

# PROFESSIONAL SUITABILITY PROCEDURE

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## **Professional Suitability Procedure**

This procedure should be read in conjunction with [Senate Regulation 14 – Professional Suitability](#).

Concerns about a student's professional suitability should be acted upon promptly in order to provide support to the student, as early intervention may prevent matters from becoming more serious. In the event of doubt as to how a concern should be dealt with, please seek advice from the Office of Student Complaints, Conduct and Appeals ([Conduct@Brunel.ac.uk](mailto:Conduct@Brunel.ac.uk)).

### **Introduction**

1. This procedure sets out how the University will normally respond to instances where a concern is raised regarding a student's professional suitability and the type of action that the University may take to deal with the concern and to support the student. In appropriately serious cases, the University has the right to suspend and/or terminate a student's registration on the programme.

2. Examples of where professional suitability concerns may arise include (but are not limited to) instances where a student has or is suspected of having:

- physical health, mental health, emotional or inter-personal problems
- failed to comply with professional, statutory or regulatory bodies (PSRBs) and/or professional accrediting bodies (PABs) guidance and/or requirements in relation to professional suitability at any point in time, which may include the guidance and/or requirements of any relevant international PSRBs or PABs
- failed to act within any statutory frameworks which set out students' professional duties and responsibilities
- breached standards of acceptable conduct (professional or otherwise) such as those set out in the University's 'Student Code of Conduct' or by a relevant PSRB and/or PAB;

and as a result:

- a risk is posed to the student's own health, safety or wellbeing and/or that of others,
- the proper operation of the profession is or may be adversely affected,
- a relevant placement or work based setting is or may be adversely affected, and/or
- trust in the profession may be undermined or the profession is brought into disrepute,

such that the student's professional suitability is or may become impaired.

3. Examples of behaviour that may raise a concern include but are not limited to:

- abuse or harassment (including verbal and/or written, physical, sexual or emotional), including through the use of social media
- violent, aggressive, indecent, unacceptable or threatening behaviour (physical, verbal or otherwise)
- failure to treat others with dignity or respect, or failure to practise in a non-discriminatory way

- failure to take responsibility for the management of a health condition
- dishonesty or untrustworthiness (such as the misrepresentation of qualifications or professional experience, or the forging of documents or signatures, or theft, or making false expenses claims, or failure to disclose relevant criminal convictions)
- academic offences
- the commission or suspected commission of a criminal offence
- alcohol or substance abuse/problem
- anti-social behaviour which adversely affects the proper operation of educational or placement/work settings
- the failure to demonstrate an attitude or demeanour appropriate for individuals working in the profession concerned
- breaches of data protection and/or confidentiality
- lack of engagement in learning activities (e.g. small group/problem-based learning, portfolio development, practice placements, presentations, academic or pastoral tutorials, or multi/inter-professional focused sessions)
- inconsistent, unreliable or inappropriate behaviour in educational or placement/work based learning settings
- poor time keeping and/or attendance,
- failure to prepare appropriately for placement activities
- failure to comply with a dress code.

4. The University recognises that concerns regarding students' professional suitability may arise in a variety of ways (e.g. as result of a disclosure made by the student on re-enrolment, or from the circumstances of a student's practice, or their conduct, or from issues raised by University staff, other students, health professionals, placement providers or service users). The University may consider and address concerns regarding students' professional suitability howsoever they arise and will endeavour to take action to deal with concerns promptly and fairly. Staff to whom disclosures are made or concerns are raised are encouraged to consult with the Head of Department or their nominee to discuss next steps. The University recognises that dealing with matters in this way is critical not only to ensuring consistency and that relevant professional standards are attained and maintained, but also to supporting student learning and academic achievement and to the furtherance of a positive student experience.

5. In implementing this procedure, the University will remain mindful of its duty of care, and of its obligations as a provider of professional programmes and under the Equality Act 2010 including to make reasonable adjustments for students with disabilities. It will also remain mindful of the often confidential and sensitive nature of professional suitability matters and of its obligations under the Data Protection Act 1998.

6. The standard of proof applied at every stage of this procedure is the balance of probabilities.

7. When dealing with students under this procedure, University staff will consider what support and guidance may be offered to students. Students will be reminded of the support services provided by the University through [Student Services](#) and by the Students' Union [Advice and Representation Centre](#), and will be encouraged where appropriate to seek support from relevant external sources (e.g. local GPs or mental health services).

8. Students should be aware that, in the course of dealing with professional suitability concerns, or where these concerns have been dealt with, the University may consider it appropriate to discuss and/or refer matters and/or their outcomes to third parties such as PSRBs or placement providers, and agencies such as Social Services, the Police or the Disclosure and Barring Service. The University may do so on occasion without notification to the student. Any referrals will usually be notified to the relevant Deputy Dean (Academic Affairs). Where such a third party or agency carries out any investigation or other process, the University may in its discretion suspend or delay taking action under this procedure. The University will not be bound by the outcome of any third party or agency investigation or other process but may take it into account, as relevant, when dealing with a matter under this procedure.

