

FITNESS TO PRACTISE

Overview

Fitness to Practise is a formal process carried out by the University for professional programmes. It happens when a student's 'good character' or 'good health' is called into question, either on placement or during the student's academic studies.

To be fit to practise, a student has to demonstrate good character and good health. When one, or both, of these areas are called into question it triggers the Fitness to Practise process which is a way of the University determining if a student is fit to practise.

Frequently asked questions

What is good character?

Professional registers require students to be honest and trustworthy. To assess this, the University defines good character based on your conduct, behaviour and attitude.

It can vary slightly depending on your faculty, but the general basis is that good character is defined as the absence of evidence that a person has committed (and/or) has any disposition towards conduct or behaviour that is inconsistent with the University Regulations and Code of Conduct, the Law or the 'regulator's' Code of Conduct.

This means that any disciplinary action or any evidence of unacceptable behaviour in line with the University's policies, as well as legal cautions or convictions outside of University will trigger the Fitness to Practise process.

What is good health?

Good health is necessary to undertake professional practice. It means that you must be capable of safe and effective practice without supervision.

It does not mean that people with disabilities or health problems are necessarily excluded from practise. However, full disclosure of any health issues is required and the University is obliged to fully consider all disclosures.

When are good character and/or good health called into question?

A student's fitness to practise is called into question when their behaviour or health raises a serious or persistent cause for concern about their ability or suitability to continue on a programme.

This includes, but is not limited to, the possibility that they could put patients, the public, other students, staff or themselves at risk, and the need to maintain the public's trust in the relevant profession.

When the University assesses my behaviour in relation to good character, what are they actually assessing?

Issues that the University may look at are:

- If your conduct involved dishonesty, fraud, deceit or misrepresentation
- If your conduct indicated drug or alcohol dependency
- If your conduct or behaviour resulted in a criminal conviction or a finding of misconduct or unfitness to practise by any health or social care regulator
- If your conduct or behaviour involved non consensual sexual acts
- If your conduct or behaviour involved sexual acts with children
- If your conduct or behaviour involved trafficking in, or illegally manufacturing, any controlled drug
- If your conduct or behaviour posed a threat to public health, safety or welfare, including violent and/or threatening behaviour
- If your conduct or behaviour involved discrimination, for instance on the grounds of race, ethnicity, religion or gender
- If your conduct or behaviour involved, or indicated, a blatant disregard for the law, the University's regulations or the regulator's Code of Conduct.

However, this list is not exhaustive but the behaviour and conduct listed here is considered to be serious.

When the University assesses my health in relation to good health, what are they actually assessing?

When assessing your health, the University considers:

- The nature of your condition and how serious it is
- When your condition was diagnosed
- How you manage and control your condition
- Any reasonable adjustments which can be made to enable you to practise
- The risk to public, colleagues or the profession
- If you told us about your condition when you applied to the University
- Any supporting information about your condition and its impact on future practice.

If your condition poses a risk to the public, colleagues, employers or your chosen profession then this is deemed to be serious.

What is the Fitness to Practise process?

Please see the flow chart on the final page of this fact sheet for details of the process.

I have been invited to attend a meeting with an Investigating Officer; what does this mean?

The Fitness to Practise process starts by a concern being raised and reported to your Faculty staff. The Director (or nominee) considers each case individually, but one of the measures that they can choose is appointing an Investigating Officer to investigate the case further.

The Investigating Officer is generally a LJMU staff member but should not be your Personal Tutor to ensure that the initial investigation is balanced and fair. The Investigating Officer formally investigates the allegations by setting up a meeting with you to discuss the concerns that have been raised.

The Investigating Officer does not take anybody's 'side', but instead plays the role of a fact finder; essentially, they want to know what happened from your perspective. After the meeting, the Investigating Officer will write a report. They will make the report available to you to make amendments to any information that has been misconstrued. After you have commented, they will amend any information and send the report back to the Director.

The Director then makes a decision regarding whether there is a case to answer, based on the report. If there is a case to answer, then the next stage of the process will generally be a Fitness to Practise panel.

Do I have to attend a Fitness to Practise panel?

You are invited to the Panel to give you the opportunity to express the situation from your point of view, and to clarify any issues which the panel are unclear about. It is in your best interests to attend the panel meeting.

If the time or date of the panel is not convenient for you then you should make the panel aware of this as soon as possible; you will generally be given the contact details of somebody on the letter that invites you to attend the panel. The sooner you make them aware that it is not convenient, the more likely it is that they will be able to rearrange.

I have a Fitness to Practise panel meeting; what should I wear?

There are no stipulations about what you should wear.

However, remember that you are trying to demonstrate your professionalism and your ability to practice to the panel, so we would recommend being smartly dressed.

What are the possible outcomes of a Fitness to Practise panel?

