



Concerns Protocol for Raising & Managing Concerns in Practice Placements

August 2012 (updated August 2016)

Faculty of Health & Social Sciences

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Introductory notes.

Bournemouth University (BU) works in partnership with a wide range of providers of health and social care in its provision of practice placement experiences for students on all professional programmes. This enables students to gain experience in their field of practice whilst also meeting the requirements of the relevant professional and regulatory bodies. All partner organisations strive for excellence in the services they offer and the learning experience the students receive. Students provide a further facet in the quality assurance of these services, providing a valuable resource in the evaluation and development of the services.

While it is appreciated that raising concerns is challenging, the aim of the protocols within this document is to outline roles, responsibilities and processes when a concern is raised in practice involving a student. This will enable students, practice partners and BU personnel to be clear on their responsibilities in the event of a concern and therefore work collaboratively to support standards of practice and the learning experience. Situations are unique and the protocols provided may not fully reflect every eventuality but it is important that the rationale for any deviation from the protocol is clearly documented.

These protocols make reference to the Raising Concerns (Whistleblowing) Policy (Bournemouth University 2016, Appendix A) and the Fitness to Practise Procedure (Bournemouth University 2016, Appendix B) where appropriate. Placement providers may also provide students with a process of raising concerns and these will be used in conjunction with this document. Professional and organisational guidance must also be followed when documenting and reporting concerns.

Raising a concern is well documented as being a challenge within professional practice. However, with a transparent, linear and consistent approach to managing concerns, issues can be managed in a timely manner to ensure that the duty of care and professional standards are upheld.

Confidentiality.

Students and those supporting students must uphold confidentiality when raising a concern. While it may be necessary to share names of personnel this should only be done so after clear consideration and only as part of the formal process for raising a concern. Students and those supporting students will adhere to the standards of their professional body to support professional practice and appropriate disclosure.

Monitoring and Reporting.

Through the processes outlined within this document the Head of Practice Education and key personnel have oversight of all incidents where a concern is raised in practice. This enables consistent actions, review of themes and outcomes. A summary of concerns will be reported each month to senior personnel within Bournemouth University at the Admissions, Progression and Employment Group. Themes and actions will be shared and reviewed at relevant meetings with practice partners, commissioners and as required, regulatory bodies.

Glossary and Abbreviations.

The terms reflect use and application within Bournemouth University.

Personnel in placement with a responsibility for overseeing education and learners.

These posts predominantly lie within NHS Trusts and can have differing titles depending upon each trust (e.g. Education Co-ordinator / Learning Environment Lead / Practice Placement Lead). They are leads for education and occupy senior positions within the NHS. Their roles vary slightly between organisations, reflecting a wider remit than solely pre-registration education. However, they do have a common remit for assuring the quality and quantity of placements in conjunction with their teams and BU personnel. There are also facilitators of education in practice whose role is more student/mentor focussed. They may be called Practice Educators, Practice Education Facilitators or Nurse Education Supervisors. For ease, within this document these roles are collectively referred to as placement personnel with responsibility for overseeing practice education.

Practice Assessor.

This term refers to practitioners employed by the placement provider who assume responsibility for the support and assessment of students in practice placements. All students within the Midwifery, Nursing, Operating Department Practice, Occupational Therapy, Paramedic Science and Physiotherapy Programmes will have a named practice assessor on each substantive placement. These practitioners may be known as mentors, clinical mentors, sign-off mentors and practice placement educators, depending on the programme and professional body requirements.

Head of Practice Education (HoPE).

This post is located within the Faculty of Health and Social Sciences and has a leadership role in the quality assurance of practice learning, predominantly for healthcare programmes within the faculty of Health and Social Sciences at Bournemouth University.

University Practice Learning Adviser (UPLA) / Link Midwife Teacher / Placement Tutor for Occupational Therapy and Physiotherapy – Bournemouth University (BU) Placement Link.

The function of these roles is to assure the quality of the learning environment working in collaboration with practice based personnel. Each practice placement will have one of these roles attached to it. Activities include practice assessor preparation, delivery of updates to assessors in practice, undertaking educational audit of placements, overview of placement evaluations and the management of concerns including support to practitioners responsible for student learning and assessment in the practice. They are funded from within the University. For ease, within this document these roles will be referred to as the BU Placement Link.

Academic Adviser (AA).

Academic advisers are responsible for the academic and pastoral support of the student during the course of the programme.

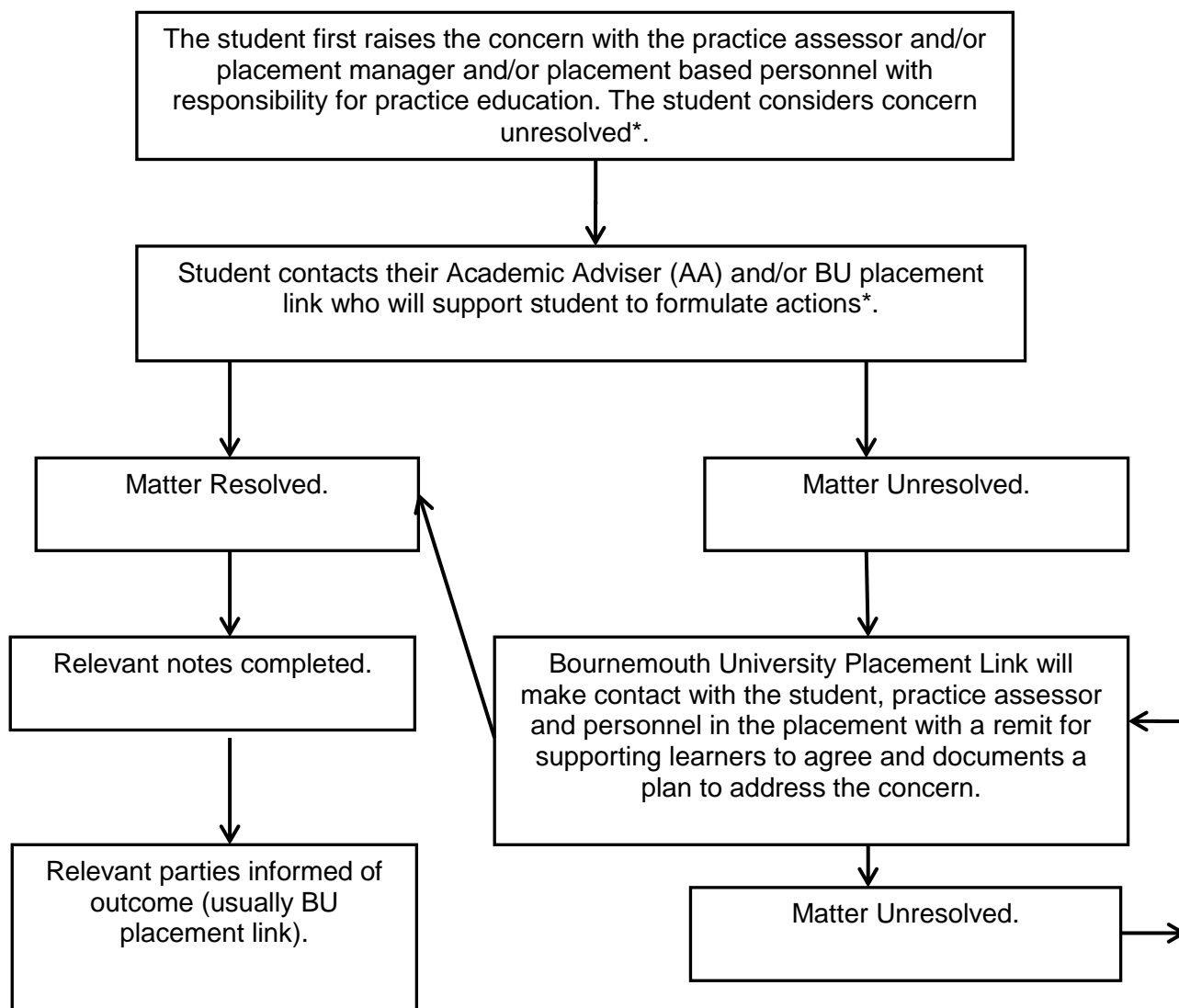
Placement Support Team.

The team of support staff employed by Bournemouth University to plan student placements, reflecting the validated programme requirements for placement learning experience.

1. Student has a concern around quality of the learning environment.

In conjunction with the BU policy Raising Concerns (whistleblowing) policy & procedure (Appendix A), this algorithm should be utilised when a student identifies concerns relating to the quality of the learning environment such as:

- Practice assessor not reflecting the expectations of their role with a student.
- Limited learning opportunities.
- The ongoing assessment process.
- Student supernumerary status not being upheld.



