professional unsuitability.

8.2 There are key differences between the University's internal process, which is a civil matter, and criminal proceedings, although allegations of misconduct may be pursued under either or both a University process and criminal proceedings. The University cannot make findings about a criminal offence, only a criminal court can do this. The University will establish the facts and decide whether an allegation is more likely than not to have occurred.

8.3 The potential outcomes of a University process and criminal proceedings are different. The most serious sanction that can be applied by the University is permanent expulsion from the University. Conditions/restrictions can only apply to University activities and will end when the student leaves the University.

9.0 Procedure

9.1 Initial referral

9.1.1 An allegation of professional misconduct and/or professional unsuitability against a student should be raised with the Dean of School (or nominee).

9.1.2 The student will be advised in writing, within 5 working days of the referral to the Dean of School (or nominee) of the following:

- A clear summary of the concerns raised and a brief explanation and relevant/reports (if available) to support the concerns will be provided;
- The decision of the Dean of School (or nominee) as to whether the concerns will be considered under the preliminary or the formal stage of the Procedure;
- If a decision has been taken to suspend the student pending a hearing (see Appendix B), a rationale for the suspension will be provided in relation to the specific allegations and any terms and conditions associated with the suspension and details of the suspension review process.

9.1.3 The Dean of School (or nominee) may also consider referral to the [Fitness to Study Procedure](#).

9.2 Preliminary Stage – Education, Training and Support

9.2.1 Where the Dean of School (or nominee) considers that the allegations can be dealt with through education, training and support, the student will be invited to attend a meeting

with the Dean of School (or nominee) to discuss the allegations. Following discussion, the Dean of School (or nominee), where appropriate, may decide on one of the following courses of action:

- provide the student with the opportunity to seek further guidance on the appropriate professional code of conduct and standards which may be in the form of one to one sessions, group sessions, directed reading or through online material;
- ask the student to complete further work to demonstrate their engagement with, and understanding of, the appropriate professional code of conduct and standards. This may take the form of a reflective piece of work (written, practical or oral), action planning or other such work. Clear timescales and guidance as to the size and nature of the work should be set, and information should be given about where the student should access guidance and who would be responsible for signing off the work as complete and satisfactory.

Should a student fail to complete either of the above courses of action or, having completed them, fail to meet the required standards the Dean of School (or nominee), the Dean of School (or nominee) may refer the case to the formal stage for further consideration.

9.3 Formal Stage

9.3.1 The Dean of School (or nominee) shall initiate the formal stage where:

- the matter has not been resolved by the course of action under the Preliminary stage (section 9.2);
- the original allegation was sufficiently serious, or;
- further breaches of professional conduct or manifestations of professional unsuitability have occurred following the matter being dealt with successfully at the preliminary stage

9.3.2 The Dean of School (or nominee), normally within 5 working days of the matter being notified to them, shall advise the student in writing:

- of the nature of the allegation(s) against the student;
- that the Dean of School (or nominee) will appoint an investigator to gather information and report back to the Dean of School (or nominee);
- that on receipt of the report the Dean of School (or nominee) will decide and notify the student whether and how the matter will progress further;
- of their right to be represented;
- that the matter is being considered under the Formal Stage of the Fitness to Practise Procedure.
- where a decision has been taken to suspend the student pending a hearing (see Appendix B), a rationale for the suspension will be provided in relation to the specific allegations and any terms and conditions associated with the suspension and details of the suspension review process.

9.4 Formal Stage – Investigation

- 9.4.1 The Dean of School (or nominee) shall, within 5 working days of the referral to the formal stage being notified to the student, appoint an investigator. The investigator will normally be a member of academic staff from the same School as the student who has had no involvement in the circumstances which led to the Procedure being invoked.
- 9.4.2 The role of the investigator is to gather all relevant information and evidence about the circumstances or behaviour that gave cause for concern, not just evidence which 'makes the case'. The investigator should consider the circumstances of the alleged professional misconduct/unsuitability and examine this from the perspective of the student and of the other parties involved.
- 9.4.3 The investigation should be progressed and concluded as soon as is reasonably practicable and the investigator shall make every effort to report to the Dean of School (or nominee) within 30 working days of the investigator's appointment. However, where extensive interviews are required, and where they involve staff outside the University, this may extend the timescale of the investigation. The student must be informed of any significant delays. This notification should be copied to the Dean of School (or nominee) and the Quality and Enhancement Office.
- 9.4.4 The investigator will initiate, normally within 5 working days of their appointment by the Dean of School (or nominee), an investigative interview with the student, to be held as soon as possible.
- 9.4.5 If the student, without good cause, fails to cooperate with the process at the investigation stage, the University may continue the process without the student's input. Failure to engage may be reported and considered at later stages of the Procedure.
- 9.4.6 Following the interview with the student (at which the allegations and any evidence available which supports the allegations will be made clear to the student if required) the investigator shall, where possible, interview others who might be able to assist the investigation, e.g. placement staff, placement supervisor/mentor, witnesses to events and relevant professional practitioners. Interviews may be conducted face to face, via telephone, email or any other appropriate means. The investigator, at their discretion, may, should significant new evidence come to light, provide the student with an update on new evidence and even offer the opportunity for further discussion of such new evidence.
- 9.4.7 The investigator shall keep a record of each interview and append the records to their report for transparency. The interviewee would normally be offered the opportunity to comment on the record, should there be disagreement about the version, both viewpoints should be included in the final report.
- 9.4.8 If all parties in the interview agree, an interview may be audio recorded. (This differs from the process for the formal Panel hearings (see sections 9.6 and 9.7) and reflects the difference between the interview stage and the formal Panel stage.) However, any audio recording would have to be summarised in writing by the Investigator before being offered in evidence to inform an Investigator's report.
- 9.4.9 Normally investigations should not include edited evidence, except redacted personal details of third parties. Where evidence has had to be edited within the main report or the appendices (for instance for formatting purposes), a note of this and the reason must be included.

9.4.10 When the investigation is complete, the investigator shall prepare a report using the [University template](#). This shall be presented to the Dean of School (or nominee) along with one or more of the following recommendations:

- that there is no case to answer and that no further action should be taken;
- that there is a need to refer the student for a medical assessment or to refer to the Wellbeing Team and/or Occupational Health;
- that the allegations appear to be substantiated in whole or in part.

9.5 Formal Stage – Dean of School Review of Investigation

9.5.1 The Dean of School (or nominee) will review investigation findings (report and appendices). Where the investigator recommends that no further action be taken, the Dean of School (or nominee) if in agreement with the recommendation, shall normally, within 5 working days of receipt of the report, write to the student, copied to the Quality and Enhancement Office, informing the student of the outcome of the investigation and confirming that no further action will be taken in relation to this matter.

9.5.2 Where the Dean of School (or nominee) does not agree to a recommendation that no further action be taken, the Dean of School (or nominee) shall take one of the following actions:

- refer the case for further consideration at a School Hearing;
- refer the case for further consideration by a Fitness to Practise Panel;
- refer the student to the Wellbeing Team and/or Occupational Health.

9.5.3 The Dean of School (or nominee) shall provide a written rationale as to why they have not accepted the recommendations of the investigation; these shall be appended to the front of the investigation report.

9.5.4 Where there is a recommendation for referral to the Wellbeing Team and/or Occupational Health, the Dean of School (or nominee) will confirm this in writing to the student setting an appropriate deadline for the completion of this referral. Following receipt of the outcome from such a referral, the Dean of School (or nominee) will review the case again and decide whether or not further action under the Procedure is required. Should the student, without good reason, fail to engage with a referral to the Wellbeing Team and/or Occupational Health then the University may continue the process without the student's input, this failure to engage may be reported and considered at later stages of the Procedure.

