

# Professional Suitability for Training Procedure

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# Professional Suitability for Training Procedure

## 1 Introduction

To protect the public and the professional reputation of the Trust and associated Academic institutions the Trust has set out a procedure that sets out the way in which the Trust will consider issues relating to the professional suitability of a student to complete a training programme delivered by the Trust and receive resulting professional and academic awards. This procedure is of relevance when training has clinical components, and the student, if successful will have a qualification that permits direct contact with patients.

## 2 Purpose

The purpose of this procedure is to set out the process that the Trust will follow in the event that there are concerns raised about the suitability for professional practice of any student accepted for training.

## 3 Scope

The procedure applies to all professional training courses delivered by the Trust and by its Associate Centres. It relates solely to consideration of professional suitability for clinical practice, and should be invoked if a student's conduct raises formal concerns about their suitability for qualifying to practice within a recognised professional group following the course.

This procedure is **not** relevant to be used in cases where the conduct issue does not raise a concern about professional suitability and should be investigated under the relevant procedure see list below:

- Trust's Disciplinary Procedure
- Trust Procedure for Investigating Student Conduct Concerns
- UEL Student Research Misconduct Procedure

The Trust will ensure that the admissions criteria for courses to which the professional suitability procedure will apply will include explicit reference to the procedure in any public information made available about the course.

## 4 Definitions

The following definition will be used in this procedure:

**Breaches of professional standards** relates to act or omissions by students that could lead to one or more of the following (*note the list is not exhaustive*)

- failure to disclose information about previous matters relating to their professional suitability prior to enrolment on the course, including previous convictions and cautions
- false declaration of previous qualifications, experience or other relevant information provided in support of their application to training
- information that becomes available during the training period about the student that raises direct questions about their professional suitability
- actions that are, or could be harmful to service users, their carers and relatives, members of the public or service providers
- actions that are likely to constitute an unacceptable risk to the others and or the student themselves
- other contraventions of the relevant professional code of conduct for the qualifying profession

## 5 Duties and responsibilities

### Course Tutor

The Course Tutor is responsible for monitoring each students progress and identifying and/or responding to any issues or concerns that raise questions about the students professional suitability to practice

In the event that concerns are identified then the Course Tutor should gather relevant evidence and report this in writing to the appropriate Associate Dean

In the event that there is a case to be answered the Course Tutor should follow the steps set out in this procedure

### Associate Dean

The appropriate Associate Dean is responsible for considering information received in writing from Course Tutor about any concerns, and determines whether there is a prima face case to proceed or if the matter should be closed.

In the event that there is a case to be answered the appropriate Associate Dean should follow the steps set out in this procedure.

## **Dean of Postgraduate Studies**

The Dean of Postgraduate Studies has overall responsibility for this procedure and its use. The Dean of Postgraduate Studies also has responsibility for determining whether any interim action is to be taken against the student in the event that a formal concern is investigated under Stage 2 of this procedure

The Dean of Postgraduate Studies is responsible following a written appeal from a student for determining in consultation with the appropriate Associate Dean whether grounds for appeal are covered by provisions set out and then for appointing an Appeals Panel.

<b>6</b> <b>Procedure</b>
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**Please refer to Appendix 1 which in tabular form illustrates the trajectory and stages of the procedure.**

### **6.1 Stage 1: Local Investigation**

#### **(i) Raising a concern**

- Any concerns about a student's professional suitability to practice raised by any individual are to be made in writing to the Course Tutor.
- The Course Tutor will consider the nature of the concerns and gather relevant information.
- If the Course Tutor considers there is the basis of concerns about professional suitability he/she will raise these in writing to the appropriate Associate Dean.

#### **(ii) Considering whether there is a case to answer**

- The appropriate Associate Dean will consider the information supplied and will determine whether there is a 'prima face' case to answer or if the matter should be closed.
- If the appropriate Associate Dean determines there is a 'prima face case', a 'local' investigation and report will be prepared by the Course Tutor.

#### **(iii) Local Investigation by Course Tutor**

- The Course Tutor is responsible for notifying the student of the concerns and the investigation.
- The Course Tutor will submit a report in respect of the concern raised about professional suitability, conclusions and recommendations to the appropriate Associate Dean within 14 working days.
- The appropriate Associate Dean will consider the findings and recommendations and subject to approval will be responsible for relaying these to the student as soon as a decision is reached.

- If the decision and recommendations of the 'local' investigation is accepted by the student the procedure is closed.
- If in the process of collating the relevant information, the Course Tutor considers there is evidence to suggest that the case would be appropriately investigated through the Trust Procedure for Investigating Student Conduct Concerns, then the Tutor will recommend to the appropriate Associate Dean that the case be transferred out of the Professional Suitability for Training Procedure.

## 6.2 Transition to Stage 2

- If the decision of the 'local' investigation is **not** accepted by the student, the matter will pass to the Dean of Postgraduate Studies who will establish a Professional Practice Panel (see below).
- At the same time, the Dean of Postgraduate Studies will make a decision in respect of any interim action relating to the student, for example, suspending studies; suspending access to clients/patents or alternative according to circumstances of the case.
- The decision by the Dean of Postgraduate Studies in respect of any interim action will be made within ten working days of receiving the 'Local' Investigation report.

### Stage 2: Professional Practice Panel

- (i) The Dean of Postgraduate Studies will establish a **Professional Practice Panel** which will normally comprise the following members:
- a senior member of the Trust Directorate of Education and Training as Chair
  - two members of teaching staff from the relevant subject discipline within the Trust who have had no previous involvement in the case<sup>1</sup>.
  - where appropriate up to two further members of the Panel may be drawn from partner (professional) bodies in the delivery of training.
  - The Secretary of the Professional Practice Panel will be the Assistant Director of Education and Training or his/her representative.
- (ii) The appropriate Associate Dean will submit to the Secretary of the Professional Practice Panel such evidence, as the Associate Dean deems relevant including a copy of the report from the Course Tutor.