9. Whilst the University anticipates that most matters involving professional suitability concerns will be dealt with under this procedure, matters may arise where it is appropriate for the University to implement other University processes (such as its Student Disciplinary Procedure, Academic Misconduct Procedure and/or Fitness to Study procedure) as an alternative or in addition to this procedure, and the University is not prevented from doing so at any time. However, this procedure is not intended to deal with issues of assessing practice competencies which are managed under Senate Regulation 2 (taught programmes), Senate Regulation 3 (Masters' level programmes), and Senate Regulation 5 (Postgraduate Research programmes) .

10. It may be necessary to temporarily suspend and/or exclude a student from the University following the report of a concern about a student's professional suitability. Such decisions and any action will be taken in line with *Appendix 1*.

### **Conduct which may constitute fraud**

11. Where a professional suitability concern involving an allegation of fraud is against a student who is registered on a programme referred to in *Appendix 2*, or is an employee of the NHS, the University may refer the matter to the NHS Counter Fraud Service for its investigation.

12. The following are examples of actions that could raise allegations of fraud:

- Forging signatures (relating to practice or academic work)
- Working whilst absent from the University/placement due to alleged sickness
- Claiming a bursary when not entitled to do so or providing false information in a bursary application or not informing the NHS Bursaries Office when entitlement changes.
- Claiming state benefits when knowingly not entitled to do so.

13. No internal action will normally be taken by the University other than temporary suspension and/or exclusion under *Appendix 2* of this procedure until the NHS Counter Fraud Service has completed its investigations and any subsequent external proceedings have been completed, or the NHS Counter Fraud Service advises that it does not object to the University dealing with the matter.

### **Procedure to be followed at Levels 1, 2 and 3**

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

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

15. The Procedure may be entered at any level without any requirement for an earlier Level to have been commenced or exhausted, although it is anticipated that most situations can be managed by action taken at Levels 1 and/or 2. At which Level the procedure is implemented will depend on factors such as the nature of the professional suitability concern, the seriousness of any risk posed and the student's response to any steps taken so far by the University to manage the situation.

16. Students dealt with under this procedure will be entitled at each Level to be accompanied and/or represented. Only a current student or member of staff of the University, or an advice worker from the Union of Brunel Students, or a relevant individual in the case of reasonable adjustments being made for a disabled student shall normally be permitted to be a representative or friend of a student, and this will be dependent on the placement setting. This is in addition to any health professional or support worker who may usually accompany the student. Neither the student nor the University shall normally be represented by a legal practitioner at meetings or hearings held in accordance with this procedure.

17. A record of any meeting or hearing held under this procedure will be made, and a copy will be made available to the student.

18. Should a student without good cause be unwilling or unable to participate at any stage of this procedure or attend a meeting/ hearing, the University may nonetheless follow the procedure in their absence.

19. Where in this procedure reference is made to any named University officer or member of staff (including the Vice-Chancellor), such reference is to be read as including reference to their appointed nominee.

### **Investigations**

20. Prior to any matter being considered at a meeting under Level 1 or 2, or a hearing at Level 3, the University may undertake any such investigations as it considers reasonable and appropriate in the circumstances. The Deputy Dean (Academic Affairs) of the Student's College will appoint a member of staff to act as Investigating Officer. The Investigating Officer will determine the process to be followed for the investigation and may speak with the student concerned and with other students, staff and where relevant third parties (such as placement providers or health professionals) and call for information. Any investigation will be carried out in a transparent and fair manner. The purpose of any investigation may be (for example) to inform the University of the appropriate manner in which to deal with the matter, at which Level a matter should be dealt with, or to prepare a report to be presented at the relevant Level. The student will normally be informed that an investigation is being carried out and of the identity of the Investigating Officer.

## **Action Plans**

21. Where the outcome at any Level of this Procedure includes the drawing up of an action plan, the plan will set out how the matter will be managed and any requirements to be placed on the student. The action plan will be shared with the student's tutor, and will state that where the student fails to comply with any requirements placed upon the student the matter may be referred to be dealt with at a higher Level, if appropriate.

22. The student will be provided with a copy of the action plan. A date will be arranged at which the action plan will be reviewed by the nominated member of staff at a review meeting who will consider whether the action plan should continue and, if so, whether it should be amended, and whether any requirements have been complied with and, if not, whether the matter should be referred to a higher Level, if appropriate. The student will be invited to the review meeting and the outcomes of the review meeting notified to the student in writing.