9.5.5 Where the Dean of School (or nominee) considers there is a case to answer then the case shall be referred to either a School Hearing (section 9.6) or a Fitness to Practise Panel hearing (section 9.7).

9.5.6 The Dean of School's (or nominee's) response and the full investigation findings (report and appendices) will be submitted to the student and copied to the Quality and Enhancement Office.

9.6 Formal Stage – School Hearing

- 9.6.1 Where the matter is admitted by the student as evidenced through the investigator's report, and the Dean of School (or nominee) decides the matter is not serious enough to merit potential permanent removal of the student from the programme or expulsion from the University, the case may be considered through a School Hearing.
- 9.6.2 The Dean of School (or nominee) shall, in consultation with the Quality and Enhancement Office, and normally within 10 working days of receipt of the investigator's report, arrange for the student to meet with the Dean of School (or nominee) and an officer from the School who shall act as secretary and keep a record of the meeting. The student will be invited to bring a representative to the School Hearing.
- 9.6.3 At the School Hearing, the student will be asked to confirm if there are any factors (such as ill health or medication) which may affect their ability to engage with a School Hearing.
- 9.6.4 At the Hearing the following process will take place.
- The Dean of School (or nominee) shall formally read out the allegation(s) to the student.
 - The Dean of School (or nominee) shall ask the student to confirm whether they understand the allegation(s).
 - The Dean of School (or nominee) shall ask the student whether they admit the allegation(s).
 - Where the student confirms that they understand and admit to the allegations, the Dean of School (or nominee) shall take one or more of the following actions:
 - a. Take no further action;
 - b. Defer a decision pending a medical report, in that instance, the Dean of School (or nominee) shall consider suspension pending a hearing as set out in Appendix B;
 - c. Impose a sanction or sanctions (including an academic sanction in accordance with the Academic Misconduct Procedure) from the range of sanctions set out at 9.11.6 but excluding the final four sanctions listed (i) to (l).
 - Where the student does not confirm that they understand or admit to the allegations, this will be regarded as the student not admitting the allegations.
- 9.6.5 Should new information be provided by the student, or their representative, during the School Hearing which the Dean of School (or nominee) believes aggravates the allegations the case may be referred back to the investigator or to a Fitness to Practise Panel hearing.
- 9.6.6 The student will receive a formal letter confirming the outcome of the School Hearing within 5 working days of the meeting. This letter will include details of the allegations, the key points considered, the decision and any sanction imposed. The letter will also include reference to any right to appeal. The letter will constitute the formal record of the Hearing. The letter will be copied to the Quality and Enhancement Office.

9.7 Formal Stage – Fitness to Practise Panel hearing

- 9.7.1 Where the matter is not admitted by the student, or where it is admitted by the student and the Dean of School (or nominee) considers the relevant sanction to be applied in the matter may include the four most serious sanctions, i) to l) listed in 9.11.6, the Dean of School (or nominee) shall refer the matter to a Fitness to Practise Panel (constituted in accordance with the arrangements set out in 9.7.7). The Dean of School (or nominee) should at this point identify any witness the School intends to call during the Panel hearing.
- 9.7.2 The Quality and Enhancement Office shall establish a Fitness to Practise Panel, constituted in accordance with the arrangements in section 9.7.7.
- 9.7.3 The purpose of the Panel is to consider the evidence before it, to ensure due process has been followed and that principles of natural justice are followed. The Panel shall seek to establish the facts of the case, based on the evidence provided, asking questions of all parties as appropriate, and to determine an outcome.
- 9.7.4 The quorum for the Panel hearing shall be three of the four members but the three must include the chair and the external professional practitioner.
- 9.7.5 All members shall have had no involvement in the direct circumstances leading to the allegations against the student, or the investigation into those allegations, or have any other connection to the student which might be regarded as prejudicial to their impartiality.
- 9.7.6 The Dean of School (or nominee) shall normally present the case. Should the Dean of School (or nominee) not be in attendance to present the case, the Panel may choose to continue with the hearing using the Order of Proceedings as set out in Appendix C replacing presentation by the School with reference to the circulated documentation. The Panel must agree and record its reasons for either continuing or not.
- 9.7.7 The Panel shall comprise:
- a member of academic staff from outside the student's School who will act as Chair;
 - an external professional practitioner from the profession the student's field of study leads to;
 - a student nominated by the University of Salford Students' Union;
 - a member of academic staff from outside the School from a different discipline area covered by the Fitness to Practise Procedure
- 9.7.8 An officer from the Quality and Enhancement Office shall act as Secretary to the Panel hearing and shall keep minutes of the proceedings. The Secretary to the Panel hearing does not constitute a member of the Panel and shall not take part in the decision making. The Secretary shall, however, advise the Panel hearing on matters relating to the Procedure.
- 9.7.9 Where practical, the investigator shall normally be in attendance, and where required, act as a witness answering questions from the Panel. Non-attendance by the investigator would not normally be seen as a reason for postponing a hearing.

9.8 Notification and Circulation of Documentation

- 9.8.1 On receipt of the referred case from the School the Quality and Enhancement Office shall confirm to the student that the case has been referred to a University level Panel. The student shall be given at least 10 working days' notice of the date and time when the Panel hearing will convene.
- 9.8.2 The Quality and Enhancement Office shall, as soon as is reasonably possible, and in any event no later than 10 working days prior to the meeting of the Panel hearing, provide the student with a copy of the Dean of School (or nominees) referral, the investigator's report, including any appendices (including witness statements and details of any witnesses called by the School) and details of any other evidence that will be relied on at the Panel hearing.
- 9.8.3 The student shall have the right to submit written evidence and to call witnesses to the Panel hearing, provided that details of the witnesses (section 9.25), their statements and or other evidence to be relied upon is given to the Quality and Enhancement Office at least 5 working days before the Hearing.
- 9.8.4 The student may be accompanied at the Hearing by a friend or Students' Union/other representative. The person accompanying them may speak on the student's behalf. However, the Chair may determine that particular questions should receive a response directly from the student themselves.
- 9.8.5 The Quality and Enhancement Office shall circulate all documentation for the Panel hearing to all parties at least 5 working days before the hearing.

9.9 Decision (see section 8)

- 9.9.1 The Panel shall find a case against a student has been demonstrated only if, on the evidence before it, it is satisfied that a case has been established on the balance of probabilities. If the members of the Hearing Panel cannot agree, the verdict of the Panel shall be that of the majority of its members. In the case of a tie, the Chair shall have an additional casting vote.
- 9.9.2 When it has considered the case the Panel shall reach one or more of the following decisions:
- case dismissed;
 - a finding of professional unsuitability;
 - a finding of professional misconduct;
 - a finding of academic misconduct;

The Panel shall set out detailed reasons for its decision(s).

9.10 Cases Referred Under the Academic Misconduct Procedure

- 9.10.1 Where cases have been referred under the Academic Misconduct Procedure, the Panel should first consider whether or not academic misconduct has occurred, before considering whether or not that academic misconduct consisted professional misconduct and/or professional unsuitability.

