

LTC13D080

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Author: Michael Twigg
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Issue

To highlight the School of Pharmacy's revised Fitness to Practise procedure.

Recommendation

Recipients are asked to:

1. consider the School's Fitness to Practise procedure;
2. approve the Fitness to Practise procedure, for the School to implement with effect from September 2014.

Resource Implications

There are no additional resource implications arising from the revised procedure, as the School currently operates a Fitness to Practise procedure. The new procedures aimed to: (a) clarify the roles and responsibilities for staff and students, and (b) clarify the possible outcomes for students.

Risk Implications

The School must have a Fitness to Practise procedure, that is reviewed regularly in accordance with guidance from the General Pharmaceutical Council.

Equality and Diversity

Not applicable.

Timing of decisions

Colleagues are asked to approve the procedure so that the School could implement it from September 2014.

Further Information

Michael Twigg, ext 2015, M.Twigg@uea.ac.uk

Background

A review of the School's Fitness to Practise procedure was required because LTS identified that elements of the old processes did not align with UEA's processes and referred to committees that were no longer in existence. The opportunity was taken to refine the FtP process to make it simpler for students and staff to understand and to avoid a situation where a student could be required to attend several meetings for the same concern.

Discussion

Attachments

There are three appendices:

Appendix 1 - flow-chart of the process;

Appendix 2 – Fitness to Practise concerns form;

Appendix 3 – Adviser meeting form (template for staff to record the issues discussed with the student and the agreed outcome.)



University of East Anglia School of Pharmacy

Fitness to Practise Procedure

This document details the fitness to practise (FtP) procedures of the School of Pharmacy and how this interrelates with established University Disciplinary Procedures, in particular Heads of School Warnings (HoSW), and the University's Senate Student Discipline Committee. It has been approved by the General Pharmaceutical Council and the following committees of the University:

Fitness to Practise Committee
School of Pharmacy Teaching Committee
School of Pharmacy Executive Committee
Senate Learning and Teaching Committee

1 Outline of the Student Fitness to Practise Procedures at UEA (For a diagrammatic procedure see Appendix 1).

Complaints and concerns about a current student's Fitness to Practise must be recorded on the Concern Form for Referral to Fitness to Practise Committee (Appendix 2). This form will then be sent directly to the Chair of the Committee, who will consult with other Committee members (via e-mail) to determine if the student should be called to a formal meeting of the FtP committee.

Issues of alleged plagiarism and/or collusion will be considered in accordance with the University's Plagiarism and Collusion Policy: [http://www.uea.ac.uk/calendar/section3/regs\(gen\)/plagandcoll/sectiona](http://www.uea.ac.uk/calendar/section3/regs(gen)/plagandcoll/sectiona). See section 7 for details of how plagiarism and collusion are related to fitness to practise.

Other issues, such as attendance, should be referred by the year lead to the student's advisor in the first instance, to seek any information that may explain the absence(s). In the event that the advisor did not have information to explain the absence(s), the year lead may then refer serious cases to the Chair of the Fitness to Practise Committee. If the year lead was also the student's advisor, the senior advisor may refer the case to the Chair of the Fitness to Practise Committee.

Should a more serious matter be brought to the attention of the Chair of the Committee, the Chair may consult with members and recommend to the Head of School that the case be considered under the University's General Regulation 14 (Professional Misconduct and/or Unsuitability). Under the

procedures for General Regulation 14, the Head of School may take immediate action as is deemed appropriate to safeguard all relevant parties, e.g. by suspending the student. The Head of School may also appoint an Investigating Officer, who will assemble impartially the evidence relevant to the allegations and prepare a written report for the Head of the School.

2 Structure of School Fitness to Practise Committee

- 2.1 The committee shall consist of members of the academic staff of the School of Pharmacy as detailed below and will be supported by the Learning and Teaching Service.