23. For action plans drawn up at Level 3 following a Professional Suitability hearing, these will be signed off by the Chair of the Professional Suitability Panel to confirm that it addresses the concerns raised. If the requirements of an action plan drawn up at Level 3 are not complied with, the student may be invited to a further hearing before the same or a fresh Panel.

### *Level 1 – Initial, Emerging or Minor Concerns*

24. Initial, emerging or minor concerns about a student's professional suitability will normally be dealt with under Level 1 in the following way. Examples of such concerns include but are not limited to poor time keeping and/or attendance, failure to prepare appropriately for placement activities, and failure to comply with a dress code.

25. The Programme Lead will inform the student that there is a concern about the student's professional suitability and the nature of the concern and that the matter is to be dealt with under Level 1. The student will be provided with a copy of Senate Regulation 14 and this procedure. The Programme Lead will arrange a meeting with the student to discuss the concern and any support needs the student may have. The student will be given the opportunity to respond to the concern. The Programme Lead may invite other staff members to attend the meeting, such as the student's personal tutor, and may consult with and seek information from other persons in order to deal with the matter and to provide support to the student.

26. The Programme Lead will determine whether or not the student's professional suitability is impaired or may become impaired and any actions to be taken. Such actions may include (but are not limited to) one or more of the following outcomes:

- an action plan be drawn up, which may include support arrangements or referral to University or external support services;
- the matter be referred to another Level;
- support arrangements and/or reasonable adjustments be put in place for the student, if necessary in consultation with the Disability and Dyslexia Service;

- the matter be referred for consideration under another University process (e.g. Fitness to Study, Academic Misconduct or Student Disciplinary procedures);
- no action be taken.

27. The student and their personal tutor will be notified in writing normally within 5 working days of the date of the meeting of the Programme Lead's decision, with reasons, and any actions to be taken.

28. A copy of the decision letter and any associated documentation will be retained on the student's personal file and a copy sent to their Head of Department.

### ***Level 2 – Serious and/or continuing or repeated concerns***

29. Serious and/or continuing and/or repeated concerns about a student's professional suitability will normally be dealt with under Level 2 the following way. Examples of such concerns include but are not limited to failure by a student to adequately address issues dealt with at Level 1 of this procedure, ongoing health issues that are not being appropriately managed by the student, and unsatisfactory conduct on or off campus.

30. The concerns will be reported to the Head of Department responsible for the area in which the programme resides, who will inform the student in writing that there is a concern about their professional suitability and the nature of the concern and that the matter is to be dealt with under Level 2. The student will be provided with a copy of Senate Regulation 14 and this procedure. The student's personal tutor will also be informed.

31. The student will be invited to a meeting with the Head of Department and the programme leader to discuss the concern and any support needs the student may have. The student will be given a full opportunity to respond to the concern. The Head of Department may invite other staff members to attend the meeting and may consult with and seek information from other persons in order to deal with the matter and to provide support to the student. Records of previous meetings under this procedure and any action plans may be available at the meeting.

32. The student will normally be given at least 5 working days' notice of the date, time and place of the meeting and will be provided in advance of the meeting with relevant documentation supporting the concern.

33. The Head of Department will determine whether or not the student's professional suitability is impaired or may become impaired and any actions to be taken. Such actions may include (but are not limited to) one or more of the following outcomes:

- no further action be taken
- support arrangements and/or reasonable adjustments be put in place for the student, if necessary in consultation with the Disability and Dyslexia Service
- an action plan be drawn up
- the student be withdrawn temporarily from placement, other work-based setting or related learning activity in accordance with paragraphs 20-28 above
- the matter be referred to another Level

- the matter be referred for consideration under another University process (e.g. Fitness to Study or the Misconduct procedure).

34. The student and their personal tutor will be notified in writing normally within 5 working days of the meeting of the decision of the Head of Department, with reasons, and any actions to be taken.

35. A copy of the decision letter and any associated documentation will be retained on the student's personal file and a copy kept by the Head of Department.

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

36. Critical and/or persistent and/or cumulative concerns about a student's professional suitability will normally be dealt with by inviting the student to a hearing before a Professional Suitability Panel. Examples of such concerns include but are not limited to conduct leading to the termination of a placement, exposing service users to risk of harm, commission of a criminal or academic offence, and failure to adequately address the provisions of an action plan.

37. The concerns will be reported to the Deputy Dean (Academic Affairs), who will inform the student in writing that there is a concern about their professional suitability and of the nature of the concern and that the matter is to be considered under Level 3. The student's personal tutor and programme leader will also be informed.

38. A member of staff will be appointed by the Deputy Dean (Academic Affairs) of the Student's College to act as Investigating Officer, who will conduct an investigation in accordance with Paragraph 20 above.