* Useful resources: Raising Concerns Checklist (Appendix C) and the BU resource 'Getting the most out of your practice placement' available from:

<https://www1.bournemouth.ac.uk/discover/faculties/faculty-health-social-sciences/placements/placement-information-students/nursing-programme-information>.

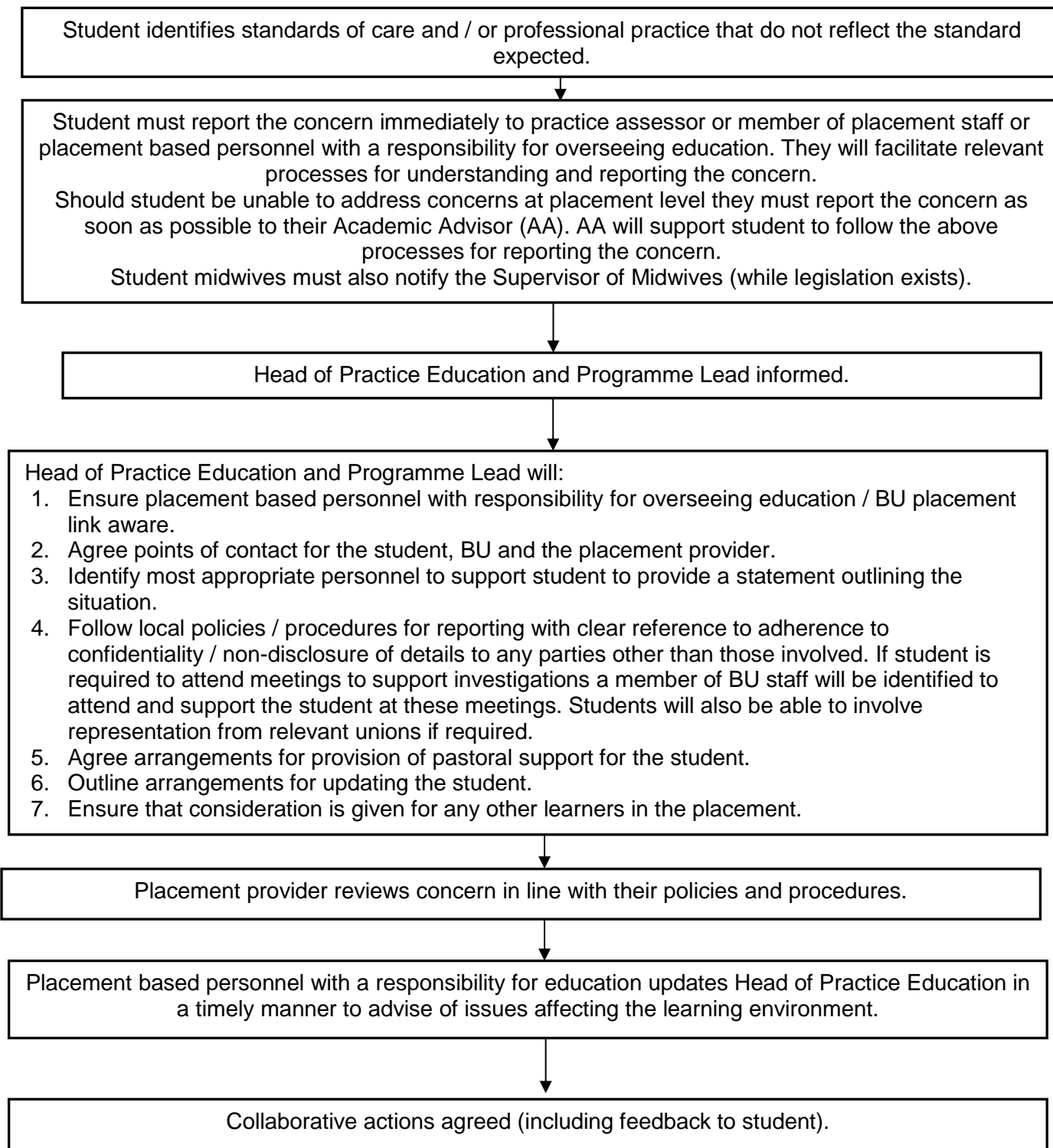
2. Student has a concern around standards of care & / or professional practice.

This algorithm should be followed to ensure clear reporting if a student believes that standards of care and / or professional practice are compromised. For example:

- Policies and procedures not being adhered to.
- Conduct of staff.
- Safeguarding issues (full definitions and expectations can be accessed at <https://www.england.nhs.uk/wp-content/uploads/2015/07/safeguard-policy.pdf>)

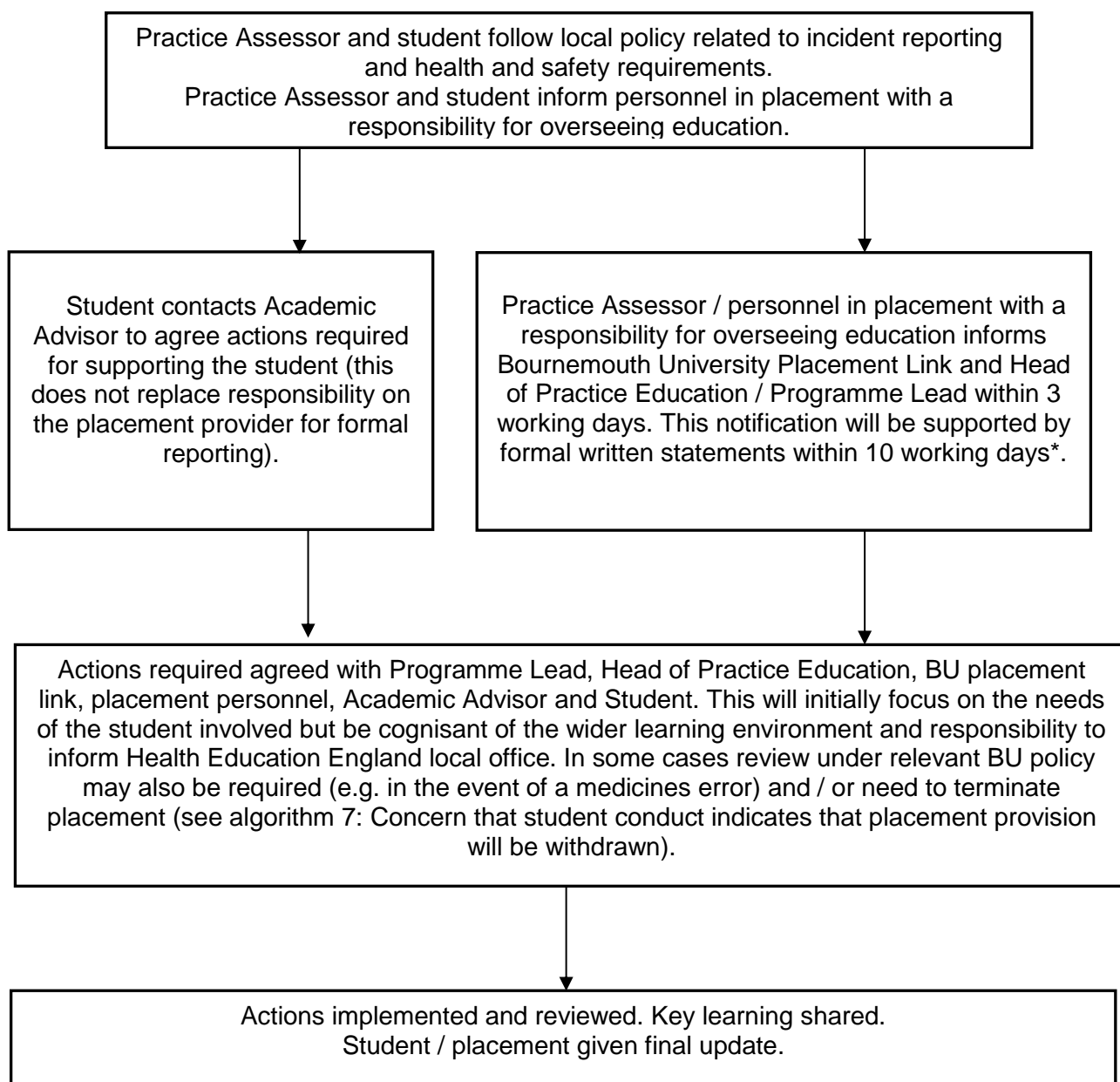
The following resources should also be considered alongside this process:

- The Raising Concerns (Whistleblowing) Policy (Bournemouth University 2016) – Appendix A.
- Algorithm to be followed when a student is involved in an incident in practice (page 7).