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<sup>1</sup> *Note: neither the student's adviser/supervisor or the Course Tutor can be members of the Panel.*

- (iii) The Secretary will send copies of the evidence to the members of the Panel and at the same time to the student concerned and will convene a meeting of the Panel within 14 working days of receiving the report and any supporting evidence.
- (iv) The Panel will consider written evidence and call for interview persons they consider relevant to their task, this must include providing the student<sup>2</sup> the opportunity of being interviewed by the Panel.
- It will have the power to seek such other evidence as it deems necessary.
  - Following consideration of the evidence the Panel will prepare a report of its conclusions and its reasons.
- (v) The report will set out whether or not the Panel found concerns about the student's professional suitability for the award of a professional qualification.
- It will have the power to determine one of the following recommended outcomes (as appropriate) to the Dean of Postgraduate Studies:
- permit the student to continue with training
  - discontinue the placement and make arrangements for locating an alternative placement if this is permitted under the Rules of Assessment
  - terminate training
- (vi) The Dean of Postgraduate Studies will ensure that the recommended outcome is taken in the light of the Panel's recommendations and inform the student of the actions within 14 working days of receipt of the Panel report.

### **Further action on finding ground for Professional Unsuitability**

If the case of professional unsuitability against the student is found proven, the Dean of Postgraduate studies in consultation with the appropriate Associate Dean will ensure that a report should be made to the relevant professional or statutory body.

### **Stage 3: Procedure for an appeal against decisions of the Professional Practice and Panel**

- (i) The student must be advised that if they wish to appeal the decision of the investigation a written notice of appeal must be received by the appropriate Associate

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<sup>2</sup> *The student may bring a friend or colleague to support him/her but is not entitled to bring a legal representative to the meeting.*

Dean within fourteen working days of the student being informed of the decision by the Professional Practice Panel.

- (ii) On receipt of a written appeal, the appropriate Assistant Dean will consult with the Dean of Postgraduate Studies and determine whether the grounds for the appeal are covered by the provisions set out below at Table 1 below and warrant therefore consideration by a Professional Practice Panel. This must take place within 10 working days of receipt of the complaint.

*The grounds for the appeal shall be one or more of the following: that new evidence had become available that the student was unable to bring originally that could materially affect the Professional Practice Panel's decision or that there was evidence of procedural irregularity or prejudice or bias in the conduct of the hearing by the Professional Practice Panel.*

- (iii) If the Dean of Postgraduate Studies concludes that there are no grounds for appeal, the appropriate Associate Dean shall inform the student in writing giving the reasons for that decision.

If the Dean of Postgraduate Studies concludes the appeal is well brought under the grounds set out above, the Dean of Postgraduate Studies will appoint an Appeals Panel which will normally comprise:

- a suitably senior clinical member of staff Chair who shall be from a different profession from that relevant to the course
- one member of staff from the relevant subject and professional discipline within the Trust concerned who shall not be the Associate Dean or the Investigating Officer or a member of the Professional Panel
- where appropriate up to two further members of the Panel may be drawn from partner (professional) bodies in the delivery of training
- the Secretary of the Panel shall be the Assistant Director of Education and Training or his/her representative.

- (iii) The Appeals Panel will be supplied with all documents relating to the original hearing, together with a written statement submitted by the student setting out the grounds for the appeal. The Panel will not proceed by way of a re-hearing, but will have power to require the presentation of such further evidence as it deems necessary.

- (iv) The Appeals Panel will have the same powers as the Professional Practice Panel and may confirm the decision of the Professional Practice Panel or substitute such other decision as it considers appropriate.

The Appeals Panel will conclude its findings in a report giving reasons for its decision.



When the Appeals Panel has reached its decision, the Secretary will inform the student and the appropriate Associate Dean concerned in writing.

If any action had been taken to inform the relevant professional or statutory body - the decision of the Professional Practice Appeals Panel will be final.

#### **Stage 4 Post final appeals process**

A student who remains dissatisfied after an appeal may approach The Office of the Independent Adjudicator for Higher Education (OIA) which provides an independent process for the review of student complaints or appeals.

### **7. Process for monitoring compliance with this policy**

A process audit will be conducted on each completed file on each occasion when this process is instituted. This review will be at the direction of the Dean of Postgraduate Studies. Any issues of non-compliance with the procedure will be escalated to the Trust Academic Governance and Quality Assurance Committee for review and monitoring actions to address variances.

### **8. Associated documents<sup>3</sup>**

Trust's Disciplinary Procedure

Trust Procedure for Investigating Student Conduct Concerns

UEL Student Research Misconduct Procedure

### **9. Equality Impact Assessment**

1. Does this policy, function or service development impact on patients, staff and/or the public?

**YES**

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<sup>3</sup> For the current version of Trust procedures, please refer to the intranet.

2. Is there reason to believe that the policy, function or service development could have an adverse impact on a particular group or groups?

**NO**

3. If you answered **YES in section 5**, how have you reached that conclusion? (Please refer to the information you collected e.g., relevant research and reports, local monitoring data, results of consultations exercises, demographic data, professional knowledge and experience)

4. Based on the initial screening process, now rate the level of impact on equality groups of the policy, function or service development:

**Negative / Adverse impact: Low**

(i.e. minimal risk of having, or does not have negative impact on equality)

Date completed .....

Name .....

Job Title .....

**Professional Suitability for Training Possibilities**

