

Student Guidance on the university's

Fitness to Practise Regulations

For students on professional programmes as outlined in Regulation B5 1.3 of the 2015-16 College's B5 Fitness for Practice and Registration Regulations (available on the College's Governance Zone)

This guidance should be read in conjunction with the College's B5 Fitness for Practice and Registration Regulations, which are available on the College's Governance Zone.

- The university has a particular 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.
- In addition to conferring the appropriate qualification, the university 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.
- This guidance is intended to assist and inform students to whom the university's B5 Fitness for Registration and Practice Regulations pertain.
- For further guidance or advice on the B5 Regulations or procedures, you should contact the Student Conduct & Appeals Office ('SCAO'):

Student Conduct & Appeals Office

E-mail: appeals@kcl.ac.uk

Tel: 0207 848 3173/3989

For impartial support and guidance with a Fitness to Practise referral, you should contact the KCLSU Advice Service:

KCLSU Advice Service

E-mail: advice@kclsu.org

Tel: 0207 848 1588

Fitness to Practise Process

- 1) Alleged incident/behaviour/health issues comes to light
- 2) Dean of Faculty (or nominee) determines whether the matter is:
 - a. Alleged misconduct
 - b. Other behaviour and/or health issues which do not constitute misconduct but raise issues of fitness for practice and registration
- 3) The case will be dealt with either:
 - a. under the university's B3 Misconduct Regulations
 - b. under the university's B5 Fitness to Practise Regulations (Faculty investigation)
 - c. Following conclusion of process a) or b), where a Faculty deems a student to be unfit for practice and registration, the Dean of Faculty will refer the student to the university Fitness to Practise Committee

There are 2 routes by which a student may be referred to the university Fitness to Practise Committee:

- a) Misconduct
- b) Other behaviour and/or health issues which do not constitute misconduct but raise issues of fitness for practise and registration

<u>a) Misconduct</u>	<u>b) Other behaviour and/or health issues which do not constitute misconduct but raise issues of fitness for practise and registration</u>
<ol style="list-style-type: none"> 1) Student is referred under B3 Misconduct Regulations to SCAO 2) The university will appoint an Examinations Misconduct Committee or a Disciplinary Committee if warranted, who will determine whether any charge of misconduct is upheld 3) Subsequently, Dean of Faculty (or nominee) determines whether case should be referred to Faculty/university Fitness to Practise Committee 	<ol style="list-style-type: none"> 1) Student is referred under B5 Regulations to the Faculty/School Fitness to Practise Committee/Panel 2) Outcome of Panel hearing: <ol style="list-style-type: none"> d. Fit for Practice and Registration; no further action; e. Fit for Practice and Registration, but conditions set; f. Unfit for Practice and Registration; referred to university Fitness to Practise Committee

Process for Referral to university Fitness to Practise Committee

- 1) Case is referred to SCAO in writing by Dean of Faculty (or equivalent) as soon as possible following either the misconduct procedure or the Faculty investigation/procedure
- 2) SCAO organise university Fitness to Practise Committee:
 - a. Committee members are recruited
 - b. Date of Hearing is set
 - c. Student and Faculty notified of Hearing date:
 - i) normally giving at least 28 days' notice
 - ii) inviting submissions of documentary evidence
 - iii) inviting submissions of names of any witnesses the parties will be calling
 - d. Submission of documentary evidence and names of witnesses normally at least 21 days in advance of Hearing
 - e. Documentary evidence and names of witnesses normally forwarded to all parties at least 5 days before Hearing

University Fitness to Practise Committee Hearing Procedure

- 1) You and any other parties (e.g. the Students' Union ('KCLSU') or a representative from your professional organisation) will be ushered into the Hearing room at the same time as the representative from the School.
- 2) The Chair of the Committee will introduce the Committee members, and explain the Hearing process. Committee Hearings are normally recorded so as to provide an accurate record of proceedings.
- 3) All parties will be asked by the Committee to make their respective representations.
- 4) The Committee members will ask questions of all parties. You may ask any questions you have, but should address these to the Committee rather than to the representative from your School.

- 5) You will be invited to make a final verbal statement for the Committee's consideration before it deliberates on your case. You may prepare in advance anything you wish to say to the Committee and may find it helpful to bring a written aide-memoire¹.
- 6) All parties who are not Committee members will be asked to vacate the Hearing room.
- 7) You will normally receive your Hearing outcome in writing within 7 days of the date of the Hearing.