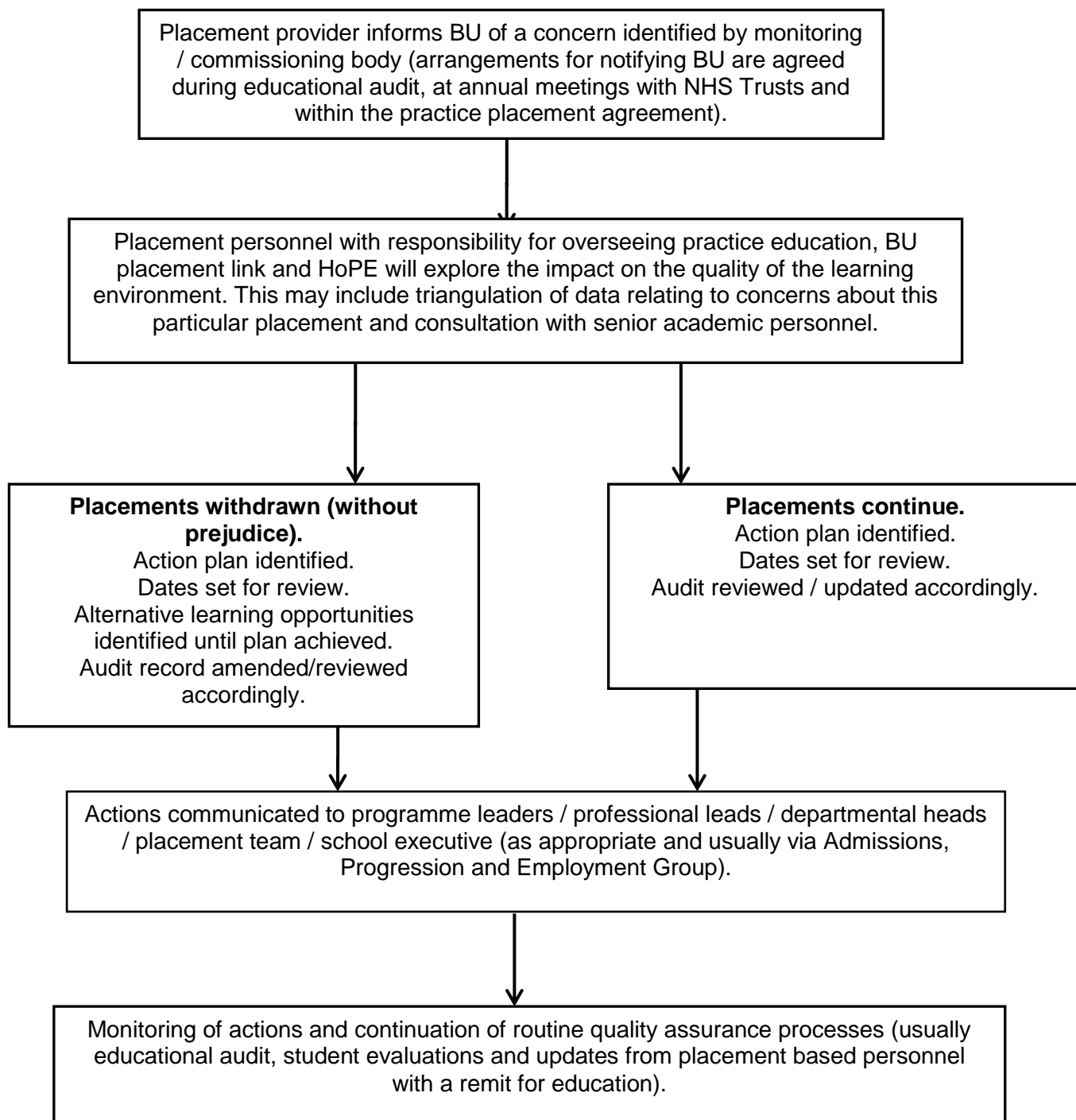
3. Serious Incident Reporting.

This algorithm outlines the process to follow if a student on a practice placement is involved in an incident that would meet practice placement policy for reporting. This is in addition to any policies / actions that the placement provider would utilise and reflects the requirement of the education provider to formally notify BU should a student be involved in a serious incident.



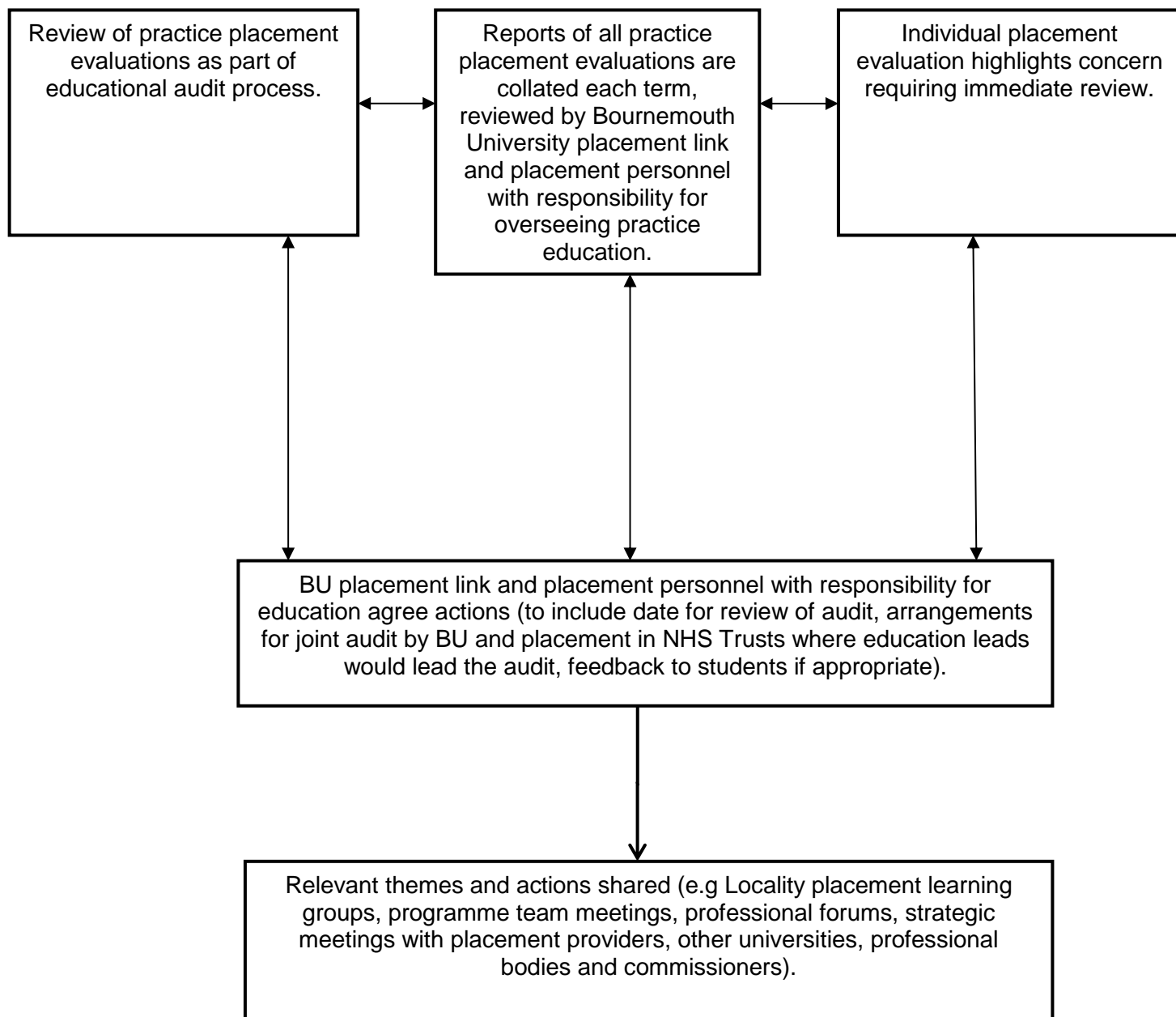
*These timings will enable BU policy to be implemented and support adherence to related time scales.