Head of Admissions and Deputy
Plagiarism and Collusion Officer
Senior Advisor and Deputy
Director of Learning, Teaching and Quality and Deputy
A registered academic pharmacist (The Chair)
Two registered pharmacists (usually teacher practitioners)

- 2.2 The Committee will also have access to a panel of advisors who are experienced registered pharmacists from all sectors of the profession and who will be asked to comment on matters outside the FtP Committee's areas of expertise. In practise, the MPharm external advisory panel will be asked for advice regarding FtP matters.
- 2.3 The Committee shall meet when necessary and will be deemed quorate if three members including the Chair or Vice-Chair are present (and subject to the provisions of paragraph 2.4 below). A member of staff from the Learning and Teaching Service must also be present but is not a member of the committee.
- 2.4 Should any member of the Committee be involved in the concern or complaint, or be the student's personal advisor, s/he shall not take part in any discussion of the Committee regarding the referral.

3 Referrals to the Fitness to Practise Committee

- 3.1 The Concern Form for Referral to Fitness to Practise Committee (Appendix 2) will be made available to all members of academic staff, placement hosts, members of technical and administrative staff and students within the School of Pharmacy. This form will provide the basic details of any concern or complaint to the Chair of the Committee who will contact the referrer for additional information if required.
- 3.1.1 This form requires the referrer to identify himself/herself to the Committee. This will ensure that malicious or vexatious complaints are reduced. However, in all cases the identity of the source will be protected for as long as possible during the procedure. Anonymous complaints will be considered on a case by case basis. All cases will be examined on the clarity of the allegation and *prima facie* evidence. Decisions will be made on the basis of balance of probability, not burden of proof. Witness statements will be considered either in written or oral format.
- 3.2 Complaints or concerns raised directly with the Head of School will be passed to the Chair of the Committee for consideration. S/he will not then play any

further part in the FtP procedures and the Deputy Head of School will be responsible for issuing of a HoSW or referral to the Senate Student Discipline Committee or other appropriate disciplinary process.

- 3.3 Concerns raised by the Learning and Teaching Service regarding attendance will be passed directly to the year lead, who will consult the student's advisor and seek further information. In the event that the year lead had serious concerns about the student's engagement, s/he may refer the case to the Chair of the Committee.

4 Meetings of the Fitness to Practise Committee

- 4.1 On receipt of a Concern Form for Referral to Fitness to Practise Committee (appendix 2), the Chair of the Committee will consult members (via e-mail) and determine whether further consideration is required. At this point the Chair of the Committee will ascertain the details of any previous meetings with the Committee and include this in the decision making process. The Committee may decide one of the following:
- (a) that there are no substantive concerns about a student's fitness to practise. The form and relevant correspondence will remain on the student's file for 24 months after the student has graduated and will then be destroyed. If this decision is made – the student will not be required to inform the General Pharmaceutical Council on registration as detailed in 12.4;
 - (b) that the student should receive additional support e.g. from his/her advisor. Recommendations will then be made to the student's advisor. The advisor must complete a record to indicate when and how support had been provided, and return the record form (appendix 3) to the Learning and Teaching Service. If this decision is made – the student will not be required to inform the General Pharmaceutical Council on registration as detailed in 12.4. If the student fails to engage in this process, the Committee will invite the student to attend a full meeting as detailed in (C) below;
 - (c) that it shall meet with the student. The Secretary to the Committee will inform the student concerned and arrange a meeting with the student and a *quorate* Committee. The student will be given at least five working days' notice (excluding Saturdays, Sundays and University closure days) of any meeting and will be entitled to bring a friend or representative with him/her to the meeting providing the student informs the FtP Committee of this intention and of the identity and standing of the friend or representative at least twenty-four hours (Saturday, Sundays and University closure days excepted) before the meeting. Suitable adjustments to the nature of the hearing will be made as reasonable and appropriate under the *Equality Act 2010*.
 - (d) that it shall recommend to the Head of School that further action should be taken under the University General Regulations, e.g. General Regulation 14 (Professional Misconduct and/or Unsuitability) or General Regulation 13 (Attendance, Engagement and Progress). If the Head of School should decide to refer the case back to the Fitness to Practise Committee then they will be required to make a recommendation as to the action that should be taken. The committee will then reconsider this concern virtually in line with 4.1 above.

