

G29 A student's registration may be terminated as a result of a fitness for registration and fitness to practise hearing. When conferring awards which lead to professional qualifications registerable with a Professional, Statutory and Regulatory Body, the College must be satisfied that the student would be a safe and suitable entrant to the given profession, and as such would be fit for registration and fit to practise.

Fitness for registration and fitness to practise

- G29.1 The College has responsibility in respect of students who are following a programme of study leading to a professional qualification which is registrable with a statutory regulatory body.
- G29.2 In addition to conferring the appropriate qualification, the College must be satisfied that the student would be a safe and suitable entrant to the given profession, and thus would be fit for registration and fit to practise.
- G29.3 This appendix is specific to students following a programme of study leading to the following professional qualifications:
- a) all programmes in Midwifery with registration
 - b) all programmes in Nursing with registration
 - c) BSc Nutrition and Dietetics
 - d) BSc Physiotherapy
 - e) MSc Physiotherapy
 - f) MBBS
 - g) BDS
 - h) PGDip Dietetics
 - i) MSc Dietetics
 - j) PGCE Postgraduate Certificate in Education
 - k) PCE Professional Graduate Certificate in Education
 - l) MPharm
 - m) DClinPsych
- G29.4 This appendix does not apply to students who already hold a professional qualification which is registrable with a professional, statutory or regulatory body, unless they are also following a programme of study leading to one of the professional qualifications listed above. However, nothing in these regulations shall prevent the College from informing a professional, statutory or regulatory body about a student who is already registered with that body, where:
- a) the student has been found guilty of misconduct by a Misconduct Committee under the Misconduct Regulations (G27); or
 - b) the student demonstrates behaviour and/or health issues which do not constitute misconduct under the Misconduct Regulations (G27), but raise issues of their fitness for registration and to practise; and
 - c) there is a legal obligation to inform the professional, statutory or regulatory body about the matters covered by (a) and (b), or in the judgment of the College it would be in the public interest to do so.

Foundation Year One

- G29.5 This appendix also applies to MBBS graduates of the College during their Foundation Year One training, as the College is responsible for ensuring that such graduates are following an approved training programme and for certifying successful completion of this training programme. This

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certification entitles full registration with the General Medical Council. As such, for the purpose of this appendix, the term 'student' shall include Foundation Year One students and for the purpose of this appendix, the term 'programme of study' shall include the Foundation Year One training.

Definition and remit

- G29.6 A student shall be deemed to be unfit for registration and to practise if found by the Fitness to Practise Committee to demonstrate any health condition, behaviour or attitude which would render that student a person not fit to be admitted to and practise the given profession.
- G29.7 Failings in academic performance, however, fall within the remit of the Academic Progress Regulations (G28).
- G29.8 A student undertaking a placement or a period of study or practical training in an external working or educational environment may be removed from this, under the Academic Progress Regulations (G28), pending an investigation in accordance with this appendix.

Representation

- G29.9 A student facing an allegation of being unfit for registration and to practise may be represented at any point in the proceedings by another College member or by a member of the King's College London Students' Union or a member of the student's professional organisation (where applicable).
- G29.10 Additionally, the student may be accompanied by a family member or a friend who will not be able to speak on the student's behalf, unless this is a reasonable adjustment, such as a sign language communicator or interpreter.
- G29.11 If the student is to be represented or accompanied the name of the person who is to attend must be received in writing by the Head of Student Conduct & Appeals (HoSCA) at least 48 hours in advance of the Committee. The Fitness to Practise Committee or Appeal Committee has the discretion to refuse to permit a representative or friend or family member to attend where prior written notice has not been given.
- G29.12 If a student wishes to be represented by an individual not listed above they should make representations to the Chair of the Fitness to Practise Committee or Appeal Committee. The Chair of the Fitness to Practise Committee or Appeal Committee has the absolute discretion to accept or reject an application for alternative representation and their decision will be final.

Confidentiality

- G29.13 The College will do all in its power to limit the disclosure of information as is consistent with conducting an investigation and the provisions of the Human Rights Act, the General Data Protection Regulation, the Freedom of Information Act and any other relevant legislation.
- G29.14 None of the proceedings will be invalidated or postponed by reason of absence from any Committee of any party called to attend, provided that both the student against whom a case

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has been made and the Executive Dean of Faculty bringing the case have been sent written notice of the Committee and provided that those conducting the Committee believe that all the evidence and representations are before it. In the event that a student has indicated that they will attend but then cannot do so for good reason, an adjournment would generally be considered.

Faculty Fitness to Practise Procedure

G29.15 Where a Faculty has concerns about a student's fitness for registration and to practise they shall investigate internally in accordance with the Faculty's fitness to practise procedures.