4. Concern raised by monitoring / commissioning body.



5. Concern raised within student evaluations of practice placements.

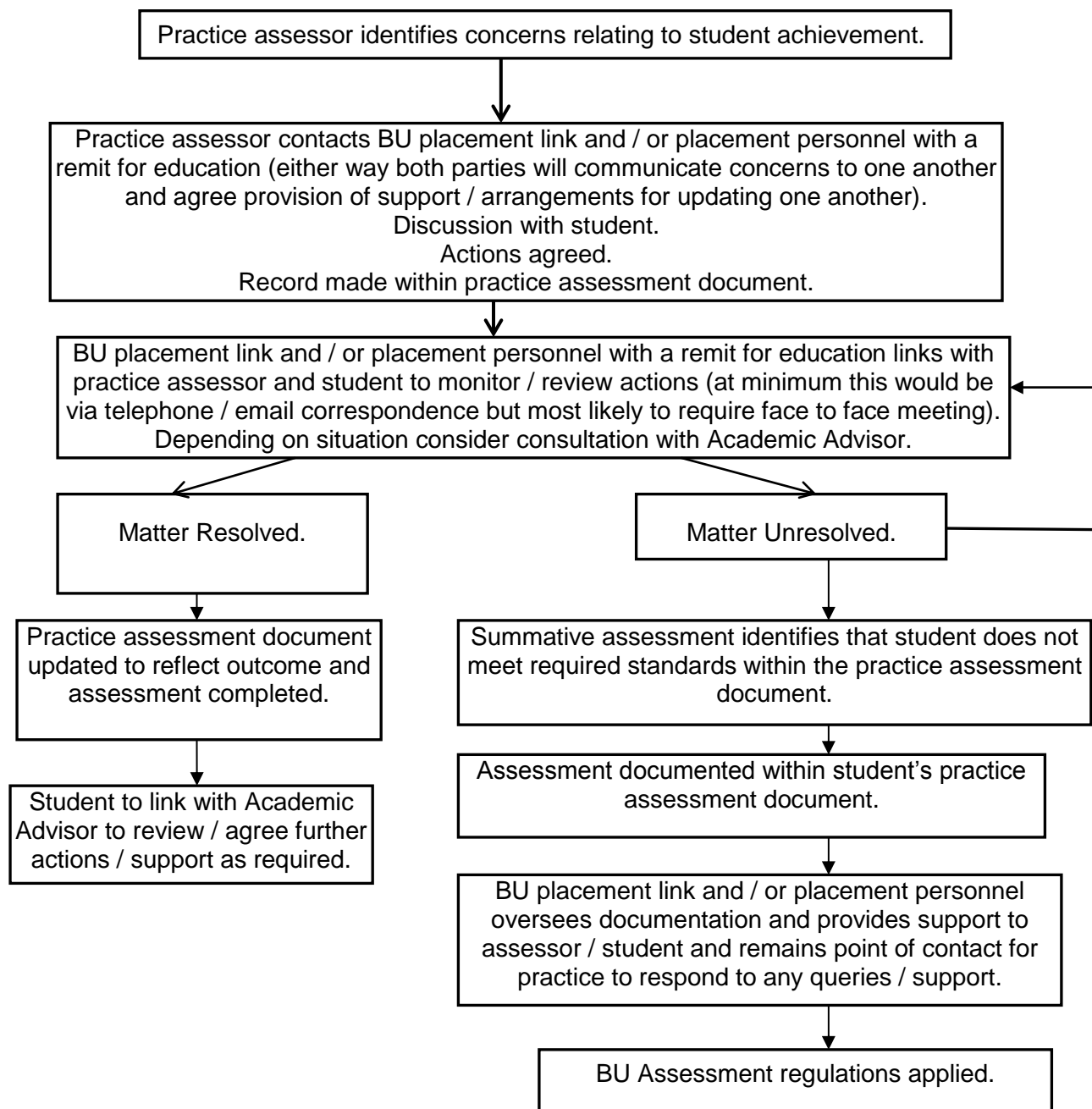
Students on healthcare programmes leading to a professional qualification within the Faculty of Health and Social Sciences are required to complete an evaluation of their practice placement experience. These evaluations are integral to the activities that assure the quality of each placement area to ensure an effective and safe learning environment. They are held within the electronic placement support system and are accessible by delegated staff at BU / the placement provider. They do not replace the responsibility of the student to raise a concern in a timely manner during their placement (see algorithms 1, 2, 3).



6. Placement concern regarding student progression.

Concerns can include:

- Attendance e.g. changing shifts, not fulfilling required time in placement, punctuality.
- Perceived lack of motivation.
- Inappropriate dress
- Health and Wellbeing Concerns
- Progression not as expected given the student's stage in the programme.
- Ongoing failure to comply with local policies and guidelines.



7. Student conduct indicates that placement provision will be withdrawn.

The placement provider identifies concerns about a student's performance in practice. Feedback, assessment, action planning and collaboration between placement provider and University personnel are inappropriate due to the severity of the concern (see algorithm 3 – Serious Incident Reporting and algorithm 6 – Placement concerns regarding student progression).

Rationale to withdraw placement provision agreed with placement based personnel with a remit for education who will consult with the placement link and Head of Practice Education at BU.

Student informed of decision to withdraw practice. Wherever possible decision recorded within practice assessment documentation. Student advised to contact academic advisor at earliest opportunity.

Placement personnel with a responsibility for education informs BU placement link of decision to withdraw a practice placement for a student (within 1 working day). Verbal notification is supported by formal written statement within 5 working days and sent to Programme Lead and Head of Practice Education.

Programme Lead / Academic Adviser agree actions to support student and implementation of relevant Bournemouth University Processes (e.g. referral to personnel to assess need for Fitness to Practise procedure / alternative placement if appropriate).

Academic Advisor updates placements team of situation for purposes of accurate record of placement hours / usage.

Head of Practice Education / BU placement link informed of actions by Programme Lead / Academic Advisor. Head of Practice Education / BU placement link agree actions for updating placement based personnel.

Programme Lead proceeds with relevant process and updates Head of Practice Education of outcome. Head of Practice Education will arrange for placement based personnel to be appraised of relevant points and implement any actions required.

RAISING CONCERNS (WHISTLEBLOWING) POLICY & PROCEDURE.

1. Introduction

In order to uphold the high standards expected to safeguard the public it is important that procedures exist for disclosing and addressing malpractice within organisations to which students are exposed. All students who complete programmes in the Faculty of Health and Social Sciences will have undertaken placements in a variety of settings, in which it is possible, that they may witness practices that they consider to constitute malpractice. All staff and students have a responsibility in highlighting or communicating issues or concerns.

This Raising Concerns (Whistleblowing) Policy and Procedure aims to offer guidance to facilitate and support students, academics and practice staff to safely raise complaints/concerns that may arise in practice placements.

An important aspect of the process is assuring and maintaining confidentiality which will be guaranteed at all times. However, due to the nature of some situations there are occasions where anonymity cannot be guaranteed.

2. Policy Statement

This policy and procedure applies to all programmes within the Faculty of Health and Social Sciences that require student allocation to a practice placement as part of a programme of study. It has been developed in collaboration with **Placement Providers**.

As a public body the University recognises its responsibilities under the Public Interest Disclosure Act ('Whistleblowing' Act 1999) and the second report on Standards in Public Life (Nolan Committee 1996) that staff and students are permitted to speak freely without fear of disciplinary action, victimisation or discrimination. In addition, the policy seeks to enable students to raise complaints about the practice and serious professional misconduct that contravenes the Code of Practice of the General Social Care Council, the Health Professions Council; or the Nursing and Midwifery Council. This policy and procedure should be applied and understood within the context of the Bournemouth University, Public Interest Disclosure Policy and Procedures.

The Care Quality Commission published a guide to Raising a Concern which can be accessed from

http://www.cqc.org.uk/sites/default/files/media/documents/20111214_whistleblowing_quick_guide_final.pdf (accessed 14 December 2011).

As Dehn (<http://www.cfoi.org.uk/pdf/corruptiongd.pdf>) (accessed 27/7/11) points out, the person concerned with serious wrongdoing in an organisation faces three options:

- To stay silent
- To blow the whistle internally or with the responsible person
- To blow the whistle outside to the authorities or the media.

This policy recognises that silence should not be an option of choice.

In particular the University acknowledges the relative powerlessness and vulnerability of students who may be undergoing a process of assessment by work-based staff during their practice placements and takes seriously their responsibilities towards their students.

This is particularly so for students who may be seconded from the host placement provider organisation. In such cases where the seconded student raises an issue or concern related to their employing organisation, any subsequent investigation **MUST** be addressed from the perspective of the individual as a student undertaking a programme at Bournemouth University Faculty of Health and Social Sciences and therefore this policy and procedure **WILL** apply. Seconded students may also wish to refer to the Widening Access Policy signed by them with their employer/sponsor.