9.11 Applying Sanctions

- 9.11.1 In the case of a finding of professional misconduct and/or professional unsuitability, the Panel, taking account of:
- the seriousness of the allegation, the circumstances,
 - the level of the student and general personal circumstances of the student;
 - previous findings of guilt under the Academic Misconduct Procedure, the Student Disciplinary Procedure or the Fitness to Practise Procedure as appropriate;
 - whether or not the University, or other parties, have suffered any particular detriment as a result;
- shall apply one or more of the sanctions stated in 9.11.6.
- 9.11.2 The overriding principle underpinning the determination of sanctions is that these should be proportionate to the particular offences. Account should also be taken of the feasibility of discharging the sanctions.
- 9.11.3 The Panel should clearly state, where required, the timescale for any sanctions imposed and specify the sign off point to confirm completion (normally the Chair of the Panel advised by a relevant member of staff from the School, but may also include confirmation from professional services, external panel member etc.).
- 9.11.4 The Panel should indicate what actions might be taken should a student fail to comply with a specific sanction. For example, referral back to the Chair of the Panel to confirm a pre-determined action such as a revised and increased sanction.
- 9.11.5 The student's School shall be responsible for the issuing of warnings, undertakings related to the monitoring and review of all sanctions and actions unless specifically actioned otherwise.
- 9.11.6 The following sanctions can be put in place by the Panel:
- a) **Written undertaking by the student**, this may include specific actions which should be clearly specified by the Panel, including dates for completion and the point/process for signoff. These would include one or more of:
 - i. To be of good conduct for a period determined by the Panel hearing.
 - ii. To complete an action log on a specific aspect of professional conduct relevant to the finding of the Panel.
 - iii. To complete a reflective essay on specific aspect(s) of their behaviour, understanding and/or professional conduct relevant to the finding of the Panel (the Panel must specify the length of the essay). A member of staff from the relevant professional body from within the school may be required to recommend to the Chair that the action has been appropriate to allow the Chair to sign off the reflective essay and confirm that it has met appropriate standards given the specific profession and the level of the student. The Panel should clearly specify the length of any such essay.
 - b) **First Written Warning**. This shall give details of the concerns, the improvement required and the timescale. It shall warn that further action will be considered if

there is no satisfactory improvement (as determined by the Dean of School (or nominee)). A copy of the First Written Warning shall be placed on the student's record, but will be removed from the record and disregarded for disciplinary purposes after a period of 12 months, subject to satisfactory conduct and performance within that period.

- c) **Final Written Warning.** This shall be issued if there is still a failure to improve and conduct remains unsatisfactory, or if the misconduct is sufficiently serious to warrant only one written warning but not to justify expulsion. A Final Written Warning shall give details of the concerns, shall warn that expulsion is likely to result if there is insufficient improvement. A copy of this Final Written Warning shall be placed on the student's record. Final Written Warnings shall be removed from the record and disregarded for disciplinary purposes after a period of 24 months, subject to satisfactory conduct and performance within that period;
- d) **A fine** up to a maximum of £500 (amount subject to periodic review).
- e) **Compensation** of a reasonable sum in respect of identified and quantified loss e.g. for damages to cover full or partial costs.
- f) **Performance of unpaid services** for the University community to a maximum of 40 hours.
- g) **A further period of monitored practice.** The Panel may wish to advise the School on appropriate conditions, monitoring and review arrangements. Such periods of monitored practise are subject to availability and should only be applied where relevant and required as no suitable alternative sanction is appropriate.
- h) **Limited period of suspension** from the University for a fixed period of time, up to a maximum of three months.

A student who is suspended maybe prohibited from entering all University premises, from placement and from participating in University activities. Suspension may be subject to qualification, such as removal of access to University email, permission to take an examination or remote access to the Library and IT Services. The terms of the suspension shall be confirmed by the Panel and be notified to the student in writing with the outcome of the hearing. An order of suspension may include a requirement that the student shall have no contact with a named person or persons. Any breach in the terms of the suspension may result in a student receiving a further more serious sanction (an extended suspension, withdrawal from the programme or expulsion).

- i) **Extended period of suspension** from the University for a fixed period of time, from three months up to a maximum of twelve months.

A student who is suspended maybe prohibited from entering all University premises, from placement and from participating in University activities. Suspension may be subject to qualification, such as permission to take an examination or remote access to the Library and IT Services. The terms of the suspension shall be confirmed by the Panel and be notified to the student in writing with the outcome of the hearing. An order of suspension may include a requirement that the student shall have no contact with a named person or persons. Any breach in the terms of the suspension may result in a student

receiving a further more serious sanction (withdrawal from the programme or expulsion).

- j) **Withdrawal of academic credit or award.** This would normally be restricted to the most serious occasions of academic misconduct where credit has already been ratified by a Board of Examiners, or where the most serious misconduct activity interfered with and disrupted the learning of others. The process is by a recommendation to Senate that credit or an award already conferred, at any time during the student's registration, be withdrawn.
- k) **Permanent removal from the programme.**
 - l) **Expulsion** from the University, which means that the student ceases to be a member of the University, has their registration as a student cancelled and loses all rights and privileges of membership. A student expelled from the University would not be permitted to study within the University for a period of at least 10 years.

- 9.11.7 The Panel may defer a decision on a sanction pending a medical report or health and wellbeing action plan. In doing so a Panel must state the timescale for the completion of any such action.
- 9.11.8 A sanction may also impact upon any financial support received from e.g. the Student Loans Company, NHS Student Services. In addition academic progression may be hindered by a suspension of engagement with placement based learning.
- 9.11.9 Exceptionally where Procedure have becomes protracted, such as when University processes are on hold pending the outcome of related legal proceedings, this may impact on the currency of the students existing learning. Students will need to liaise with the relevant programme team to discuss how this impacts on their return to study.

9.12 Academic Misconduct Procedure Sanctions

- 9.12.1 Sanctions imposed following referral to the Fitness to Practise Procedure under the Academic Misconduct Procedure, where there is a finding that academic misconduct has occurred, must also include one of the following:
 - a) a mark of 0 or grade of F is awarded for the component of assessment in question;
 - b) a mark of 0 or grade of F is awarded for the component in question and the module mark kept at the minimum pass mark
 - c) a mark of 0 or grade of F is awarded for the component in question and marks for all modules at that level will be kept at the minimum pass mark.
- 9.12.2 The 'academic' sanction imposed should be consistent with what would have been imposed under the Academic Misconduct Procedure.
- 9.12.3 Account should also be taken of the overall impact of both a 'disciplinary' and an 'academic' sanction.
- 9.12.4 Any student found guilty of academic misconduct may be required by the Panel hearing, in addition to the above, to undertake appropriate study skills.
- 9.12.5 Where misconduct has been found to have occurred after the results have been ratified by a Board of Examiners/Postgraduate Research Award Board, the sanctions will be

retrospectively imposed, in line with those in the sanction tariff, so necessitating the removal of previously awarded credits or awards. The decision to rescind academic credits or awards is made by Senate on the recommendation of the Board of Examiners or the Postgraduate Research Award Board.

9.12.6 Proven cases will be referred back to the Board of Examiners for implementation of the sanction. The Board of Examiners will inform the student of its decision in the normal way and of any academic requirements following the implementation of the sanction.

9.13 Recording & Communication of the Panel Hearing's Finding & any Sanctions Imposed

9.13.1 Wherever possible, the Panel's decision(s), the reasons for that decision(s) and any sanction imposed shall be communicated orally to the student and to the Dean of School (or nominee) after adjourning to consider the evidence.

9.13.2 The Quality and Enhancement Office shall communicate the decision(s), the reason for the decision(s) and the outcome to the student in writing normally, within 5 working days of the hearing. This written communication will advise of the student's right to appeal.