Frequently Asked Questions and Issues Raised

- ***Do I have to attend the university Fitness to Practise Committee Hearing?***

Attendance at a Hearing is not compulsory, but it is very much in your interests to attend a Hearing and the College would strongly encourage you to do so if you are able. KCLSU will usually accompany you to Hearings if you request it, and may represent you at a Hearing if you are unable to attend. To arrange this you should contact KCLSU on advice@kclsu.org or telephone 0207 848 1588. Alternatively, you may wish to be represented by a member of your professional organisation. Both you and your School may present documentary evidence or call witnesses. You must submit all documentary material and the names of any witnesses you are calling in writing to the Student Conduct & Appeals Office, normally at least ten days in advance of the Hearing date (see Regulation B5 12.3).

- ***I cannot attend the Hearing. Can I have the Hearing on another date?***

If you are unable to attend the Hearing you should e-mail the Student Conduct & Appeals Office on appeals@kcl.ac.uk immediately. If you would prefer to attend the Hearing but are unable to do so on the scheduled date you should e-mail the Student Conduct & Appeals Office and request a deferral of your Hearing, stating the reason(s) why you are unable to attend on the scheduled date. On receipt of this request consideration will be given as to whether a deferral may be granted. Please note however that Committee Hearings are complex to organise and deferrals are normally only granted in exceptional circumstances. Please also note that if your request is granted, this might mean a substantial delay in when your case can be considered by the College Fitness to Practise Committee.

- ***Can I bring my parents/friends/a solicitor to the Hearing?***

You may be accompanied to the Hearing by a family member or a friend (either from inside or outside the university) to support you, but that person will not be allowed to speak on your behalf. Legal representation will not normally be permitted as this is not a legal process. However, the Chair of the Committee will have the discretion to consider representations from you to allow your friend/family member to make a statement at the Hearing.

- ***Who will be sitting on the Committee?***

The Committee will be comprised of a Chair (appointed by the Principal) and three members. Of the three members, two will be professional members who will be senior members of the given profession, and may (but may not necessarily) be members of the academic staff of the university or of any other higher education institution. There will also be one other member who will be a member of academic staff at the College, and who will not be from your Faculty, nor will they be a member of any profession which falls within the remit of these regulations.

¹ You are welcome in any case to provide a written statement for the consideration of the Committee; any such statement must normally be submitted at least 7 days before the Hearing. You will not however be expected to read your written statement aloud to the Committee, as they will have read it in advance of the Hearing.

- ***What will happen at the Hearing?***

The Faculty will normally send a representative to explain why the Faculty have referred you to the university Fitness to Practise Committee. All parties will enter the room together and each will hear what the other has to say. The Chair of the Committee will lead all proceedings, and any questions you have during the Hearing should be addressed to the Committee.

- ***Is mine the only Hearing?***

It is usual for only one Hearing to be scheduled at any one university Fitness to Practise Committee sitting, although sometimes a Committee will meet to consider two cases. You will be advised of where you can wait for your Hearing in your Committee Hearing documentation. You should endeavour to arrive at least 5 minutes before your scheduled Hearing time.

- ***What is the likelihood of expulsion from the College?***

It is impossible to determine the outcome of any case before the Committee has met and considered it, therefore it is not appropriate for the College to comment upon the likely outcome of any case. However, you may discuss your case with KCLSU who can assist you with preparing for your Hearing and help you with any statement/points you wish to make at it.

- ***I have received the Committee documentation via e-mail. Will I receive a hard copy?***

No; the Student Conduct & Appeals Office will only send you an electronic copy. Any queries should be made via e-mail to appeals@kcl.ac.uk.

- ***I am waiting for a Committee Hearing. I've been suspended from placement. I have assignment deadlines/examinations coming up and I'm not sure whether to submit this work.***

If you have assignments due or forthcoming examinations pending a Committee Hearing you should contact your Programme Leader/Personal Tutor for advice and guidance as to whether or not you should submit these as normal.

- ***I am really worried about my Hearing and don't know what to do.***

KCLSU are on hand and are highly experienced in supporting students who are going through a misconduct process, so it is advisable to contact them. KCLSU will accompany you to a Hearing should you wish, and may also represent you at a Hearing in the event that you are unable to attend. Alternatively, you may wish to contact your professional organisation or union for support and guidance. In addition, the university has a number of support services, including the Compass, Counselling Services and your Personal Tutor. The university strongly encourages you to access and use some or all of these support systems.

- ***When will I hear the decision of the Committee?***

It is unlikely that you will receive the decision on the day. This is because it can often take a long time for Committees to deliberate Fitness to Practise cases, and the outcomes and decisions can be complex, therefore verbal articulation of these can compromise understanding of them. The Hearing outcome will normally be forwarded to you in writing within 7 days of the date of the Hearing.