3. **Definition of Whistleblowing**

“Raising a concern about malpractice within an organisation or through an independent structure associated with it”

UK Committee on Standards in Public Life

In the context of this policy and procedure, Whistleblowing is defined as ‘raising complaints or concerns about malpractice or wrongdoing in the workplace without fear or reprisal’.

Bournemouth University, Faculty of Health and Social Sciences will ensure that they do their ‘reasonable best’ to manage staff and students against possible risk and harm. For the purpose of this policy risk is defined as any situation that the student is involved in, which gives rise for concern for any of the parties involved.

The student practice placement evaluation questionnaire provides students the opportunity to identify issues and give feedback from their placements. However, if their complaint is serious and needs to be reported urgently, then the guidance below shows how this should be undertaken.

This policy does not seek to address issues that may be dealt with under existing complaints procedures. It seeks to enable students to raise concerns, in good faith, that relate to the following categories set out as ‘qualifying disclosures’ in the Public Interest Disclosure Act (1999):

- Criminal offences
- Failure to comply with legal obligations
- Miscarriages of justice
- Health and safety dangers
- Damage to the environment
- Concealment of information about any of these matters.

4. **Procedure**

4.1 A student who has a concern whilst on (or following) a practice placement, or a member of University staff who may have/share the concern, must raise it **immediately** with their Practice Assessor/Practice Learning Adviser/Academic Adviser.

The student may wish to seek pastoral support from their Academic Adviser.

Discussion with the student at this stage, should focus upon achieving resolution for the student, improving practice and preventing repetition of malpractice.

If the issue is resolved at this stage, **no further action is required.**

4.2 If the cause for concern is not resolved, the Academic Adviser or other first recipient of the concern must advise the appropriate Programme Lead and Head of Practice Education. Escalation to Head of Department and / or professional lead will be undertaken as required.

The Programme Lead will ensure that appropriate pastoral support is available to the student. Where requested, and where possible, the anonymity of the person making the allegation should be protected.

The Programme Lead should ensure provision for guidance about statement writing, outlining the concern/issue is available for the student.

It is the Programme Lead's responsibility to ensure that the student accesses all appropriate support available within the University in respect of Additional Learning Needs, Counselling, Chaplaincy, and other student support services.

The Programme Lead should then ensure that the Head of Practice Education and the University Practice Learning Advisers are informed of the concern/issue, and make contact with the Placement Provider's Senior Manager. BU will identify a central point of contact for the placement provider to communicate with.

The student will be supported in presenting their complaint to the placement provider organisation, consistent with the complaints procedure of that organisation.

The University will retain a continuing interest in any investigation by providing pastoral support to the student and through communication with the central point of contact from BU.

The final outcome of the investigation should be reported to the Student, Head of Practice Education and other appropriate stakeholders.

At any point in this procedure it may be necessary to disclose to or inform a professional and regulatory body. It may also be necessary to comply with safeguarding laws on the protection of vulnerable adults (POVA) and protection of children (POCA)

5. Interviewing the Student

If a representative from the placement provider wishes to interview the student, then they should contact the student to negotiate an appropriate date and time. The student's University representative will attend, if the student wishes, to provide pastoral support.

Unsatisfactory Resolution?

Where the complainant and University staff, involved, are not satisfied that resolution has been achieved, a meeting of the key personnel involved should seek to develop an action plan aimed at ensuring the protection of the student and of the public interest. This may involve communication with appropriate authorities or regulatory bodies. In these circumstances consultation with the Dean of School and the Head of Student Services is required. The implications for future use of the placement should be considered. Finally, the student should be encouraged to reflect upon the personal and organisational learning that has arisen as part of this process.

December 2011

Rev Andy Philpott, Head of Practice Education

Deirdre Sparrowhawk, Academic Administration Manager

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Amanda Watson, Head of Practice Education

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This document is part of a revised series of Academic Regulations, Policies and Procedures which govern the University's academic provision. Each document has a unique document number to indicate which section of the series it belongs to.

11H - FITNESS TO PRACTISE: PROCEDURE

SCOPE AND PURPOSE

- 1.1 The Student Agreement and the policies and procedures described within in outlines expectations and responsibilities for students and staff when dealing with students, and provide the framework for the student's learning experience (www.bournemouth.ac.uk/the-legal-bit).
- 1.2 This Procedure refers to matters relating to current students' health, conduct and/or performance, which may affect their fitness for professional practice.
- 1.3 This Procedure does not apply to issues that arise before a student is admitted].For consideration of fitness to practise issues as part of the admissions process, the *Procedures for Disclosure Screening and Processing Applications from those with a Criminal Conviction* should be followed.
- 1.4 Concerns relating to competency in practice are normally managed under BU's assessment procedures. However, concerns about competency may be raised as part of a fitness to practise procedure and can be considered if they relevant to the allegations or evidence.
- 1.5 Students who have been found to have committed an academic offence, which may have implications in respect of fitness to practise, may be referred for consideration under this Procedure.
- 1.6 The Fitness to Practise Procedure is an internal procedure and is not a legal process. BU does not normally use legal professionals in the handling of cases, and it is not expected that students will do so either. BU will not normally allow students to be represented by lawyers at Fitness to Practice hearings or appeals. Please refer to *11L – Third Party Involvement: Procedure* for further details.
- 1.7 The intention of this Procedure is to provide a framework to consider
 - a) Allegations or evidence of failure by students to maintain standards appropriate to professional practice for health reasons
 - and/or
 - b) Allegations or evidence of conduct and/or performance by students leading to a failure to maintain standards appropriate to professional practice.
- 1.8 Failure to maintain appropriate standards may fall into one of the following categories:
 - i) Health or related issues impacting a students' ability to practise;
 - ii) Behaviour or practice which is identified as dangerous or damaging to the welfare of others or creates unacceptable risk to others regardless of whether this is caused by health, conduct or performance issues;
 - iii) Serious misconduct or unethical behaviour;
 - iv) Persistent shortcomings identified in behaviour in relation to practice;
 - v) Bringing the profession into disrepute.
- 1.9 The Procedure takes into account the requirements of relevant professional codes of conduct set by the appropriate professional and regulatory bodies.

- 1.10 References in the Procedure to any University officer include his or her properly appointed nominee. References to job titles include equivalences.

MISCONDUCT THAT IS ALSO A CRIMINAL OFFENCE

- 1.1 If a matter referred under this Procedure could be a criminal offence, Faculty staff will consult with the Head of Student Services before taking any action.
- 1.2 The Head of Student Services will determine whether the allegations, if substantiated, would be a serious offence (i.e. one that would never be filtered from a Disclosure and Barring Service certificate in the UK).
- 1.3 The University will normally report any suspected criminal offence to the police. If a person claims to be the victim of an offence committed by a student, but does not wish the police to be involved, the Head of Student Services may agree not to report the matter.
- 1.4 If the Head of Student Services regards the alleged misconduct as constituting a serious offence, no internal action other than suspension from practice and/or the University (if appropriate) will normally be taken until the matter has been reported to the police, and either any criminal proceedings have been completed or the police have advised that they do not object to Bournemouth University dealing with the matter.
- 1.5 If the Head of Student Services does not regard the alleged misconduct as constituting a serious offence, it may be dealt with internally.
- 1.6 If a student has been sentenced by a criminal court in respect of any misconduct that is dealt with under this procedure, the sanction imposed by the criminal court will be taken into consideration in determining the penalty under this procedure.

MISCONDUCT THAT CONSTITUTES FRAUD

- 1.7 The following are some examples of actions that could be considered fraud:
- Forging signatures (relating to practice or academic work)
 - Working whilst absent from the university/placement due to sickness
 - Claiming bursary when not entitled, providing false information in a bursary application or not informing the NHS Bursaries office when entitlement changes
- 1.8 If the student is enrolled on an NHS funded programme, or is an employee of the NHS, *and* the allegations if proved true may amount to fraud, the case will be referred to NHS Protect for their investigations.
- 1.9 No other internal action arising from the allegations, other than suspension from the University and/or practice if appropriate, will normally be taken until NHS Protect have completed their investigations and any subsequent external proceedings have been completed or NHS Protect advise that they do not object to Bournemouth University dealing with the matter. Please see the Fraud Policy for more information about the investigation and steps to be taken in relation to allegations of fraud.