G29.16 A Faculty's fitness to practise procedures will make one of the following decisions:

- a) no further action be taken;
- b) appropriate remedial action or supportive measures be taken by the student with a date for review; or
- c) the case be referred for consideration by a Fitness to Practise Committee.

G29.17 Where a case is referred for consideration by the Fitness to Practise Committee, the Faculty shall notify the HoSCA in writing as soon as possible.

G29.18 A student may not contest a decision that there is no case to answer or that the case be referred for consideration by the Fitness to Practise Committee.

G29.19 In the event of failure to agree to remedial action or supportive measures, imposed in accordance with the Faculty's fitness to practise procedures, the Faculty will refer the case for consideration by the Fitness to Practise Committee, the Faculty shall notify the HoSCA in writing as soon as possible.

Referral to the Fitness to Practise Committee

G29.20 There are two routes of referral to the Fitness to Practise Committee:

- a) *Misconduct*: where a student faces an allegation of misconduct under the terms of the Misconduct Regulations (G27), the case shall be considered by the Misconduct Committee. Where such a student is found guilty of misconduct, the findings of the committee shall be notified to the appropriate Executive Dean of Faculty. The Faculty shall consider the findings, in accordance with the Faculty's fitness to practise procedures, to determine whether the case should be referred to the HoSCA for consideration by the Fitness to Practise Committee. Where a Fitness to Practise issue is present within a Misconduct Case, the HoSCA will notify the Faculty as soon as possible in order to allow the Faculty to determine whether any precautionary action should be taken.
- b) *Other matters justifying referral*: where a student demonstrates behaviour and/or health issues which do not constitute misconduct under the Misconduct Regulations (G27) but raise issues of fitness for registration and practise, the Faculty shall investigate internally, in accordance with the Faculty's fitness to practise procedures, and determine whether the case should be referred to the HoSCA for consideration by the

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Fitness to Practise Committee. Where the Faculty determines that a case should be referred for consideration by the Fitness to Practise Committee, the Faculty shall notify the HoSCA in writing as soon as possible.

- G29.21 Upon receiving notification from the Executive Dean of Faculty (or their nominee), the HoSCA shall convene a meeting of the Fitness to Practise Committee.
- G29.22 Where a case is referred to the HoSCA and the student is appealing the findings of the Misconduct Committee, the Fitness to Practise Committee will be paused until the misconduct process, in accordance with the Misconduct Regulations (G27), is complete.
- Fitness to Practise Committee procedure**
- G29.23 Written notice of the hearing date will normally be sent to the student and Executive Dean of the Faculty, together with the names of the Committee members, any witnesses, and all documentary evidence, at least 14 days before the Committee date.
- G29.24 The decision of a Misconduct Committee cannot be challenged.
- G29.25 The student may present documentary evidence or witnesses in their defence or mitigation. Documentary evidence for consideration by the Committee and/or the names of any witnesses and written copies of their evidence, must be sent to the HoSCA at least seven days in advance of the Committee. This evidence will be sent immediately to the Committee and Executive Dean of Faculty by the HoSCA. Documentary evidence and/or witnesses received after this deadline will only be accepted at the discretion of the Chair of the Committee.
- G29.26 The Executive Dean of Faculty (or nominee) will present the Faculty's case to the Committee. The student (or their representative) will be invited to reply. Both parties may call witnesses and present documentary evidence, provided that any such evidence or the names of witnesses had previously been received and circulated by the HoSCA.
- G29.27 The Committee may also call upon other persons (whether members of the College or not) to provide advice on specific aspects of the case, either in person or in writing, provided that the names of any such persons have previously been made available to all parties.
- G29.28 The Committee may ask questions of all those called before it. The representative of the Faculty and the student may raise questions through the Chair of the Committee.
- G29.29 At the conclusion of the Faculty representative and student's presentations and questions, the student may address the Committee and the Chair may make a statement.
- G29.30 The Committee may, at its discretion, at any time during the proceedings have a private discussion where only the Committee and the Clerk will be present.
- G29.31 The Committee will consider its decision in private.

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G29.32 At any time during the proceedings, the Chair may adjourn the Committee, for a period not normally exceeding seven days, for the purpose of deciding on the verdict or for other good cause.

G29.33 All decisions of the Committee will be reached by a majority vote of the Committee members but will be announced as a decision of the Committee. The votes of the individual Committee members will be treated as confidential. In the event of a tie, the Chair will have the casting vote.

G29.34 The decision of the Committee will normally be sent, to the student and the Executive Dean of Faculty, within seven days of the date of the decision of the Committee. Where a student has been found unfit for registration and practise, the relevant regulatory body will be informed.