39. The Deputy Dean (Academic Affairs) will be provided with a copy of the report prepared by the Investigating Officer following the investigation.

40. Following receipt of the report, the Deputy Dean (Academic Affairs) will decide whether to refer the matter to the Secretary to the Misconduct and Professional Suitability (MPS) Board or whether the concern should be dealt with at a different level of this procedure or under another University procedure.

41. If the matter is referred, the Deputy Dean (Academic Affairs) will send to the Secretary to the MPS Board all the relevant documentation and statements from any witnesses collated during the investigation by the Investigating Officer, and will identify a member of University staff to present the case to the Professional Suitability Panel on behalf of the University.

42. A Professional Suitability Panel will be convened by the Secretary to the MPS Board and will normally consist of:

- At least three members of the MPS Board one of whom will act as Chair and one of whom shall normally be a student member, as specified in Senate Regulation 1
- The Chair will normally be a member of staff from one of the programmes listed in *Appendix 2*, other than the student's programme
- A number of additional members as specified in *Appendix 3*, who shall be approved by the Chair of the MPS Board
- At least one of the additional members of the panel will normally be an academic from another University in the same discipline as that of the student's programme

**43.** For some programmes, where required or advised to do so by a PSRB, the membership of the Panel may consist of members as prescribed by the PSRB.

**44.** In addition to matters of professional suitability, a Professional Suitability Panel may consider and determine the outcome and take actions in relation to any matters of student academic or non-academic misconduct arising from the case. See the [Student Disciplinary Procedure](#) and [Academic Misconduct Procedure](#) for the range of actions that may be taken.

**45.** The Secretary to the Misconduct and Professional Suitability (MPS) Board shall allocate a Panel Secretary to each Panel. The Secretary will act as a neutral observer at the panel hearing and will provide advice and guidance on procedure. A note-taker may also be in attendance at the hearing.

**46.** The student will be invited to a hearing before the Professional Suitability Panel. Normally at least 10 working days in advance of the date of the hearing the Secretary to the MPS Board will give the student in writing:

- notice of the date, time and place of the hearing
- the name of the person who will present the case for the University and the names of any witnesses whom it is already known have been asked by that person to attend the hearing;
- full details of the professional suitability concern
- documentation in support of the concern
- a reminder of the student's right to be accompanied and/or represented at the Hearing under Paragraph 16.
- notice of the right of the Panel to proceed in the student's absence if, having been given due notice of the date of the hearing and sufficient notice of the documentary evidence available to the hearing, the student fails to appear without providing prior good reason for absence. The student shall be advised of their opportunity to request an adjournment to the Hearing, but that the decision of the Chair of the Panel as to whether to proceed in the student's absence shall be final.

**47.** The student may submit to the Secretary to the MPS Board, at least five working days in advance of the hearing date, written evidence in response to the concern to be considered at the hearing, including any written statements or evidence in extenuation of the student's actions. This response will be shared with the presenting member of staff and the members of the Panel. Responses received less than 5 working days before the hearing date will be accepted at the sole discretion of the Chair.

**48.** Notice of any witnesses to be called by the student and/or the University's Representative at the hearing must be given in writing to the Secretary to the Professional Suitability Panel at least 5 working days in advance of the date of the hearing together with a written statement of the contribution that each witness will make. The Secretary to the Professional Suitability Panel will provide a copy of each party's witness notice and statements to the other party at least 2 working days before the hearing date. Witness evidence received less than 5 working days before the hearing date will be accepted at the sole discretion of the Chair.

**49.** The decision of the Chair of the Panel shall be final on the admission of all evidence at the hearing, including the admission of written evidence and of oral evidence from witnesses or other parties at the hearing. This shall include the power to refuse to admit evidence or hear witnesses on the basis of lack of

relevancy. The Panel may proceed with a hearing in the absence of any particular witness in the sole discretion of the Chair of the Panel.

**50.** All Professional Suitability Panel members will be impartial. A Professional Suitability Panel will not meet unless all members of the Panel are present.

**51.** Whilst the order and procedure to be followed at a hearing before a Professional Suitability Panel will be at the discretion of the Chair and will comply with the principles of natural justice, the following will normally occur:

- The Chair will introduce the proceedings, and invite the University Representative and the student to make an opening statement should they wish to do so
- the University Representative will set out the concern/s and any supporting evidence in the case, may call witnesses, may question the student's witnesses, and will answer questions from the Panel;
- the student (or their representative) may respond to the concerns and supporting evidence, may call witnesses, may question the University Representative's witnesses, and shall answer questions from the Panel and the University Representative
- the University Representative shall make any closing statement
- the student (or their representative) may make any closing statement.

**52.** The Professional Suitability Panel may ask for specific enquiries to be undertaken, additional witnesses to be called and/or additional information to be presented. Any such information must be shared with the student. Minutes will be taken of the proceedings.