- 4.2 In the event that the Committee has convened a meeting as described in 4.1(c) above, it will consider the concerns and the student's response and will recommend one of the following outcomes, based on the balance of probability:
- a) that no offence has been committed and that the student has no case to answer. In the event of this option being selected by the Committee the student will be informed that they are not required to notify the General Pharmaceutical Council as detailed in 12.4 below;
 - b) that there are no substantive concerns about a student's fitness to practise. This documentation will remain on the student's file for 24 months after the student has graduated and will then be destroyed;
 - c) that the student should receive additional support e.g. from his/her advisor, the Dean of Students, the medical centre. Monitoring may be put in place to ensure that the issue(s) giving rise to the concern do(es) not continue. The advisor and student must complete the meeting form (appendix 3) and return to the Chair of the Committee and the Hb team leader. If the student fails to engage in this process, the committee may request to see the student again or recommend a HoS warning as detailed in 4.2 (d) below;
 - d) that a recommendation will be made to the Head of School that the student receive a HoS Warning under General Regulation 13 of the UEA General Regulations for Students – Attendance, Engagement and Progress.
- 4.3 The decision of the Committee shall be given to the student in writing within five days (excluding Saturdays, Sundays and University closure days) of the meeting. Should further investigation be required the student will be informed of this within five working days (excluding Saturdays, Sundays and University closure days).
- 4.4 Written reports on the outcomes of the FtP procedures will be prepared by the Secretary and will be kept on file, in the FtP database, and the Learning and Teaching Office until 24 months after the student has graduated from the MPharm degree.

5 Referrals to the Committee on Registration of a Student

5.1 Home students

- 5.1.1 Students declaring a criminal conviction on their UCAS application form will be referred into the central university procedures for a decision about whether to offer the student an interview. If advice from the School of Pharmacy is required, the Chair of the Committee and Head of Pharmacy Admissions will be consulted. This may also involve consultation with the MPharm external advisory panel as detailed in section 2.2 above.
- 5.1.2 All students offered a place on the MPharm course will receive an offer letter which explains that the School operates a FtP procedure and that the offer of a place is subject to successful completion of a Disclosure and Barring Service (DBS) check and a satisfactory health declaration form.
- 5.1.3 Students who accept the place and meet the academic criteria will be sent joining instructions which provide a link to the health questionnaire and DBS check documentation.

- 5.1.4 Students not completing this process (without satisfactory reasons) by the end of semester one will be referred to the committee by the Placements Co-ordinator for a lack of engagement. Failure to complete the DBS process before the start of the second academic year will result in a recommendation to the Head of School to proceed under General Regulation 14 – Professional Misconduct and/or Unsuitability.
- 5.1.5 Receipt of a DBS check indicating a criminal conviction shall be immediately forwarded to the Chair of the Committee and be considered in line with point 4 above. The Committee will decide whether to recommend to the Head of School to proceed under General Regulation 14 – Professional Misconduct and/or Unsuitability.
- 5.1.6 Completed DBS checks and health questionnaires will be held within the Learning and Teaching Service and not provided to academic staff within the School without the student's consent.
- 5.1.7 At registration each year, students in later years of the course are required to self-certify that no changes have occurred to their DBS or health status that could affect their continued registration on the course. Failure to self-certify each year will constitute a fitness to practise issue, which will be considered by the Chair of the Committee in the preliminary stage (section 4.1 above). Students declaring a new conviction will be treated as in 5.1.5 above.
- 5.1.8 Students declaring a disability or learning difficulty will be referred to the Dean of Students' Office which will make further enquiries and determine, with the Chair of the Committee, the Head of Admissions and the Placements Coordinator for the School, the level of reasonable adjustments required for the student to study at UEA.

5.2 Overseas applicants

- 5.2.1 Overseas applicants who have not previously been resident in the UK are not required to complete a DBS check. They are requested to obtain a statement from the local police in their country of normal residence that they do not have a criminal conviction. Failure to complete this process by the end of semester one will be referred to the committee as in 5.1.4 above.

5.3 Referrals on Change of Course

- 5.3.1 Any currently registered UEA student who applies for internal transfer to the first year of the MPharm degree will be informed that all transfers are subject to successful completion of a DBS check and a satisfactory health declaration form. The same conditions apply to these students as stated in section 5.1 above.

6 Referrals to the Committee on attendance of a student

- 6.1 Attendance at all compulsory teaching activities including placements as published in the module outline and associated timetables is required for students at UEA as set out (or in accordance with) the terms of General Regulation 13 of the UEA General Regulations for Students – Attendance,

Engagement and Progress). Registers are taken at these sessions and the information is centrally recorded.