KEY RESPONSIBILITIES

- 1.10 Under 4.2 (f) of the Articles of Government for Bournemouth University, the Vice-Chancellor is responsible for the maintenance of student discipline and for the suspension or expulsion of students on disciplinary grounds. The Head of Student Services will normally act as the Vice-Chancellor's nominee in respect of the operation of disciplinary issues. In the absence of the Head of Student Services, the Vice Chancellor may nominate another senior officer of the University.
- 1.11 The Deputy Dean of Education and Professional Practice is normally responsible for overseeing the Fitness to Practise Procedures within their Faculty.
- 1.12 The appropriate Head of Department will normally be responsible for carrying out a full investigation and preparing the case.
- 1.13 SUBU Advice are available for free, independent, confidential advice for all students at Bournemouth University, and at panels they commonly act as the representative of the student, not acting in a legal capacity. Staff should signpost students to SUBU Advice if they are undergoing a Fitness to Practise procedure.

LINKS TO OTHER BU DOCUMENTS

- 1.14 Other documents with direct relevance to this one are:
- 6H Academic Offences: Policy and Procedures for Taught Awards
 - 6M Misconduct in Academic Research: Policy and Procedures

- Code of Practice on Freedom of Speech
- Dignity and Respect (Harassment) Policy
- Fraud Policy
- Halls of Residence Rules and Guidance
- Library Rules
- Procedure for Disclosure Screening and Processing Applications from those with Criminal Convictions
- 11F- Student Complaints: Policy and Procedures
- 11J- Fitness to Study: Policy and Procedures
- 11K- Student Disciplinary: Procedure
- 11L – Third Party Involvement: Procedure
- Placement Concerns Policy
- Social Media Policy
- Student Reference Policy
- Student Wellbeing Framework
- Unilet Rules and Guidance
- University Rules relating to the use of Information Technology
- Whistleblowing Policy

INITIATION OF FITNESS TO PRACTISE PROCEDURE – INITIAL REVIEW

- 1.15 If concerns are raised about a student's inability/failure to maintain standards appropriate to professional practice the Faculty Deputy Dean of Education and Professional Practice or their representative, will carry out an initial review of the available facts. This initial review will normally include an interview with the student. Alternatively, the student may be offered the opportunity to make written representation.
- 1.16 Following that review the Deputy Dean of Education and Professional Practice or their representative may decide:
- there is no case to answer, *or*
 - that the issue can be dealt with more appropriately under a different procedure, *or*
 - that no further action should be taken other than the provision of advice and guidance as appropriate and a note placed on the student file referring to this, *or*
 - that the student should remain in practice whilst a full investigation is carried out, *or*
 - that the student should be suspended from practice whilst the matter is fully investigated.
- 1.17 The Deputy Dean of Education and Professional Practice or their representative may also recommend to the Head of Student Services that the student should be suspended from their studies whilst a full investigation is carried out.
- 1.18 The Initial Review will normally be completed within 10 working days from when the concerns were originally raised. If there is a delay, the parties will be informed of the reasons for delay and kept informed of progress.

SUSPENSION FROM PRACTICE

- 1.19 Suspension from practice will not normally occur until after the Deputy Dean of Education and Professional Practice or their representative has concluded the Initial Review. However, in some circumstances, particularly if serious matters have been raised (such as a potential criminal offence) or there is a perceived risk to the student's safety or the safety of others, the Deputy Dean of Education and Professional Practice or their representative may decide to suspend the student immediately before the Initial Review.
- 1.20 In making a decision about suspension from practice, the Deputy Dean of Education and Professional Practice or their representative and any practice provider will normally consult with representatives of any organisation if the student is currently placed. However, a placement provider may temporarily withdraw a placement before any consultation has taken place. If this happens, the student will be deemed to have been suspended from practice and an Initial Review will be carried out by the Deputy Dean of Education and Professional Practice or their representative as soon as practicable.
- 1.21 Suspension from practice during an investigation is a neutral act and does not constitute disciplinary action. Normally a student will be suspended from practice by the University only if there are concerns for their own or others safety, if there appears to be significant failure to maintain professional conduct, or to facilitate a full investigation of the facts.
- 1.22 When a student is suspended from practice this will normally be confirmed to him/her in writing by the Deputy Dean of Education and Professional Practice or their representative within 5 working

days of the suspension being applied. If there is a delay, the parties will be informed of the reasons for delay and kept informed of progress.

- 1.23 The confirmation will provide information about why a suspension from practice is deemed necessary including details of the allegations/concerns and an outline of the procedures that will be followed by the Faculty. The student must inform any current or potential employer of his/her suspension.
- 1.24 Any suspension from practice will be reported to the Head of Student Services. The Deputy Dean for Education and Practice or their representative may also recommend to the Head of Student Services that the student be suspended from their studies pending further investigation.

SUSPENSION FROM STUDIES

- 1.25 If the Deputy Dean for Education and Practice or their representative believes that a suspension from studies is also necessary pending further investigations, this will be communicated to the Head of Student Services who will review the available information before reaching a decision. When a student is suspended from studies this will normally be confirmed to him/her in writing by the Head of Student Services within 5 working days of the suspension being applied. Any such suspension shall be reported to the Vice-Chancellor and the student's Dean of Faculty and to the General Manager of the Students' Union.
- 1.26 Normally no student shall be suspended from study unless s/he has been given the opportunity to make representations to the Head of Student Services either in person or in writing, as the student chooses. The student may be represented by a friend or representative (not acting in a legal capacity). Please refer to *11L – Third Party Involvement: Procedure* for further details. In cases deemed to be urgent, particularly if the safety of others is perceived to be at risk, a student may be suspended from study with immediate effect and before being given the opportunity to make representations. In this instance the student or his/her representative shall be permitted to put forward representations at the earliest possible opportunity thereafter.
- 1.27 A student who is suspended from studies may be prohibited from entering all or any part of the University premises and from participating in University activities including exercising their functions or duties of any office or committee membership in the University or the Students' Union. Suspension may be subject to qualification, such as permission to take an examination. The terms of the suspension shall be notified in writing to the student. The suspension may include a requirement that the student shall have no contact with a named person or persons.
- 1.28 In any event any decision to suspend a student from study shall be subject to review after 20 working days. Such a review shall not involve a hearing but the student, either personally or through his or her friend or representative shall be entitled to submit written representations.

INVESTIGATION STAGE

- 1.29 If the Deputy Dean of Education and Professional Practice or their representative considers that the allegations warrant a full review, the Deputy Dean of Education and Professional Practice or their representative will nominate the appropriate Head of Department or their deputy to carry out a full investigation. The aim will be for all investigations to be completed as soon as possible and normally within 20 working days following the Initial Review. In particularly complex cases, the Investigation may take longer and the student will be kept informed of any delays and the reasons for the delay.
- 1.30 At the end of the Investigation, the Head of Department will submit an Investigation Review to the Deputy Dean of Education and Professional Practice or their representative for consideration.
- 1.31 At any point during the investigation the Deputy Dean of Education and Professional Practice or their representative may decide that it is necessary to suspend the student from practice (if have not already been suspended) to facilitate the investigation or to protect the safety of the students or others. If this occurs, the procedures outlined in Section 7 will apply.
- 1.32 The Deputy Dean of Education and Professional Practice or their representative plus one other member of the Faculty Executive from a different discipline to the student will review the investigation report and decide:
- there is no case to answer, *or*
 - that no further action should be taken other than the provision of advice and guidance as appropriate and a note placed on the student file referring to this, *or*
 - that the case should proceed to a Fitness to Practise Hearing.

- 1.33 If the case is to proceed to a Fitness to Practise Hearing, the Deputy Dean of Education and Professional Practice or their representative will decide if any suspension should continue to apply pending the outcome of the Hearing.
- 1.34 If the Deputy Dean of Education and Professional Practice or their representative considers that there is no case to answer, all records related to the case will be destroyed. If no further action is to be taken, the student may be offered advice and guidance as appropriate and a note to that effect will be placed upon the student's file.

THE FITNESS TO PRACTISE HEARING

- 1.35 The Fitness to Practise Hearing will be arranged as soon as is practicable after the Investigation has been completed, and normally within 20 working days. The student is entitled to a minimum of 10 working days' notice for the Hearing, but this may be held earlier if the student agrees in writing. If there is a delay, the parties will be informed of the reasons for delay and kept informed of progress.
- 1.36 The student will be notified in writing of the allegation(s) and under which category (as specified in Section 1.8) the allegations will be considered as well as the date, time and location of the Hearing.
- 1.37 The student will be invited to submit appropriate documentation in their defence e.g. written statement and supporting evidence.
- 1.38 If there are a series of related concerns/allegations the Hearing may, at its discretion, deal with all these at one hearing. If two or more students are involved in related allegations of misconduct, the Hearing may at its discretion deal with their cases together.
- 1.39 If the student is unable to attend, the Hearing will normally be rescheduled. It should be noted that where reasonable effort has been made to allow the student to attend the Hearing, the Hearing may take place in the absence of the student.
- 1.40 Students may be accompanied at a Hearing by a friend or representative (not acting in a legal capacity) for support or representation as appropriate. The friend or representative shall be permitted to put forward the student's case under the direction of the Chair of the Hearing, and shall be permitted to ask questions of the Faculty/Professional Service representatives. Please see the third party involvement procedure for more information.
- 1.41 It is recommended that students' use the services of SUBU advice, who are experienced in this area, or any professional representational (e.g. RCN) available to them.