9.13.3 Where the student is post-registration, consideration must be given to referring the individual to the relevant Professional, Statutory and Regulatory Body by the School as a conclusion of this Procedure.

9.13.4 If the student is a pre-registration student, then the student must, as required, notify/self-declare this outcome as part of the process involving registration with the relevant professional body.

9.13.5 The decision of the Panel hearing shall take effect and remain in force until such time as it may be changed by an Appeal Panel.

9.13.6 Where appropriate, findings and sanctions imposed may be referred to in references which are requested for students. Normally this would only be for the most severe of sanctions, for example where the University suspends a student, removes them from a programme, or expels them from the University, however, where references are for employment, education, training or other activities which may involve contact with vulnerable people then reference to any finding under the Procedure may be included.

9.13.7 The secretary will formally notify the Dean of School (or nominee) of the outcome. The School has responsibility for ensure appropriate staff within the school (personal tutors, programme administrators, programme leaders) and in placements (for example practice educators, mentors) are informed as appropriate.

9.14 Notification to Placement Providers

9.14.1 Schools work closely with employers to find practice placements. A School may share, as appropriate, information about the student's professional and academic progress with those placement providers. If a student has received a sanction under this Procedure, this will be made known to potential placement providers who, at their own discretion, may refuse to accept particular students. Whilst the Schools will endeavour as far as possible to secure practice placements for all students who require them, a student who by their own professional misconduct and / or professional unsuitability incurs a sanction under this Procedure may jeopardize the ability of the Schools to help students find

practice placements and therefore may also jeopardize their own ability to complete their programme.

9.15 Appeals

- 9.15.1 The student shall be allowed 10 working days from the date on the outcome letter (either the outcome letter from a School Hearing or a Panel hearing to provide written notice of an appeal and relevant evidence to the Quality and Enhancement Office. Appeals must be submitted using an appeal form.
- 9.15.2 The appeal must identify the ground(s) of appeal being relied upon which may be any or all of the following:
- i) that new and relevant evidence is available which, for good and reasonable cause, was not available to the Dean of School or Hearing Panel (as the case may be) at the earlier stage of this Procedure. (Exceptional circumstances are needed to explain why any evidence could not have been made available);
 - ii) that there was a relevant and significant defect, error or mistake in the conduct of the earlier stage of this Procedure which casts reasonable doubt on the decision reached by the Dean of School or Panel hearing (as the case may be) in that the decision might have been different if the defect, error or mistake had not occurred;
 - iii) that the decision reached at the earlier stage of this Procedure is manifestly unreasonable. In this context, unreasonable will be taken to mean perverse, i.e. the decision was not one that a similar process might have reached.
- 9.15.3 A request from a student for a rehearing is not a valid ground of appeal.
- 9.15.4 The student must not only state a ground or grounds for appeal but must also provide evidence to substantiate those grounds. An appeal shall only be granted if there is evidence to support one or more of the grounds set out above.
- 9.15.5 The Registrar (or nominee) shall, in all cases, and normally within 5 working days, determine whether the appeal has been received within the appropriate timescale and discloses a valid ground of appeal.
- 9.15.6 The Registrar (or nominee) shall reject any appeal which does not disclose a valid ground of appeal; does not evidence a ground or ground(s) of appeal or is out of time. In such instances, the student shall be formally notified by a Completion of Procedures Letter.
- 9.15.7 If the notice of appeal is accepted as valid by the Registrar (or nominee), depending on the ground(s) for appeal, they may refer the case back to an earlier stage of the Procedure or to an Appeal Panel as appropriate.

9.16 Fitness to Practise Appeal Panel

- 9.16.1 Where the Registrar (or nominee) refers a case to an Appeal Panel, the Quality and Enhancement Office shall arrange for a Panel to be established as soon as possible, normally within 30 working days, to consider the appeal and to determine an outcome.

- 9.16.2 The School and the Chair of any original panel shall, as soon as is reasonably possible, receive a full copy of any evidence submitted by the student. The School may make a written response for submission at least 5 working days before the date of the Appeal Panel hearing. These responses should not include new information or evidence not directly related to the grounds for appeal. They may also notify the Quality and Enhancement Office of any witnesses they wish to call. This information must be provided at least 10 working days before the date of an Appeal Panel.
- 9.16.3 The student shall receive written notification from the Quality and Enhancement Office and of whether the University will call witnesses (see 9.25), giving at least 10 working days' notice of the date and time when the Appeal Panel will convene.
- 9.16.4 The Quality and Enhancement Office shall circulate all documentation for the Appeal Panel to all parties at least 5 working days before the hearing.
- 9.16.5 The Appeal Panel shall comprise:
- a member of academic staff from outside the student's School who will act as Chair;
 - an experienced external professional practitioner from the student's chosen profession;
 - a student nominated by the University of Salford Students' Union from outside the student's School;
 - a member of academic staff from the student's School.
- 9.16.6 All members should have had no involvement in the direct circumstances leading to the allegations against the student, or the investigation into those allegations, or have any other connection to the student which might be regarded as prejudicial to their impartiality.
- 9.16.7 An officer of the Quality and Enhancement Office shall act as Secretary to the Appeal Panel and shall keep a minute of proceedings. The Secretary to the Appeal Panel does not constitute a member of the Panel and shall not take part in the decision making. The Secretary shall, however, advise the Appeal Panel on the Procedure.
- 9.16.8 The quorum for the Appeal Panel shall be three of the four members but the three must include the chair and the external professional practitioner.
- 9.16.9 The student will normally be in attendance to present their case at an appeals panel. If the student does not attend, despite appropriate notification, the Panel will normally continue with the appeal using the Order of Proceedings as set out in Appendix D replacing response by the School with reference to the circulated documentation. The Panel must agree and record its reasons for either continuing or not.
- 9.16.10 The Dean of School (or nominee) will normally be in attendance to reply to the appeal. If the Dean or School (or nominee) does not attend, the Panel may choose to continue with the appeal using the Order of Proceedings as set out in section Appendix D, replacing response by the School with reference to the circulated documentation. The Panel must agree and record its reasons for either continuing or not.
- 9.16.11 The Chair of the original hearing may be in attendance, and where required, will act as a witness answering questions from the Appeal Panel. Non-attendance by the Chair of the original hearing would not normally be seen as a reason for postponing a hearing.

9.16.12 The student may be accompanied at the appeal hearing by a friend or Students' Union/other representative. The person accompanying them may speak on the student's behalf. However, the Chair may determine that particular questions should receive a response directly from the student themselves.

9.17 Decision of an Appeal Panel

9.17.1 The Appeal Panel shall uphold an appeal only where it is satisfied that the student has successfully substantiated their grounds for appeal.

9.17.2 The Appeal Panel shall have the power to uphold or to set aside a finding reached by a previous Panel and shall have the power to uphold, to revoke or to vary (to make more severe or less severe) the sanction to be imposed. The range of sanctions shall be as set out in 9.12 and 9.16.

9.17.3 The Appeal Panel may, at its reasonable discretion, receive late evidence, adjourn, continue or postpone an appeal, seeking further information and take any other action(s) which it deems reasonable and/or appropriate in order fairly to consider the case. However, it is normally in the interests of all parties that the case be concluded on the day of the hearing.

9.17.4 Wherever possible, the Panel's decision, the reasons for that decision and any impact that decision therefore has upon the sanction imposed shall be communicated orally to the student and the Dean of School (or nominee). The Quality and Enhancement Office shall, in all cases, communicate the conclusion, the reason for the conclusion and the outcome to all parties in writing, normally within 5 working days of the hearing.