- 6.2 Absence due to illness or changes in personal circumstances should be notified to and will be recorded by Learning and Teaching Service.
- 6.3 The Learning and Teaching Service will inform the year lead when a student has been absent, without extenuating circumstances or other good cause, and/or when the student's absence records may be a cause for concern.
- 6.4 In the first instance, the attendance of the student should be discussed at a meeting between the student, the year lead and another member of the academic staff.
- 6.5 Students who fail to improve their attendance after this initial meeting may then be referred to the FtP committee on the basis of attendance concerns by the year lead. Referrals should take place in accordance with 3.1 above and should be accompanied by the relevant attendance monitoring data.
- 6.6 If an attendance meeting between the student and the year lead has occurred in a previous academic year then the current year lead may refer directly to the FtP committee without having to have a further 'initial meeting' if they deem it unnecessary.
- 6.7 Academic staff making referrals to the FtP committee on grounds of attendance will be required to detail what action has already been taken and any outcomes from any previous meeting(s) with the student.
- 6.8 In the event that the student's attendance, engagement and/or progress does not improve satisfactorily, the FtP Chair shall refer the case directly to the Head of School for consideration under the University's General Regulation 13.

7 Plagiarism and collusion

- 7.1 In cases where plagiarism and/or collusion has been proven via the School's established procedures (at either a 'medium' or 'high' level) the Plagiarism and Collusion Officer or Head of School may choose to refer the case to the School's Fitness to Practise committee to consider issues of professionalism. In the case of 'High' level offence this referral will be automatic. This will be considered in line with section 4 above and may include a recommendation that the Head of School refers to the Senate Student Disciplinary Committee under General Regulation 14.
- 7.2 In cases such as this, the committee's decisions will be based on how the offence relates to the professionalism of the student and will not consider the specific offence of plagiarism or collusion.

8 Referral of students to the University's Senate Student Discipline Committee

- 8.1 Where students have been referred to the Senate Student Disciplinary Committee, under any General Regulation, the School's Fitness to Practise Committee should be informed of the outcome of any hearings, usually via the Head of School.

- 8.2 The FtP committee will then meet, either in person or virtually, to determine whether the sanctions imposed by the University require reporting to the General Pharmaceutical Council by the School of Pharmacy.

9 Informing Students about Fitness to Practise Procedures

- 9.1 In Week 1, Semester 1 of the academic year, a compulsory lecture will be given to all newly registered students explaining the School FtP procedures. The students will be required to sign a declaration that they understand the School FtP procedures by Friday Week 2, Semester 1.
- 9.2 Both the student code of conduct and the School FtP procedure will be freely available on the Virtual Learning Environment ('Blackboard') and thus available for all students to consult at all times.
- 9.3 All publicity material about the MPharm degree, including web and paper based material, will include information explaining that the School operates a FtP procedure and that any applicant will be required to complete a DBS check and health questionnaire before admission to the course.

10 Existing students

- 10.1 All existing students will be subject to the FtP procedures of the School of Pharmacy.
- 10.2 Any new FtP issue raised will be considered in the context of any previous information.

11 Informing Staff about Fitness to Practise Procedures

- 11.1 All new academic staff on appointment to the School of Pharmacy will be informed of the FtP procedures.

12 Referral to the GPhC (General Pharmaceutical Council)

- 12.1 Written reports on the outcomes of FtP procedures will be kept on file, in the Learning and Teaching Service, until 24 months after graduation. These reports will be available, on request, to the General Pharmaceutical Council.
- 12.2 Details of students issued with undertakings or warnings by the Fitness to Practise Committee will not be reported to the General Pharmaceutical Council unless a formal request is made by that body.
- 12.3 Details of students issued with sanctions by the Senate Student Discipline Committee will be reported by the School of Pharmacy to the General Pharmaceutical Council in accordance with section 8.
- 12.4 Students must be informed during any hearings of the committee that they must report such hearings and any associated outcomes to the General Pharmaceutical Council on application to the pre-registration year and on registration as a pharmacist.

Appendix 1: Diagrammatic Flow Chart of Fitness to Practise Procedures

Appendix 2: Fitness to Practise Concerns Form

Appendix 3: Advisor meeting form