**53.** The Professional Suitability Panel will retire in private to deliberate. The Secretary to the Professional Suitability Panel may retire with the Panel in order to provide procedural advice but will play no part in the Panel's decision-making.

**54.** The Professional Suitability Panel may be adjourned during its deliberations if, in the opinion of the Chair, further information or advice and guidance is required to enable the Panel to make a decision. In these circumstances, the student will be notified of the adjournment and the Panel will reconvene at the earliest opportunity. Any further information gathered by the panel will be shared with the student.

**55.** Matters will be determined by the Professional Suitability Panel on the balance of probabilities. If a consensus of decision is not achieved, the Chair will have the casting vote.

**56.** The Professional Suitability Panel will determine whether or not the student's professional suitability is impaired (including whether they are unfit to practise) or may become impaired and any actions to be taken. Such actions may include (but are not limited to) one or more of the following outcomes:

- no action be taken
- support arrangements and/or reasonable adjustments be put in place for the student, if necessary in consultation with the Disability and Dyslexia Service
- an action plan be drawn up in accordance with paragraphs 21 - 23
- the matter be referred to an earlier Level
- the matter be referred for consideration under another University process (e.g. [Fitness to Study](#), [Student Disciplinary Procedure](#), [Academic Misconduct Procedure](#))

- a written warning be given to the student to be held on the student's personal file
- the student be withdrawn from placement or other work-based activity or related learning activity, and that either:
  - the student be permitted to undertake another placement, or other related learning activity, or
  - the student not be permitted to undertake another placement or other related learning activity
- a professional award is withheld or withdrawn
- a recommendation be made to the Board of Examiners that an alternative non-professional award be awarded
- suspension of the student from the programme with immediate effect for a specified period of time (with or without conditions)
- exclusion of the student from specific areas of the University, or from specified University activities, services, or facilities for a specified period of time (with or without conditions)
- expulsion of the student from the University, normally with a prohibition on readmission on to any professional or other programme in the future
- that the relevant PSRB or PAB should be notified of the Panel's decision

**57.** In determining the actions to be taken, the Professional Suitability Panel shall act with due regard to the requirements and/or expectations of the relevant PSRB.

**58.** Where the Panel decides that a student should be permanently expelled from the University because their professional suitability is impaired and the student is unfit to practise, the student will normally retain any academic credits they have acquired but no professional award which includes a protected title can be made to such students, even if they have successfully completed the relevant parts of their assessed work. In these circumstances, only academic awards that do not confer an eligibility to practise can be made. No academic award made to a student deemed to be professionally unsuitable for Occupational Therapy or Physiotherapy shall contain the words 'Occupational Therapy' or 'Physiotherapy'. No academic award made to a student deemed to be 'unsuitable' for professional social work shall contain the words 'social work'. No academic award which entitles the student to be recommended for qualified teacher status shall be made to a student deemed to be professionally unsuitable.

**59.** A Professional Suitability Panel may, in addition to reaching a decision as described above, determine to impose one or more of the academic or non-academic outcomes in relation to any allegation of misconduct in the case which is found proven, as set out in the [Student Disciplinary Procedure](#) and [Academic Misconduct Procedure](#).

**60.** The student, their personal tutor and the University Representative will be notified in writing, normally within 5 working days of the date of the hearing of the decision of the Professional Suitability Panel, with reasons, and any actions to be taken (although the student and the University Representative may also be notified verbally in advance of this time).

**61.** The hearing (and any subsequent meeting held to review progress and/or to provide additional support) will be formally recorded with a copy of the record being sent to the student, their personal tutor, the Programme Lead, and the Head

of Department responsible for the area in which the programme normally resides normally within 10 working days of the hearing date or any subsequent meeting. A copy will also be retained on the student's personal file.

62. The Clerk to the MPS Board shall at any time, in consultation with relevant colleagues, determine whether any disclosure relating to the case, the Panel or its outcome of should be made to other parties internal to the University, or external to the University, in accordance with paragraph 8 above

## **Appeals**

63. Students may raise a written request for an appeal to the Academic Registrar and Director of Student Services against the outcome of Levels 2 and 3 of this procedure, within 10 working days of the date of the decision letter, on one or more of the stated grounds. The grounds for appeal against the outcome of Levels 2 and 3 are:

- That there has been a procedural irregularity.
- That there was bias on the part of the decision-maker or decision-making body.
- That the decision is unreasonable and/or that the outcome is disproportionate.
- That there is new material evidence which the student can demonstrate was for good reason not previously available.

64. The decision of the Professional Suitability Panel will take effect and remain in force until such time as it may be changed by the Appeal outcome.