9.17.5 This written communication will be a Completion of Procedures Letter which will advise the student that, if they are still dissatisfied, they have recourse to the Office of the Independent Adjudicator for Higher Education (OIA) (<http://www.oiahe.org.uk>). The letter will set out relevant details of the OIA including contact information.

9.17.6 The relevant professional body may also be notified by the School in accordance with the arrangements governing that profession. The School may also inform the student's employer (where the student is employed in a related and relevant professional role).

9.18 Certification and Award

9.18.1 A student may not be granted an award, obtain certification of an award or attend a graduation ceremony whilst a matter of alleged professional misconduct and/or professional unsuitability is still in the process of being dealt with under this Procedure.

9.19 Professional, Statutory and Regulatory Bodies (PSRBs) 'Sign-Off'

9.19.1 Some Professional, Statutory and Regulatory Bodies (for example the Nursing and Midwifery Council) require a registrant from that body, who is also a senior member of academic staff within the discipline area, to 'sign-off' each student as being professionally suitable before the candidate will be allowed to register. Whilst any case considered through this Procedure may inform this, the 'sign-off' not subject to appeal by the student or review by the University.

9.20 Exceptional Circumstances (Ill health or other mitigating circumstances)

9.20.1 Exceptionally circumstances may arise, such as a significant illness, which, if evidenced by the student would permit suspension or termination of Fitness to Practise proceedings. Appropriate evidence to support such circumstances must be provided (for example, a letter from a doctor or other medical practitioner). It may be made a condition of suspension or termination of the proceedings that the student seeks and engages with appropriate support and/or treatment. If evidence supplied does not support suspension or termination of proceedings, the case may be considered in the absence of the student if the student decides not to engage.

9.21 Consideration in Absence

- 9.21.1 At all stages of this Procedure, if it appears to those considering an allegation that the student in question is suffering from significant illness, the proceedings may be adjourned for the preparation of a medical report. In that instance, the Dean of School (or nominee) shall consider suspension pending a hearing as set out in Appendix B.
- 9.21.2 If a student declines to attend or fails to attend any meeting or hearing under this Procedure without prior approval, the allegation would normally be considered in absence on the basis of the evidence available at the time of the meeting or hearing.

9.22 Representation at Meetings and Hearings

- 9.22.1 At all stages of the Procedure the student may be accompanied at any meeting or hearing under this Procedure by a Students' Union/other representative of their choice and that representative may speak on the student's behalf. The representative must not be someone who has been suspended or excluded from the University for any reason and they must be willing to act in that capacity.
- 9.22.2 It is the responsibility of the student (and not the University) to relay all relevant notices and other communications under the Procedure to the representative.
- 9.22.3 Where a representative is attending a meeting/hearing on the student's behalf (see section 9.24 below):
- The meeting/hearing will only be required to consider the representations which are made by the representative on the student's behalf at the hearing and not any written or oral representations which the student may make before or after that hearing;
 - The student must provide in advance the name and capacity in which the representative is attending (for example Students' Union representative or friend of the representative) to the University before the meeting/hearing.
- 9.22.4 If, for good reason, a student is unable to attend a meeting or hearing under the Procedure, then the student may request permission from the Registrar (or nominee) for the student's representative (see section 9.23.1) to attend that meeting or hearing without the student to present the case on the student's behalf.
- 9.22.5 The student will be responsible for paying the costs of their own or their representative's attendance and the University will not reimburse any of them.

9.23 Legal Representation

- 9.23.1 There is no automatic right for a student to have legal representation at meetings and legal representation is only allowed for certain meetings or hearings where the student has been granted permission as set out below in the guidance on the Quality & Enhancement Office webpages - http://www.salford.ac.uk/_data/assets/pdf_file/0007/1416823/Legal-Representation.pdf
- 9.23.2 Legal Representation will not normally be approved for School level hearings.

9.24 Witnesses

- 9.24.1 Where witnesses are called they may attend a hearing in person, or via video or telephone conference. Where this is not possible they may be requested to provide a written statement (should one not already be included in the documentation submitted as the investigation report), however as this would not permit them to be asked questions the Dean of School (or nominee) or Fitness to Practise Panel may take this into account in balancing the impact of this testimony.
- 9.24.2 Initial invitation of witnesses is the responsibility of those calling them; for example the student or the School. Any costs associated with the witnesses' participation are the responsibility of those calling the witness.

9.25 Appointment of Substitutes

- 9.25.1 If any post-holder of the University who is specified in this Procedure (the Specified Post-holder) for any reason declines, fails or is unable to take action that is their responsibility under this Procedure, then the Registrar or Head of the Quality and Enhancement Office is able to approve the appointment of a substitute who will be as close as possible to the specified post holder in terms of their position within the University.

9.26 Audio Recording

- 9.26.1 The audio recording of formal meetings and hearings held under this Procedure is prohibited, subject to such reasonable adjustment as may be agreed by the University where required under the Equality Act 2010.

9.27 References

- 9.27.1 Where appropriate, findings and sanctions imposed may be referred to in references which are requested for students. Normally this would only be for the most severe of sanctions, for example where the University suspends a student, removes them from a programme, or expels them from the University, however, where references are for employment, education, training or other activities which may involve contact with vulnerable people then reference to any finding under the Procedure may be included.

9.28 Notification to Students Registering on Programmes

- 9.28.1 Schools must ensure that notification regarding the requirements of the Procedure is made available in advance to all students considering applying to programmes covered by the Fitness to Practise Procedure.

9.29 Communication during the Procedure

- 9.29.1 Communication to students will be sent to the student's official University email account. Details of formal decision, such as an outcome letter following a Panel hearing or a Completion of Procedures letter, will also normally be sent the student's home address as recorded in the Student Information System.
- 9.29.2 Given the confidential nature of the material the University will not normally send communication associated with the Fitness to Practise Procedure to personal email account.

9.30 Policy Monitoring and Enforcement

- 9.30.1 The Quality and Enhancement Office shall produce an annual report summarising cases considered through the Fitness to Practise Procedure, setting out any matters requiring further consideration and/or action. Following the annual report the Procedure will be reviewed and, as appropriate, amendments considered.

10.0 Data Protection

- 10.1.1 Where an allegation relates to possible criminal activity the University may share information with Greater Manchester Police as set out in the relevant information sharing agreement.
- 10.1.2 A student who is to be suspended under paragraph 9.3 or who will be subject to the sanction of suspension or expulsion under paragraphs 9.11 shall be reported to the Quality & Enhancement Office and to the Chief Executive of the Students' Union.

11.0 Implications for international students

- 11.1 A student studying on a Tier 4 visa who is to be suspended under paragraph 9.3 or who will be subject to the sanction of suspension, removal from the programme or expulsion under paragraphs 9.11 shall be reported to the University's Home Office Compliance Team for further advice and guidance on the implications for their immigration status and leave to remain in the UK. Once this has been considered, and if the decision is maintained, the Home Office Compliance will report this, as appropriate, to the Home Office (UK Visas & Immigration).