As cases are assessed on a case by case basis, possible outcomes of hearings include:

- You receive no warning or sanction
- You receive a warning as there is evidence of misconduct, but your fitness to practise is not impaired to a point requiring a sanction. In this situation, the matter may then be referred for consideration under the University's disciplinary procedures.
- Your fitness to practise is judged to be impaired, and you receive a sanction. The sanctions are:

- **Conditions or undertakings** - for example you can continue on your course, but there will be formal reviews or other conditions put in to place.
- **Suspension from the course** – this will be for a specified period and mean that you cannot continue on your course until your suspension is over.
- **Expulsion** – you can be expelled from your programme, which means that there may be an option of transferring to another programme within the University. Or, you can be expelled from the University which means that there is no option of studying at LJMU.

There may also be an outcome which is a combination of the above; for example, you may be suspended but on your return date there are then conditions that are put into place like formal reviews to monitor your progress.

How does the panel decide which sanction to give me?

The panel should consider the options available starting with the least severe and moving to the next outcome only if satisfied that the previous warning or sanction is not sufficient. So, it will start by considering conditions, and if conditions are not seen as sufficient, then suspension will be considered and so on.

When is each sanction seen as sufficient?

Conditions are appropriate where there is a significant concern about your health or character, but the panel is satisfied that you might respond well to attempts to put right the problem, and you have displayed insight into your problems.

Suspension is appropriate for misconduct that is serious but not so serious as to justify expulsion. It is also appropriate in cases of an impairment of fitness to practise due to health conditions. It may be appropriate if some or all of these factors are present:

- A breach of professional values that is serious, but not so serious to justify expulsion to protect patients and the public, but given the seriousness of the breach, any sanction less than suspension would not be in the public interest
- Your health condition means that there is a risk to the public safety even if you were allowed to continue with conditions in place
- There is no evidence that you are inherently incapable of following good practise and professional values
- The panel is satisfied that the student has insight and is not likely to repeat the behaviour.

Expulsion is appropriate if the panel considers that this is the only way to protect patients and the public, other students or staff. It is used when your behaviour or health is considered to be fundamentally incompatible with continuing at the University and/or programme. It may be appropriate if some or all of these factors are present:

- You have seriously departed from the principles set out in the University's Code of Conduct and Assessment Regulations, and the relevant professional body's Code of Conduct.

- You have shown reckless disregard for the safety of others
- You have caused serious harm to others, either deliberately or through incompetence
- You have violated a patient's rights or exploited a vulnerable person
- You have committed offences involving violence
- You have been dishonest, including covering up your actions, especially when the dishonesty has been persistent
- You have shown a lack of insight into the seriousness of your actions.

What will they ask me at a Fitness to Practise panel?

The questions are asked on a case by case basis, so the questions are personal to your individual circumstances.

The panel will ask questions to gain a clear understanding of what has actually happened, and will want insight into why you acted in the way that you did.

They may also ask questions to see whether you have an insight into how serious the situation is.

For example, if you have a criminal conviction which you have not declared and subsequently you have either told the University or the University has found out, the panel may ask questions such as:

- What is the criminal conviction?
- What were the circumstances around the conviction?
- Why did you not declare the criminal conviction?
- Do you understand how serious this situation is?
- Have you learnt anything by going through this process?

However, these are only suggestions, and a panel may ask any questions that are relevant to your case.

Can I appeal the decision of a Fitness to Practise panel?

Yes you can. How you appeal depends on what the outcome of your panel was.

Regardless of the outcome, simply disagreeing with the panel's decision is not a ground for appeal. Appeals are not a reopening of the investigation, so you must provide full evidence to show that you have grounds for appeal.

Appeal against expulsion:

Where the recommendation of the Panel is that you should be expelled from the University, you have a right of appeal to the Board of Governors, once this recommendation has been confirmed by the Vice Chancellor (or nominee).

You request this appeal in writing and you need to give full supporting evidence that you have grounds for appeal.

The grounds for appeal are:

- The process has not been conducted correctly, in accordance with the procedures; or
- There has been a material administrative error; or
- The decision of the Panel is unreasonable.

You send your appeal to the Pro-Vice Chancellor (Administration), Liverpool John Moores University, Egerton Court, 2 Rodney Street, L1 2UA.

You have 10 working days from the date of the letter detailing your panel outcome to lodge this appeal. This means that your appeal needs to be with the Vice Chancellor *within* the 10 working day period.

Appeal against other decisions of the panel:

You have the right to appeal against the decision of the Fitness to Practise Panel if you believe and can demonstrate that:

- The process has not been conducted correctly, in accordance with the procedures; or
- There has been a material administrative error; or
- The decision of the Panel is unreasonable.

Appeals should be made in writing, with full supporting evidence, to the Appeal Secretary (Fitness to Practise Appeals Panel) at Student Governance, LJMU, Kingsway House (Third Floor), 24 Hatton Garden, Liverpool, L1 2SX.

You have 10 working days from the date of the letter detailing your panel outcome to lodge this appeal. This means that your appeal needs to be with Student Governance *within* the 10 working day period.