65. The Academic Registrar and Director of Student Services will consider the appeal request and determine whether valid grounds are disclosed, and the student, their tutor, the Programme Lead and the Head of Department will be informed accordingly. If no grounds are disclosed, the student will be issued with a Completion of Procedures letter (see Paragraph 71 below).

66. Where valid grounds have been determined, the matter will be referred to a Deputy Vice-Chancellor (DVC) who will invite the student to submit their substantive appeal, with respect to the disclosed grounds, and supporting evidence within a specified timeframe for consideration.

67. The DVC will consider and determine the appeal on paper, and will make one of the following decisions:

- to dismiss the appeal (in whole or part)
- to uphold the appeal (in whole or part)

68. In the event that an appeal is upheld in part or in whole, the DVC shall have no power to overrule the judgement of the Professional Suitability Panel but is empowered to refer a case back to the Professional Suitability Panel for reconsideration, or to a new Professional Suitability Panel for fresh consideration with no further right to appeal. At the conclusion of the Panel's consideration of the matter, the student will be issued with a Completion of Procedures letter.

69. The outcome of the appeal will be notified to the student, their tutor, the Programme Lead and the Head of Department in writing, with reasons, normally within 7 working days of determination of the appeal.

70. The decision of the DVC will be final and will conclude the appeal.

71. A Completion of Procedures letter will be issued to the student. Where a student is dissatisfied with the outcome of the procedure the student may complain to the Office of the Independent Adjudicator for Higher Education (OIA). The OIA provides an independent scheme for the review of unresolved student complaints. The complaint must be submitted to the OIA within 12 months of the date of the issue of the Completion of Procedures letter. Further information on the OIA can be obtained from the Office of the Independent Adjudicator for Higher Education website [www.oiahe.org.uk](http://www.oiahe.org.uk). The OIA can be contacted at 0118 959 9813 or [enquires@oiahe.org.uk](mailto:enquires@oiahe.org.uk).

## **Appendix 1 – Temporary Suspension and Exclusion**

1. Circumstances can arise where it is necessary for the University to take precautionary action in order to manage risk to the University, its members, and/or to the wider community. This Appendix sets out how this risk will be managed.
2. The University may in appropriate cases use its powers to temporarily suspend and/or exclude a student for a defined period of time (which may be extended) or until a matter is considered under the relevant University procedures.
3. Where a concern is raised relating to a student's conduct, whether on or off campus, which represents a potential or actual threat to the safety, security, health, wellbeing, good order, or reputation of the University, its members, an external organisation or placement provider, or members of the public, a member of staff may make a recommendation to the Vice-Chancellor or Vice-Chancellor's delegate that the student should be temporarily suspended and/or excluded.
4. Where the Vice-Chancellor's delegate determines that such a risk exists, the Vice-Chancellor's delegate may take one or both of the following precautionary actions until such time as the matter is considered under the relevant University procedures:
  - Temporarily suspend a student from all or part of their studies or research. This may include suspension from placement or any other University activity, including examinations, receiving information about results or progression, and re-enrolment.
  - Temporarily exclude a student from using all or particular University services or facilities and/or entering the University campus. This may also include temporarily withdrawing or amending a student's Brunel computer account access privileges.
5. The decision to impose a temporary suspension and/or exclusion will not affect a student's legal rights under any license agreement with Brunel Accommodation Services.
6. The imposition of a temporary suspension and/or exclusion is precautionary; it is not a penalty and does not indicate that the University has concluded that the student has breached its rules or regulations.
7. The Vice-Chancellor's delegate may impose conditions on a temporary suspension and/or exclusion, and where practicable and appropriate will make arrangements to mitigate the impact of a temporary suspension and/or exclusion on a student, such as allowing students to sit examinations or to study remotely using online resources.
8. Where a student who is temporarily suspended and/or excluded requires access to the University campus for any reason, the student should write to the Secretary to the MPS Board to ask for permission, giving at least 1 working days' notice.
9. When taking action to temporarily suspend and/or exclude a student from a placement, the Vice-Chancellor's delegate will have regard to any obligations the University may have under a Placement Management Agreement with respect to a placement provider.
10. Where urgent action is taken by a delegate at Department level to temporarily suspend and/or exclude a student on a programme listed in Appendix B, the decision shall be subject to confirmation by the Vice-Chancellor, a Deputy-

Vice Chancellor or Dean of College before full formal written notification of the action is sent to the student.

#### Procedure for Temporary Suspension and/or Exclusion

11. The Vice-Chancellor's delegate may take urgent action to temporarily suspend and/or exclude a student with immediate effect prior to providing the student with formal written notification.

12. The Vice-Chancellor's delegate will formally notify a student in writing of their temporary suspension and/or exclusion, and will notify the student of any relevant conditions. A temporary suspension and/or exclusion will apply for a defined period of time (which may be extended).