12.0 Related Documentation

- 12.1.1 The following documents (referenced within this Fitness to Practise Procedure) can be found within the Academic Governance section of the University Policy and Procedure pages at [University Policy and Procedure pages at http://www.salford.ac.uk/policies](http://www.salford.ac.uk/policies)
- Academic Misconduct Procedure
 - Fitness to Study Procedure
 - Glossary of Terms

- Personal Mitigating Circumstances Procedure
- Student Disciplinary Procedure

12.1.2 Supporting guidance and forms for student facing procedures can be found on the Quality Enhancement webpages [Quality Enhancement webpages at http://www.salford.ac.uk/qeo/StudentPolicies/fitness-to-practise-procedure](http://www.salford.ac.uk/qeo/StudentPolicies/fitness-to-practise-procedure).

These include:

- Fitness to Practise Appeal Form
- Fitness to Practise Investigator's Report.

13.0 Contact information and Advice

13.1.1 General enquiries about the Procedure may be made to Quality and Enhancement Office: Telephone 0161 295 2255 or e-mail: ftp@salford.ac.uk.

13.1.2 Counselling & Wellbeing Service telephone: +44(0) 161 295 0023 (choose 'option 1' and then 'option 1' again) or e-mail: wellbeing@salford.ac.uk.

13.1.3 University of Salford Students' Union - Independent advice to students about their specific case is available from the Students' Union (telephone 0161 351 5400 or e-mail: advicecentre-ussu@salford.ac.uk).

14.0 Appendices

Appendix A: A list of professional statutory and regulatory bodies (PSRBs) where accredited programmes are covered by this procedure.

A list of programmes covered by the Procedure (by School)

Appendix B: Suspension Pending a Hearing

Appendix C: Order of Proceedings at Fitness to Practice Panel hearings

Appendix D: Order of Proceedings at Fitness to Practice Appeal Panel hearings

Appendix E: Examples of professional misconduct

Appendix F: Examples of types of professional unsuitability

Appendix G: Flowchart - Procedure for dealing with professional misconduct and/or professional unsuitability

Appendix A – list of PSRBs & programmes covered by the Procedure

A list of professional statutory and regulatory bodies (PSRBs) relating to accredited programmes covered by this procedure.

- Association of MBAs (AMBA)
- British Association for Counselling & Psychotherapy (BACP)
- British Association of Sport and Exercise Science (BASES)
- British Association of Sport Rehabilitators and Trainers (BASRaT)
- British Psychological Society (BPS)
- Health and Care Professions Council (HCPC)
- Institute of Biomedical Science (IBS)
- Institution of Mechanical Engineers (IMechE)
- Nursing & Midwifery Council (NMC)
- Royal Aeronautical Society (RAeS)
- Royal College of Surgeons (RCS)
- UK Civil Aviation Authority (UK CAA).

A list of programmes covered by the Procedure (by School):

- School of Arts & Media
 - None.
- School of the Built Environment
 - None.
- Salford Business School
 - Master of Business Administration (MBA).
- School of Computing, Science & Engineering,
 - MEng Aircraft Engineering and Pilot Studies,
 - BSc (Hons) Aviation Technology with Pilot Studies.
- School of Environment & Life Sciences
 - BSc Biomedical Science with Professional Studies,
 - BSc Biomedical Science (pathology laboratory based).
- School of Health Sciences
 - All undergraduate and postgraduate taught occupational health programmes accredited by the Health & Care Professions Council (HCPC),
 - All undergraduate and postgraduate taught occupational therapy programmes accredited by the Health & Care Professions Council (HCPC),

- All undergraduate and postgraduate taught podiatry programmes accredited by the Health & Care Professions Council (HCPC),
- All undergraduate and postgraduate taught prosthetics & orthotics programmes accredited by the Health & Care Professions Council (HCPC),
- All undergraduate and postgraduate taught psychology programmes accredited by British Psychological Society (BPS),
- All undergraduate and postgraduate taught radiography programmes accredited by the Health & Care Professions Council (HCPC),
- All undergraduate and postgraduate taught sport rehabilitation programmes accredited by British Association of Sport Rehabilitators and Trainers (BASRaT),
- All undergraduate and postgraduate taught sport science programmes accredited by British Association of Sport and Exercise Science (BASES).
- All Taught Postgraduate Programmes accredited by the Royal College of Surgeons (RCS).
- School of Health and Society
 - All undergraduate and postgraduate taught nursing programmes accredited by the Nursing & Midwifery Council (Adult, Children & young People, Mental Health and Learning Disabilities),
 - All undergraduate and postgraduate taught midwifery programmes accredited by the Nursing & Midwifery Council,
 - All undergraduate and postgraduate taught social work programmes (including Learning Disabilities) accredited by the Health & Care Professions Council.
 - All undergraduate and postgraduate taught Counselling and Psychotherapy programmes accredited by the British Association for Counselling & Psychotherapy (BACP).

Appendix B - Suspension Pending a Hearing

A student who is the subject of an allegation of professional misconduct and/or professional unsuitability may be suspended by the Dean of School (or nominee) pending a Fitness to Practise Procedure hearing and, if applicable, any subsequent appeal.

Suspension pending a hearing is a neutral act in the context of the eventual determination of whether an allegation is found to be proven or not proven. Its purpose may be, for example:

- to ensure the safety and wellbeing of clients/members of the public;
- to ensure the safety and wellbeing of the University community, including the student against whom an allegation has been made, for example where the case involves mental health issues;
- to safeguard the University/practice placement environment/property;
- to ensure the integrity of any investigation;
- to ensure that potential witnesses or other evidence are not subject to interference.

Such a suspension is reserved for serious allegations and may be made with or without any additional reasonable conditions (as determined by the Dean or nominee).

All suspensions must be reported to the Quality and Enhancement Office and to the Chief Executive of the Students' Union. Where the student is in receipt of a visa issued by the UKVI, the suspension must also be reported to the UKVI Compliance Team.

Where a student is post qualifying the suspension may be reported to their employer (where employed in a related and relevant professional role).

A student who is suspended may be wholly or partly prohibited from entering University premises, from placement and from participating in University activities including exercising their functions or duties of any office or committee membership in the University. Suspension may be subject to qualification, such as permission to take an examination or submit an assignment. A suspended student should seek guidance from their school on how they might (nevertheless) best continue their studies.

An order of suspension may include a requirement that the student shall have no contact with named person or persons. Normally a suspended student would continue to have access to their University email account and the virtual learning environment. Should it be considered necessary to suspend this access, it must be clearly set out in the notification, with the specific rationale provided to the student.

A suspended student who breaches the terms or qualifications of a suspension may have such breaches considered under this Procedure in addition to the original allegations.

Suspension pending a hearing may also impact upon any financial support received from for example the Student Loans Company or NHS Student Services. In addition academic progression may be hindered by a suspension of engagement with placement based learning.

In cases deemed to be urgent, particularly if the safety of others is perceived to be at risk, a student may be suspended with immediate effect and before being given the opportunity to make representations. In this instance the student or their representative shall be permitted to put forward representations at the earliest possible opportunity thereafter.

Review of a suspension pending a hearing following significantly altered circumstances

A student who believes that there have been significantly altered circumstances and who wishes to have their suspension, or the terms of their suspension pending a hearing, reviewed can submit a written request to the Quality and Enhancement Office. The school shall be asked to comment on such representations.

The Quality and Enhancement Office shall, within 10 working days of receipt, forward the request to the Head of Quality and Enhancement or the Registrar (or nominee) who shall review the suspension on receipt of evidence of significantly altered circumstances, which might affect the order. Such a review will be based solely on the written representations provided.

The School must keep the terms of the suspension under review, and should specifically confirm before the start of each trimester that they remain appropriate.