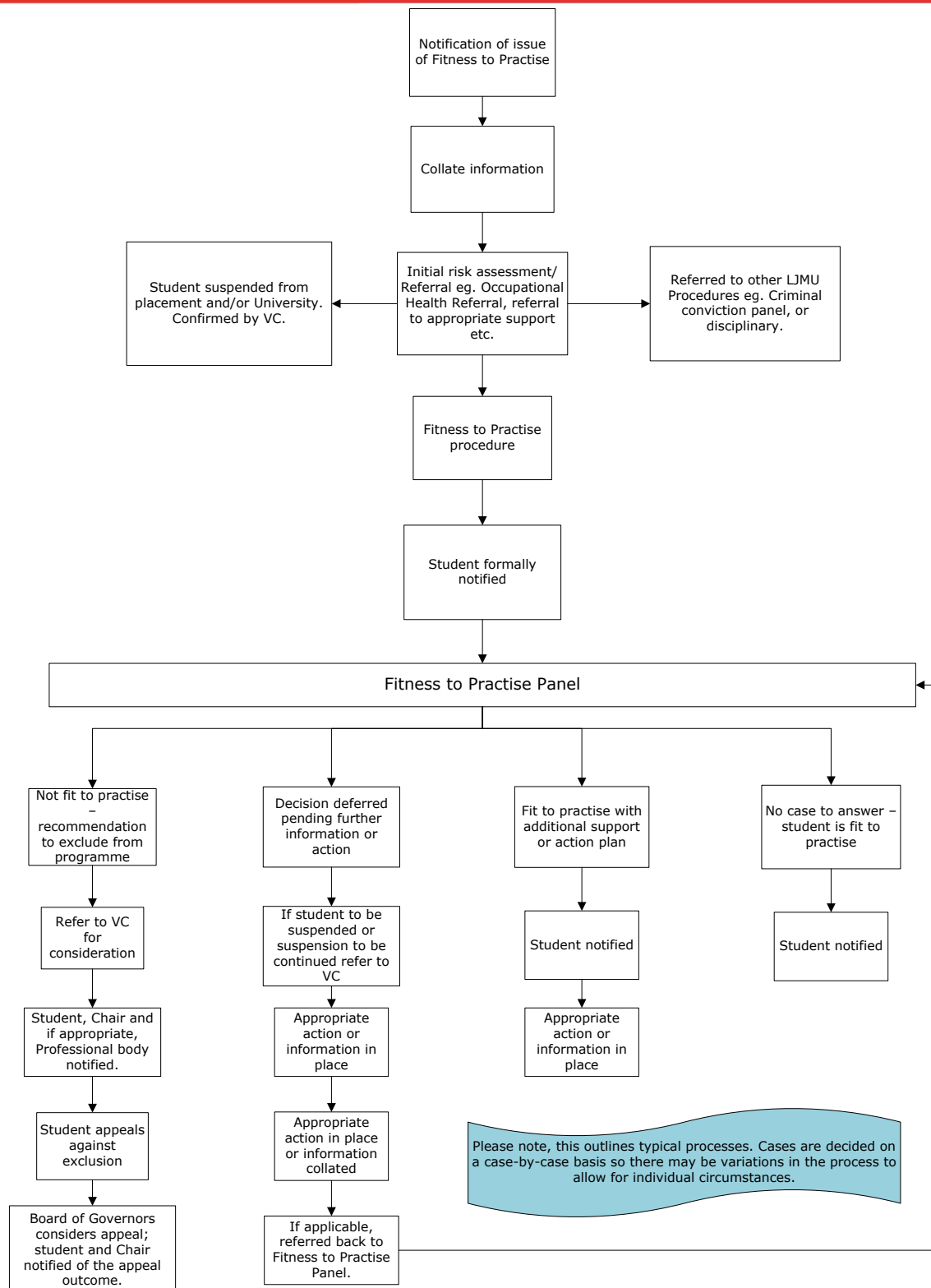
What are the possible outcomes of my appeal?

The Fitness to Practise Appeals Panel will convene to consider whether the documentation of the case suggests that the decision of the original Fitness to Practise Panel was reasonable and the procedure was followed correctly.

The Fitness to Practise Appeals Panel may:

- Amend the decision of the original Fitness to Practise Panel
- Uphold the decision of the original Fitness to Practise Panel
- Refer the case back for reconsideration
- Defer the decision pending further information and advice
- Reject the Appeal.

If your appeal was not upheld, this is the end of the appeals process, but there is the option of raising the case with the Office of the Independent Adjudicator for Higher Education (www.oiahe.org.uk).



**To book an appointment with a
Student Adviser
0151 231 4900
lsuadvice@ljmu.ac.uk
Book an appointment online**

This guidance was true at the time of publication. It is your responsibility to be aware of the formal academic framework and procedures. You can access them here: <https://www.ljmu.ac.uk/about-us/public-information>