13. Where a student is temporarily suspended and/or excluded under this Appendix, the Vice-Chancellor's delegate will review at regular intervals whether it is reasonable for the suspension/exclusion to continue or whether it should be revoked or extended for a further specified period of time, and whether its terms should be maintained or varied.

14. The student may request a review by the Vice-Chancellor's delegate under Paragraph B11 by making written representations in respect of the terms of the temporary suspension and/or exclusion should there be a material change in the student's circumstances.

#### Appeals

15. The student will have the opportunity to appeal to the Academic Registrar within 10 working days of the communication of the decision taken by the Vice-Chancellor's delegate to temporarily suspend and/or exclude a student.

16. An appeal to the Academic Registrar should be made on the following grounds:

- That there has been a procedural irregularity.
- That there was bias on the part of the decision-maker.
- That the decision is unreasonable and/or disproportionate.
- That there is new material evidence which the student can demonstrate was for good reason not previously available.

17. The Academic Registrar will consider the student's appeal and will:

- Maintain the terms of the temporary suspension and/or exclusion.
- Vary the terms of the temporary suspension and/or exclusion.
- End the temporary suspension and/or exclusion.

## **Appendix 2 – Programmes applicable to the Professional Suitability Policy and Procedure**

MSc Physician Associate

BSc and MSc Specialist Community Public Health Nursing

BSc Occupational Therapy

MSc Occupational Therapy

BSc Physiotherapy

MSc Physiotherapy

BA Social Work (pre-registration)

MA Social Work (pre-registration)

Postgraduate Certificate in Specialist Social Work (Adults)/ (Children and Families)

MSc Neurorehabilitation

MSc Health Promotion and Public Health

Postgraduate Certificate Secondary Education with recommendation for Qualified Teacher Status

Postgraduate Certificate Primary Education (5-11 years) with recommendation for Qualified Teacher Status

Postgraduate programmes with the recommendation for Qualified Teacher Status

Relevant postgraduate research programmes

## **Appendix 3 – Programme Specific Policies and Procedures Relating to Professional Suitability**

### **A. *Community Health Nursing***

**A1.** The programmes in Community Health Nursing to which these procedures apply are:

- BSc and MSc Specialist Community Public Health Nursing: Health
- BSc and MSc Specialist Community Public Health Nursing: Occupational Health Nursing
- BSc and MSc Specialist Community Public Health Nursing: School Nursing

**A2.** The professional expectations of these programmes are set out in full in student handbooks and other programme documentation. Concerns about a student's professional suitability in terms of breach of The Code: Standards of conduct, performance and ethics for nurses and midwives (NMC 2008), professional misconduct, inappropriate behaviour or for health reasons, will be addressed in accordance with this Professional Suitability procedure. The NMC Character and Health Decision-making Guidance for nursing and midwifery students (NMC 2015) sets out the conduct that is expected of students on all nursing and midwifery programmes. Under this Guidance the University has a responsibility, throughout the whole period between application and graduation, to assess the suitability of its students on these programmes "for entry to and continued maintenance on approved programmes leading to [NMC] registration".

**A3.** The NMC also refer to professional suitability as 'fitness for practise'.

**A4.** The NMC code defines 'good character' issues as including 'conduct, behaviour or attitudes that are incompatible or likely to be incompatible with professional registration as well as any new charges, cautions or convictions'. Good character issues may be considered under these Suitability Procedures.

### Composition of Panels

**A5.** The membership of a Professional Suitability Panel convened to consider the Professional Suitability of a Community Health Nursing student shall be constituted in accordance with paragraphs 57 to 58 above, but additionally comprise:

- two qualified community health nurses, at least one of whom should be from the same part of the NMC register and field of practice as the student and hold current registration on that part of the NMC register, and at least one of whom shall be an external representative from a service partner.

### **B. *MSc Health Promotion and Public Health and MSc Neurorehabilitation***

**B1.** The programmes in Health Promotion and Public Health and Neurorehabilitation, to which these procedures apply are:

- MSc Neurorehabilitation
- MSc Health Promotion and Public Health

**B2.** The professional expectations of these programmes are set out in full in student handbooks and other programme documentation. Concerns about a student's professional suitability in terms of breach of the codes of the NMC (including the NMC Guidance on professional conduct for nursing and midwifery students (NMC 2010)) or HCPC (including HCPC Guidance on Conduct and Ethics for Students), professional misconduct, inappropriate behaviour or for health reasons are the subject of the Professional Suitability Procedures. The conduct that is expected of students is set out, as appropriate to the students' profession, in the HCPC Guidance on Conduct and Ethics for Students and the NMC Guidance on professional conduct for nursing and midwifery students (NMC 2010).