Should the Dean of School (or nominee) decide that it is appropriate to revise the terms of the suspension this, including a rationale for any changes, should be notified to the student in writing prior at the time of the implementation of the changes

Where a student is suspended, but the Fitness to Practise hearing (and, if applicable, any subsequent appeal) is delayed because of the decision of the Dean of School (or nominee) to defer action under section 5.2, it should be noted that the student's suspension may last for a period of some duration.

Appendix C - Order of Proceedings at Fitness to Practice Panel hearings

The Order of Proceedings at Fitness to Practice Panel hearings shall normally be as follows:

- a) Introduction of those present by the Chair who will also remind the Panel hearing of any written evidence already circulated;
- b) The Chair will confirm that the student is fit to engage with the Fitness to Practise Hearing, and that there are not factors which may impinge on their performance (for example ill health or medication);
- c) The allegations of professional misconduct / unsuitability shall be set out by the Dean of School or nominee;
- d) The student or their representative shall respond to the allegations;
- e) The Panel shall have the opportunity to question both the Dean of School or nominee and the student; The Dean of School or nominee and the student may only ask questions of each other with the permission of the Chair and directed through the Chair;
- f) Witnesses (see section xxx) called by either party (and notified to Quality and Enhancement Office in advance) shall attend only to present their evidence and to answer any questions that the Panel may put to them through the Chair. Once their evidence has been heard and there are no more questions, witnesses shall be required to withdraw (students shall bear the costs of whichever witnesses they choose to call);
- g) The Dean of School or nominee and the student may only ask questions of each other or witnesses with the permission of the Chair and directed through the Chair;
- h) The Dean of School or nominee shall sum up the allegations. New evidence is not admissible at this time;
- i) The student shall sum up. New evidence is not admissible at this time;
- j) The Dean of School or nominee and the student shall withdraw whilst the Hearing Panel reach their decision.

The Order of Proceedings may exceptionally be varied at the discretion of the Chair. Any variation must be recorded along with the rationale for the change.

The Panel may consider the case and determine an outcome in the event that the student (or their representative), having been given proper notice of the hearing, fails to attend without good reason. The Panel may further, at its reasonable discretion, receive late evidence, adjourn, continue or postpone a hearing, seeking further information and take any other action(s) which it deems reasonable and or appropriate in order fairly to dispose of the matter before it. However, it is normally in the interests of all parties that the case be concluded on the day of the hearing. Whenever a Panel takes such an action this decision shall be recorded along with the supporting rationale, and confirmed to all parties in writing within 5 working days.

Appendix D - Order of Proceedings - Fitness to Practise Appeal Panel

The Order of Proceedings of a Fitness to Practise Appeal Panel shall normally be as follows:

- a) Introduction of those present by the Chair who will also remind the Appeal Panel of any written evidence already circulated;
- b) The Chair will confirm that the student is fit to engage with the Fitness to Practise Appeal Panel, and that there are not factors which may impinge on their performance (for example ill health or medication);
- c) The student or their representative shall set out their grounds for appeal;
- d) The Dean of School (or nominee) shall respond to the appeal;
- e) The Appeal Panel shall have the opportunity to question both the student and the Dean of School or nominee;
- f) Either party may call witnesses who shall attend only to present their evidence and to answer any questions that the Appeal Panel or the other party may put to them through the Chair. Once their evidence has been heard and there are no more questions, witnesses shall be required to withdraw (students shall bear the costs of whichever witnesses they choose to call);
- g) The Dean of School or nominee and the student may only ask questions of each other or witnesses with the permission of the Chair and directed through the Chair;
- h) The student shall sum up. New evidence is not admissible at this time;
- i) The Dean of School (or nominee) shall sum up. New evidence is not admissible at this time;
- j) The Dean of School (or nominee) and the student shall withdraw whilst the Appeal Panel reach their decision.

The Order of Proceedings may exceptionally be varied at the discretion of the Chair. Any variation must be recorded along with the rationale for the change.

Appendix E - Examples of Professional Misconduct

The following is a non-exhaustive list of examples of behaviour and conduct which would constitute professional misconduct:

- Behaviour that would adversely affect the proper operation of professional, including clinical, practice and / or client confidence. Examples of this include:
 - abuse (child, physical, sexual, racial, emotional, verbal or physiological);
 - academic misconduct identified or exemplified as serious or repeated instances of academic misconduct in the University's Academic Misconduct Procedure (see Related Documentation section for Policy location).
 - acceptance of gifts, hospitality and other considerations (apart from small tokens of appreciation) or allowing any gift to influence the quality of care provided to the donor or to others;
 - aggressive or threatening behaviour, bullying or physical violence; by word or deed including using social media;
 - alcohol or drug abuse;
 - any action or omission that may place a client's safety at risk;
 - behaviour that indicates a lack of honesty and trustworthiness, e.g., misrepresentation of qualifications at the time of admission, forging of any documents; including practice documents, or signatures; including falsification of mentor's or academic's signatures;
 - breach of confidentiality (except under the provisions of the Public Interest Disclosure Act 1998);
 - failure to keep appropriate professional and sexual boundaries;
 - failure to respect clients as individuals and/or failure to protect the interests and dignity of clients irrespective of gender, age, race, pregnancy, ability, sexuality, economic status, lifestyle, culture or of any other irrelevant distinction;
 - jeopardising the welfare of children and vulnerable adults;
 - malicious or wilful damage to property;
 - misconduct identified or exemplified as misconduct in the Student Disciplinary Procedure (see Related Documentation section for Policy location);
 - misuse of the internet and social networking sites;
 - unjustified refusal to carry out a lawful and reasonable instruction that could result in immediate serious consequences for others;
- Criminal conviction(s) during the programme, of a nature which would have prevented admission to the programme.
- Behaviour which would bring the profession into disrepute or damage the credibility of the profession, examples of this include:
 - abuse (including child, physical, sexual, racial, emotional);
 - alcohol consumption that affects work or study;
 - bribery or corruption;
 - Dishonesty (theft, fraud or forgery (including plagiarism and cheating in examinations));
 - drink driving;
 - drugs (dealing or misusing drug);

- misuse of social media including inappropriate use of social media related to compromising images on sites that indicate that the person is a student on a relevant professional programme or a student of the University of Salford.