THE FITNESS TO PRACTISE PANEL

- 1.42 Membership of the Fitness to Practise Panel shall consist of:
- one member of the Executive from the student's Faculty unconnected with the case (Chair),
 - one member of the profession, based in practice, unconnected with the case, and not employed (either directly or indirectly) by the University,
 - one independent member of academic staff from another Faculty
 - a representative of the Students' Union.
- 1.43 With the exception of the Chair, all Fitness to Practise Panel members shall be drawn from outside the student's Faculty. Members of the Fitness to Practise Panel must remain, and be seen to remain, impartial at all times.
- 1.44 A member of Faculty Administration shall act as Hearing Secretary. The role of the Secretary is to convene the Hearing, prepare and circulate papers in advance of the meeting, advise on policy and procedure and precedents, and complete all documentation post-Hearing. The Hearing Secretary is not a member of the Fitness to Practise Panel and does not participate in the discussions regarding the case in question.

WITNESSES

- 1.45 Witness statements relating to the concerns/allegation(s) may be provided by either party. Normally, only witness statements that are signed and dated by the witness will be accepted.
- 1.46 Any party may request that their witnesses attend in person. Requests for witnesses to attend must be submitted to the Hearing Secretary at least 5 working days in advance of the hearing. Requests will be considered by the Panel Chair in advance of the Hearing.

- 1.47 The Panel Chair may also request that witnesses attend the Hearing. Normally witnesses will be informed in advance of the hearing that they are required to attend. In exceptional cases, the hearing may be adjourned to allow witnesses to attend.
- 1.48 Witnesses shall attend only to present their evidence and to answer any questions that the Fitness to Practise Panel, or the other party, may put to them through the Chair. Once their evidence has been heard and there are no more questions, witnesses must withdraw;

ORDER OF PROCEEDINGS

- 13.1 The Order of Proceedings shall normally be as follows:
- a) Introduction of those present by the Chair;
 - b) The Head of Department shall set out the concerns/allegation. The Head of Department may call witnesses in support of the allegations
 - c) The student, or his/her representative, shall respond to the concerns/allegation(s); The student may call witnesses in defence of the allegations
 - d) The Fitness to Practise Panel shall have the opportunity to question the Head of Department, the student and any witnesses;
 - e) The student and the Head of Department shall have the opportunity to ask questions through the Chair of the other party.
 - f) The Head of Department shall sum up the concerns/allegations. New evidence is not admissible at this time;
 - g) The student shall sum up. New evidence is not admissible at this time;
 - h) The Head of Department and the student shall withdraw whilst the Fitness to Practise Panel reach their decision *in private*.
 - i) The student, his/her representative and the Head of Department may return for the decision.
- 1.2 The order may be varied at the discretion of the Chair.
- 1.3 The Chair may impose time limits on oral addresses and submissions.
- 1.4 The Chair may ask for additional enquiries to be undertaken and may call for additional witnesses to attend.
- 1.5 At the discretion of the Chair, proceedings may be adjourned for a period not normally exceeding 20 working days in the first instance, and its findings or decision deferred accordingly. If there is a delay, the parties will be informed of the reasons for delay and kept informed of progress.
- 1.6 **Third party involvement:** The University (BU) recognises that students may wish to be advised, supported or represented by a third party during formal University processes and has published a Third Party Involvement: Procedure that applies to any third party who may be advising, supporting or representing a student during a BU procedure. Please see ARPP 11L for Guidance on Third Party Representation at [LINK]
- 1.7 If, despite being given appropriate notice of the Hearing, a student fails to attend, the Hearing will proceed regardless. The Fitness to Practise Panel will base their decision on the evidence available to them at that time

DOCUMENTATION

- 1.8 All documentation must be submitted to the Hearing Secretary 7 working days before the Hearing. All documentation to be considered at the Hearing will be circulated to all parties, by the Hearing Secretary, 5 working days before the Hearing.
- 1.9 Any documentation submitted after the deadline will be accepted only at the Chair's discretion.
- 1.10 The Fitness to Practise Panel shall rely only on relevant evidence presented at the Hearing, or in written format beforehand. New written evidence will not normally be accepted during the Hearing. If, exceptionally, the Chair believes it is appropriate to accept new written evidence during the Hearing, the Hearing may be adjourned for a short time to allow all parties time to consider the evidence.

HEARING OUTCOME AND PENALTIES

- 1.11 The Fitness to Practise Panel shall find a student is unable/has failed to maintain standards appropriate to professional practice as outlined in Section 1.8 only if, on the evidence before it, it is satisfied on the balance of probability that the allegations are substantiated. If the members of the Fitness to Practise Panel do not reach a unanimous conclusion, the decision will be made by a majority.

- 1.12 When determining the outcome, consideration shall be given to the seriousness of misconduct and the circumstances surrounding it, and any mitigating factors. They may also consider the requirement of practice placement and whether a suitable placement is available to the student.
- 1.13 The following outcomes and penalties may apply (plus any academic penalty as per 15.4, if appropriate):
- a) No case to answer. No further action will be taken.
 - b) There is a case to answer but that it is more appropriate to offer advice and guidance. In this circumstance the details of the case will be kept on the student's file and may be referred to in the case of any subsequent Fitness to Practise allegations
 - c) A first written warning. This shall detail the allegation(s), state the outcome of the Hearing and outline any recommendations. This warning shall remain on the student's file for a period of 12 months from the date of issue, or for a lesser period as specified by the Fitness to Practise Panel. See paragraph 15 below.
 - d) A final written warning. A final written warning may be issued after a first written warning if there is a failure to improve and conduct remains unsatisfactory. A final written warning may be issued immediately when no first written warning has been given if the misconduct is serious but does not justify expulsion/withdrawal from the programme. The warning shall detail the allegation(s), state the outcome of the Hearing and outline any recommendations. This warning shall remain on the students file 'until completion of their studies' or for a lesser period as specified by the Fitness to Practise Panel. See paragraph 15 below.
 - e) That the case be referred to the relevant Professional Body. If the case is referred to a Professional Body, the University may elect to defer a final decision on any penalty until the Professional Body has concluded their investigations. The findings of the Professional Body plus any penalty imposed by them shall be taken into consideration by the University in determining the penalty under these regulations.
 - f) Recommendation to the Head of Student Services that the student be suspended from the University for a fixed period, up to a maximum of twelve months. A student who is suspended is prohibited from entering University premises, and from participating in University activities. Suspension may be subject to qualification, such as permission to take an examination. The student will be notified of the in writing. An order of suspension may include a requirement that the student shall have no contact with a named person or persons.
 - g) Recommendation to the Vice-Chancellor that the student be expelled from the University. In this instance the Head of Student Services will provide the Vice-Chancellor with copies of the original allegations and the minutes of the Fitness to Practise Hearing (and the Appeals Hearing if appropriate) for consideration following expiry of the Appeals deadline or 10 days of the Appeals Hearing taking place.
 - h) Recommendation to the Vice-Chancellor that the student be withdrawn from the University on the grounds of health / inability to meet the competencies of the programme. In this instance the Head of Student Services will provide the Vice-Chancellor with copies of the original allegations and the minutes of the Fitness to Practise Hearing (and the Appeals Hearing if appropriate) for consideration following expiry of the Appeals deadline or 10 days of the Appeals Hearing taking place.
 - i) On withdrawal the student ceases to be a member of the University, and loses all rights and privileges of membership.
- 1.14 If an academic offence is found to have been committed, academic penalties as per *6H – Academic Offences: Policy and Procedure for Taught Awards* may also be applied as well as those set out in Section 15.3.
- 1.15 If possible, the decision of the Fitness to Practise Panel shall be communicated verbally to the student and to the Head of Department within one hour of adjourning to consider the evidence. If this is not possible the decision of the Fitness to Practise Panel shall be communicated in writing to all parties, normally within 5 working days. All verbal communications regarding the decision of the Fitness to Practise Panel shall be confirmed in writing, normally within 5 working days.
- 1.16 The outcome letter will outline the reason for the Fitness to Practise Panel's decision.
- 1.17 If a penalty has been applied, the student will be notified of their right to appeal, the grounds for appeal and the process to be followed.