**B3.** The NMC code defines 'good character' issues as including 'conduct, behaviour or attitudes that are incompatible or likely to be incompatible with professional registration as well as any new charges, cautions or convictions'. Good character issues may be considered under these Suitability Procedures. The NMC also refer to professional suitability as 'fitness for practise'.

#### Composition of Panels

**B4.** The membership of a Professional Suitability Panel convened to consider the Professional Suitability of student registered for one of the programmes set out in paragraph B1 of this appendix shall be constituted in accordance with paragraphs 57 to 58 above. It shall comprise

- a) at least three members of the MPS Board, of whom one shall normally be a student member; plus
- b) **either** two qualified professionals registrants of HCPC in the profession relevant to the student's registration, at least one of whom should be external to the University registered with the HCPC;
- c) **or** two qualified nurses, at least one of whom should be from the same part of the NMC register and field of practice as the student and hold current registration on that part of the NMC register, and at least one of whom shall be an external representative from a service partner.

### **C. Occupational Therapy/Physiotherapy**

**C1.** The programmes in Occupational Therapy/Physiotherapy to which these procedures apply are:

- BSc Physiotherapy
- MSc Physiotherapy (pre-registration)
- BSc Occupational Therapy
- MSc Occupational Therapy
- MSc Occupational Therapy (pre-registration)

**C2.** The professional expectations of these programmes are set out in full in student handbooks and other programme documentation. Concerns about a student's professional suitability in terms of breach of the codes (Health and Care Professions Council (HCPC), College of Occupational Therapists (COT) and Chartered Society of Physiotherapy (CSP)), professional misconduct, inappropriate behaviour or for health reasons, will be addressed in accordance with this Professional Suitability Procedure.

**C3.** The HCPC Guidance on Conduct and Ethics for Students sets out the conduct that is expected of students on Occupational Therapy/Physiotherapy

programmes. Students are also expected to follow, as appropriate, the CSP and COT Rules of Conduct.

#### Composition of Panels

**C4.** The membership of a Professional Suitability Panel convened to consider the Professional Suitability of an Occupational Therapy/Physiotherapy student shall be constituted in accordance with paragraphs 57 to 58 above, but in addition it shall comprise:

- two qualified Occupational Therapists or Physiotherapists (as relevant to the student's programme), at least one of whom should be external to the University registered with the HCPC.

#### ***D. Social Work***

**D1.** The programmes in Social Work to which these procedures apply are:

- BA Social Work (pre-registration)
- MA Social Work (pre-registration)

**D2.** The Social Work Suitability Scheme of HCPC came into force on 1 August 2012. Under this scheme, HCPC expects that education providers have overall responsibility for ensuring that students remain fit to practise throughout their period of study. This responsibility covers all students regardless of their employment status with any practice placement provider.

**D3.** Concerns about a student's professional suitability in terms of breach of the HCPC code, professional misconduct, inappropriate behaviour or for health reasons will be addressed in accordance with this Professional Suitability Procedure.

**D4.** The HCPC Guidance on Conduct and Ethics for Students sets out the conduct that is expected of students on Social Work programmes.

#### Composition of Panels

**D5.** The membership of a Professional Suitability Panel convened to consider the Professional Suitability of a Social Work student shall be constituted in accordance with paragraphs 57 to 58 above, but in addition it shall comprise:

- two qualified Social Workers registered with the HCPC, neither of whom shall be the student's personal tutor, Senior Tutor or programme leader and neither shall have been otherwise involved in the case.

#### ***E. Initial Teacher Education***

**E1.** The programmes in Education to which the procedures set out in this Regulation apply are:

- Postgraduate Certificate Secondary Education with recommendation for Qualified Teacher Status
- Postgraduate Certificate Primary Education (5-11 yrs) with recommendation for Qualified Teacher Status
- Programmes which carry the recommendation for Qualified Teacher Status

**E2.** Concerns about a student's professional suitability in terms of breach of the Teachers' Standards in England from September 2012, professional misconduct, inappropriate behaviour or for health reasons, will be addressed in accordance with this Professional Suitability procedure.

**E3.** The Teachers' Standards in England from September 2012 sets out the conduct that is expected of students on Initial Teacher Education Programmes.

#### Composition of Panels and Appeals Panels

**E4.** The membership of a Professional Suitability Panel convened to consider the Professional Suitability of an Initial Teacher Education student shall be constituted in accordance with paragraphs 57 to 58 above, and in addition it shall comprise:

- two qualified teachers, at least one of whom shall normally be external to the University and shall be a Head Teacher, or Deputy Head Teacher, or another senior teacher with appropriate authority. Where the qualified teacher is a member of the academic staff of the University, this person shall not be the student's personal tutor, Senior Tutor or Programme Leader. Neither qualified teacher shall have been otherwise involved in the case.