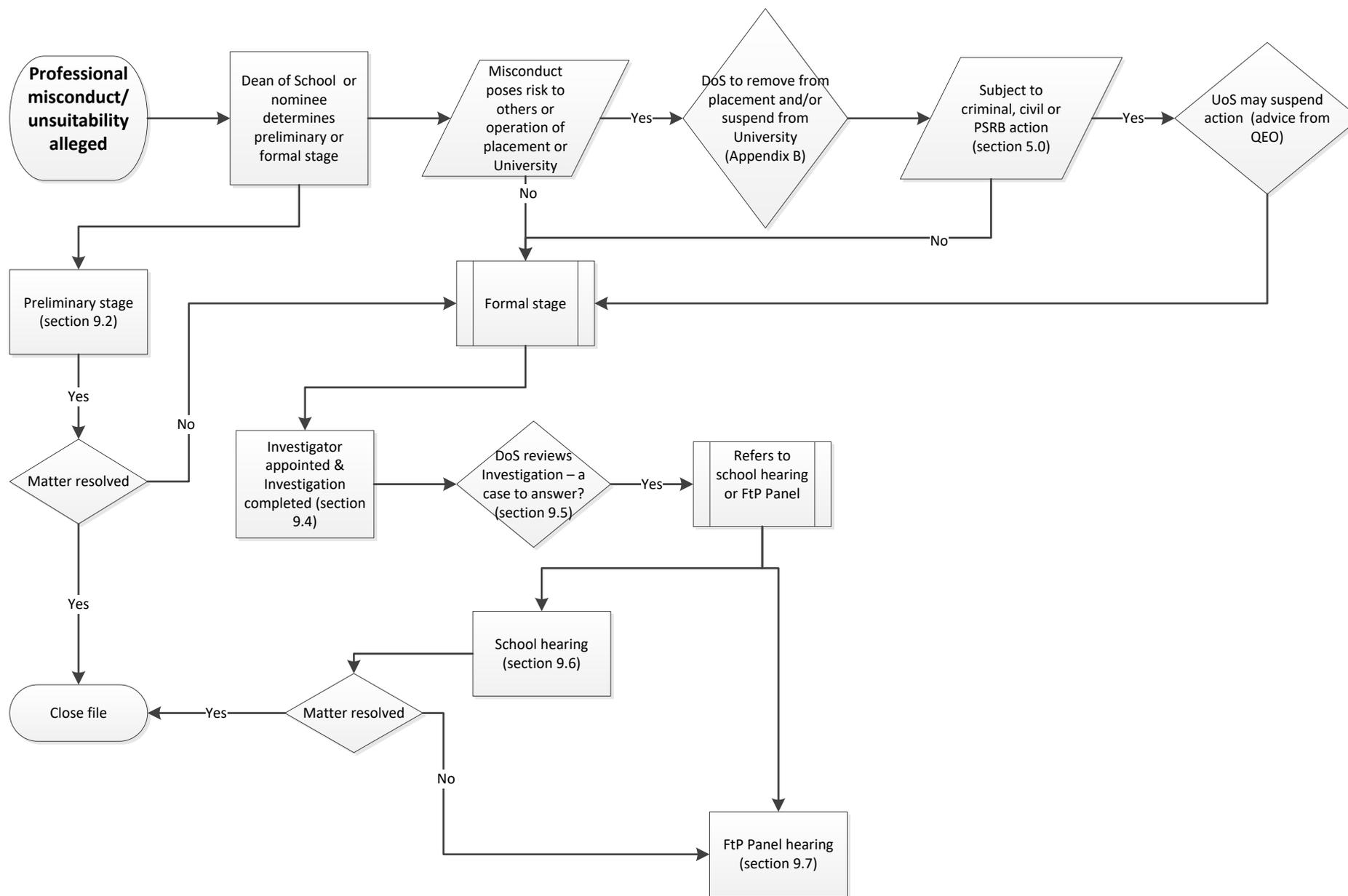
Relevant Personal Mitigating Circumstances claims submitted previously by a student under the University's Personal Mitigating Circumstances Procedure (see Related Documentation section for Policy location) may be used by the School or the student in evidence in the context of an allegation of professional misconduct.

Appendix F - Examples of Professional Unsuitability

Professional unsuitability may be demonstrated in various ways. The following are common indicative examples:

- Persistent inappropriate attitude or behaviour which may be manifested by:
 - Failure to accept and follow advice from your university or placement provider;
 - Failure to follow recommended procedures/practices that may put other people clients, students, staff at risk of harm;
 - Non-attendance at class, work placement or other relevant appointment;
 - Persistent lack of motivation or interest and/or non-participation in learning activities (for example direct client care, engagement in small group/problem-based learning, portfolio development, practice placements, presentations, timetabled academic sessions, academic or pastoral tutorials, clinical skills sessions);
 - Persistently failing required professional competencies / proficiencies.
 - Poor application to and failure to submit work;
 - Poor communication skills;
- Professional Unsuitability behaviour which may be manifested by:
 - Repeated breaches of confidentiality;
 - Emotional and/or inter-personal problems that adversely affect the professional relationships proper operation of or learning in the clinical and/or learning context;
 - Failure to keep appropriate professional or sexual boundaries;
 - Inconsistent, unreliable and inappropriate behaviour that may fall short of professional misconduct in the clinical or learning context;
 - Repeated misuse of the internet and social networking sites;
 - Persistent rudeness to people, colleagues or others;
 - Unlawful discrimination;
 - Unsociable behaviour that adversely affects the proper operation of the professional and/or learning context.
- Health Concerns, which, depending on the relevant profession may include:
 - Failure to seek medical treatment or other support where there is a risk of harm to other people;
 - The results of testing for immunity from, or infection by, serious communicable disease;
 - The results from health assessments of functional capacity (for example hearing, vision) which impact on ability to perform required professional tasks;
 - Failure to recognise limits and abilities or lack of insight into health concerns that may put other people at risk.

Appendix G - Flowchart - Procedure for dealing with allegations Professional Misconduct and/or Professional Unsuitability



Document Control Information: Revision History incl. Authorisation (most recent first)			
Author	Summary of changes	Version	Authorised/ date
R. Clemens	Correction to list of programmes in Appendix A	V2.1	Dec 2017
R. Clemens	Correction to list of programmes in Appendix A	V2.2	February 2018
R. Clemens	Major review and re-write Corrected URL at section 9.23 5th Dec 2017	v2	June 2017
R. Clemens	Correction of typos and republished 5/01/2017 Addition of paragraphs clarifying attendance, or otherwise, of dean of school (or nominee) and the investigator at Panel hearings and of dean of school (or nominee) and chair of original panel at appeal Panel hearing.	v.1.6	December 2016 Chair's Action on behalf of SELTEC
R. Clemens	Consideration in Absence clarified and reformatting.	V1.5	Oct 2016
R. Clemens	Info handling following a Reference request. notification to HO Compliance Team of suspensions & expulsions	V1.4	June 2016
R. Clemens	Replacement of his/her etc with neutral terms. Review of formal stages/hearing panel to clarify role of Investigator's report	1.3	May 2016
R. Clemens	Minor amendments to include British Association of Counselling & Psychotherapy (BACP)	1.2	February 2016
R. Clemens	Revision of Fitness for Professional Practice Procedure	V1.0	LTEC: 21/01/2015 Senate: 25/02/2015
Policy Management and Responsibilities:			
Owner:	This Policy is issued by ASQAC, which has the authority to issue and communicate policy on matters of academic governance and has delegated day to day management of the policy to the Quality and Enhancement Office and relevant schools.		
Others with responsibilities (please specify):	All subjects of the Policy will be responsible for engaging with and adhering to this policy. This document is available in the Quality Assurance Handbook and is cross-referenced in Student Handbooks and at Student Induction.		
Author to complete formal assessment with the following advisory teams:			
Equality Analysis (E&D, HR) Equality Assessment form	1. <i>Equality Assessment July 2017 with Sue Clark</i>		

Legal implications (LPG)	Comments received and incorporated as part of the review (May 2017)
Information Governance (LPG)	Comments received and incorporated as part of the review (May 2017)
Student facing procedures (QEO)	Throughout policy review
UKVI Compliance (Student Admin)	Consultation including on draft submitted during review.
Consultation:	
Staff Trades Unions via HR Students via USSU Relevant external bodies (specify)	<p>Comments from USSU received and incorporated as part of the review (May 2017).</p> <p>Comments from schools sought and where received considered and incorporated as part of the review (May 2017).</p> <p>External guidance sought on draft procedure (Prof Tim David, UoM) (April 2017).</p> <p>Comments from ICZ Programme Director and Associate PVC received and incorporated as part of the review (May 2017).</p>
Review:	
Review due:	May 2018
Document location:	University Policy & Procedure Pages http://www.salford.ac.uk/policies
The owner and author are responsible for publicising this policy document.	