- 1.18 The Hearing Secretary will notify the Complaints and Discipline Advisor of the outcome of the Hearing and provide a copy of the notes and all documentation related to the case within 5 working days of the Hearing.
- 1.19 If a student is on a programme that leads to eligibility to register with the Health & Care Professions Council (HCPC), and they have been removed from the programme because of misconduct, the Panel Secretary shall notify the HCPC of the Fitness to Practise Panel's decision.
- 1.20 Except with the agreement of the Chair, the proceedings of the Hearing shall remain confidential, with the exception of its decision.
- 1.21 In some circumstances, the placement provider may not wish to have the student back in placement if there has been a breakdown in trust and confidence. The university will seek to find an alternative placement to allow the student to complete the programme. It may not always be possible to find a placement as there are limited placements available. If a placement is not found within a reasonable time, depending on all the circumstances, and the student is therefore not able to complete their programme of study they may be withdrawn from the programme.

WRITTEN WARNINGS

- 1.22 If a written warning has been given, this will be placed on the student's file for the specified period. Providing the student complies fully with the recommendation of the Fitness to Practise Panel and demonstrates satisfactory conduct and performance during the specified period, the warning will cease to apply on expiry. If the student is subject to further fitness to practise or disciplinary procedures during the period of the warning, the original allegations/concerns may also be taken into account when the further allegations are considered. Current written warnings may be referred to in any references that the University is required to give.

ILLNESS

- 1.23 If it appears to those considering an allegation of misconduct that the student in question is suffering from illness, the proceedings may be adjourned for the preparation of a medical report.
- 1.24 If there is medical evidence that the student is suffering from illness, those dealing with the case may suspend or end the proceedings, if it is felt appropriate to do so. It may be made a condition of suspension or termination of the proceedings that the student seeks appropriate support and/or treatment.

APPEALS STAGE

- 1.25 A student may appeal against the decision of the Fitness to Practise Panel on the following grounds
- The procedures outlined in this document for consideration of Fitness to Practise concerns were not adhered to
 - New evidence becomes available that was not available at the time of the Fitness to Practise Hearing. Appeals based on evidence that was available but wasn't presented at the time would not normally be an admissible ground for appeal
 - The penalty is disproportionate in the circumstances of the case
- 1.26 Disagreement with the decision of the Fitness to Practise Panel is not in itself grounds for appeal and appeals based solely on this will not be accepted.
- 1.27 Appeals must be submitted in writing to the Complaints and Discipline Advisor within 10 working days of the date of written confirmation of the Fitness to Practise Panel's decision and must clearly specify on which ground(s) on which it is based.
- 1.28 If an appeal is pending against a decision of the Fitness to Practise Panel to suspend, withdraw or expel a student, the operation of the suspension, withdrawal or expulsion will be deferred pending the appeal.
- 1.29 An Appeals Hearing will be arranged as soon as is practicable after an eligible appeal has been received, and normally within 20 working days. The student is entitled to a minimum of 10 working days' notice for the Hearing, but this may be held earlier if the student agrees in writing. If there is a delay, the parties will be informed of the reasons for delay and kept informed of progress.
- 1.30 All parties shall be invited to provide a written submission 7 working days in advance of the Appeals Panel. Documentation will be circulated to all parties 5 working days in advance of the Appeals Panel.

- 1.31 The Appeals Panel shall comprise a member of the University Leadership Team as Chair, one member of academic staff from outside the student's Faculty, a representative of the Students' Union, and a member of the profession, based in practice, and not employed (either directly or indirectly) by the University. All members of the Appeals Panel must be previously unconnected with the case.
- 1.32 Complaints and Discipline Advisor shall normally act as Hearing Secretary. The role of the Secretary is to convene the Hearing, prepare and circulate papers in advance of the meeting, advise on policy and procedure and precedents, and complete all documentation post Hearing. The Hearing Secretary is not a member of the Appeals Panel and does not participate in the discussions regarding the case in question.
- 1.33 The student and the Chair of the Fitness to Practise Panel shall be invited to attend the Appeals Panel. The student may be accompanied by a friend or representative, not acting in a legal capacity. It is recommended that students use the services of SUBU advice, who are experienced in this area, or any professional representational (e.g. RCN) available to them.
- 1.34 The Chair of the Appeals Panel may decide that Appeal should be heard without the parties being present. The Appeals Panel may ask the parties to be available to provide further information or clarification of matters to the Appeals Panel
- 1.35 The proceedings of the Appeals Panel shall take such form as the Appeals Panel considers appropriate to an investigation of the grounds for the appeal as stated in the student's notice. As a guide, the order of proceedings below may be followed:
- i) Introduction of those present
 - ii) Student and / or representative presentation (normally no more than 10 minutes)
 - iii) Opportunity for the Appeals Panel to question the student
 - iv) Opportunity for the Chair of the Fitness to Practise Panel to question, through the Chair, the student
 - v) Chair of the Fitness to Practise Panel's presentation (normally no more than 10 minutes)
 - vi) Opportunity for the Appeals Panel to question the Chair of the Fitness to Practise Panel
 - vii) Opportunity for the student to question, through the Chair, the Chair of the Fitness to Practise Panel.
 - viii) Student and / or representative summing up (5 minutes). New evidence is not admissible at this time
 - ix) Chair of Fitness to Practise Panel summing up (5 minutes). New evidence is not admissible at this time
 - x) Adjournment – The student, any representative and the Chair of the Fitness to Practise Panel must withdraw while the Appeals Panel considers the evidence *in private*.
 - xi) The student, any representative and the Chair of the Fitness to Practise Panel may return to hear the decision.
- 1.36 The Appeals Panel may in its discretion call witnesses and examine any evidence relevant to the subject of the appeal and may adjourn its proceedings or defer its decision for that or any other purpose.
- 1.37 The student is not entitled to a rehearing of a case. The Appeals Panel may overturn the Fitness to Practise Panel's decision if they consider it just to do so. In particular, a finding may be overturned in the light of new evidence; if the Appeals Panel considers that the original hearing was not conducted fairly; or that the decision to uphold the allegations was unreasonable in the light of the Fitness to Practise Panel's assessment of the facts.
- 1.38 The Appeals Panel may impose a lesser or greater penalty than the Fitness to Practise Panel, having considered whether the original penalty imposed was fair and reasonable in the light of all the circumstances of the case, and the student's means and general personal circumstances
- 1.39 The Appeals Panel shall consider its decision *in private*, and shall notify the student of it in writing, normally within 5 working days, outlining the reason for their decision. If there is a delay, the parties will be informed of the reasons for delay and kept informed of progress.
- 1.40 The decision of the Appeals Panel is final and no further appeal is permitted within the University.

FURTHER ACTION

- 1.41 If, after exhausting the Appeals Stage, the student feels there to have been an error of judgement, or that due process has not been followed, s/he may complain to the Office of the Independent Adjudicator for Higher Education. Contact details for the Independent Adjudicator are:

Office of the Independent Adjudicator
Second Floor
Abbey Gate
57-75 Kings Road
Reading
RG1 3AB

Tel: 01189 599813

Email: enquiries@oiahe.org.uk



RAISING CONCERNS CHECKLIST.

To help you feel more confident about raising your concern the following checklist is provided to help you think about the information that may be needed to help investigate your concern. It is not a definitive list but can be used to help you clarify why you are concerned and to be able to document with clarity.

1. What is my concern? This may be specific event or a series of events that have caused a growing discomfort.
2. Who was involved? Remember to ensure confidentiality.
3. Are they able to corroborate your concern?
4. Having discussed the event with them do you remain concerned?
5. Have you reviewed relevant documents? You may need to check the care plan, policy or procedure for example.
6. Were there other factors involved? For example staffing levels, your own previous experience, resources available.
7. Did you discuss these concerns with your Mentor/ Practice Assessor/ Placement Manager? If not, why not?
8. Is there anything else you need to consider?

Please ensure that you do not discuss your concerns with outside persons unless they are recognised support services e.g. student support, professional body or union representative. Having reviewed this checklist you will need to complete a brief statement to help you in reporting your concern.

Include the following:-

1. The event(s) that gave rise to your concern. A brief description detailing the time, place and action.
2. Develop questions as to why you are concerned. For example, you observe moving and handling procedures which do not follow your understanding of the policy. Why is this case?
3. Try to ensure that you maintain an objective position.

A useful resource to support statement writing can be located at:

<https://www.rcn.org.uk/get-help/rcn-advice/statements>