Outcome of Fitness to Practise Committee

G29.35 Based on the previously determined findings and the evidence submitted to the Committee, the Committee is required to reach one of the following decisions:

- a) that the student is unfit for registration and practise;
- b) that the student is fit for registration and practise.

G29.36 A student shall be presumed to be 'fit' unless 'unfitness' can be proven to the satisfaction of the Committee.

G29.37 Where the Committee finds that the student is unfit for registration and to practise, it will make one of the following decisions:

- a) that the student's registration on the programme of study be terminated;
- b) that the student should undergo medical treatment or other appropriate remedial action, during which the student may be suspended. In such cases a time limit must be specified, and continuation on the programme shall be at the discretion of the Executive Dean of Faculty and the Chair of the Fitness to Practise Committee. Where the student is not permitted to continue, their registration on the programme of study will be terminated.

G29.38 Where the Committee finds that the student is fit for registration and to practise, no further action will be taken.

Appeal

G29.39 Students may appeal the decision of the Committee on either or both of the following grounds:

- a) there is new evidence, that could not have been, or for good reason was not, made available at the time of the Committee, and sufficient evidence remains that the appeal warrants further consideration;
- b) that evidence can be produced of significant procedural error on the part of the College before or during the Committee, and sufficient evidence remains that the appeal warrants further consideration.

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- G29.40 Students should submit a Fitness to Practise Appeal Form with the HoSCA, on behalf of the Principal, within 14 days of the Fitness to Practise Committee outcome. Fitness to Practise Appeal Forms received after this deadline will only be accepted at the discretion of the Principal.
- G29.41 The Principal will normally advise the student of their decision on the appeal within 42 days of receipt. If the appeal is to be heard an Appeal Committee will be appointed. If the appeal is rejected, reasons will be given.
- Appeal Committee procedure**
- G29.42 Written notice of the Committee date will normally be sent to the student and Executive Dean of Faculty, together with the names of the Committee members and all documentary evidence, at least 14 days before the Committee date.
- G29.43 The student and Executive Dean of Faculty may present documentary evidence and/or witnesses. Documentary evidence for consideration by the Committee and/or the names of any witnesses and written copies of their evidence, must be sent to the HoSCA at least seven days in advance of the Committee. This evidence will be sent immediately to the Committee and other party by the HoSCA. Documentary evidence and/or witnesses received after this deadline will only be accepted at the discretion of the Chair.
- G29.44 The student making the appeal, or their representative, will present their case. The Executive Dean of Faculty (or their nominee) will present the Faculty's case to the Committee. Both parties may call witnesses and present documentary evidence, provided that any such evidence or the names of witnesses had previously been received by the HoSCA and made available to the other party.
- G29.45 The Committee may ask questions of all those called before it. The representative of the Faculty and the student may raise questions through the Chair of the Committee.
- G29.46 At the conclusion of the Faculty representative and student's presentations and questions, the student may address the Committee and the Chair may make a statement
- G29.47 The Committee may, at its discretion, at any time during the proceedings, have a private discussion where only the Committee and the Clerk will be present.
- G29.48 The Committee will consider its decision in private.
- G29.49 The Appeal Committee will normally reach its decision without adjournment but may adjourn for a period not exceeding seven days.
- G29.50 The decision of the Appeal Committee will be reached by a majority vote of the members of the Committee and will be announced as the decision of the Committee. The votes of individual Committee members will be treated as confidential.

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Appeal Committee Outcome

- G29.51 The Appeal Committee may reject or uphold the appeal. Where the Appeal Committee upholds the appeal, the Committee may decide on one of the following measures:
- that the decision of the Fitness to Practise Committee be set aside and that the Fitness to Practise Committee re-hear the case;
 - that the decision of the Fitness to Practise Committee be modified or reversed.
- G29.52 The decision of the Committee will normally be sent, to the student and the Executive Dean of Faculty and Chair of the Fitness to Practice Committee, within seven days of the date of the decision of the Appeal Committee. Where a student has been found unfit for registration and practise, the relevant regulatory body will be informed.
- G29.53 Where the Appeal Committee reject the appeal, the decision of the Fitness to Practise Committee will stand.
- G29.54 A decision of an Appeal Committee will be final.

Useful Links

- [Office of the Independent Adjudicator](#)
- [Student Conduct and Appeals webpages](#)
- [Misconduct \(G27\)](#)
- [Student Complaints \(G31\)](#)
- [Academic Progress \(G28\)](#)
- [Committee Structure](#)
- [Glossary](#)

Exemptions: not anticipated. For advice contact appeals@kcl.ac.uk.