



**Department of
Health Sciences**

Fitness to Practise: A guide to investigations and hearings

This guide provides information to students/learners who are involved in Stage 2 or Stage 3 of Fitness to Practise Processes.

Investigations and hearings

Following an informal stage one meeting with you, the Fitness to Practise Committee may recommend that you progress to the second stage of our fitness to practise process (see flowchart at the end of this booklet).

Stage Two: Investigation/Assessment Stage

At this stage of the process our goal is to gather more information about the concern. If more information is needed regarding a concern about your conduct and character, we will recommend an investigation.

What does a Fitness to Practise investigation involve?

An Investigating Officer will be identified and appointed to examine and explore the concern about your conduct and character in greater detail. The Investigating Officer will be an academic member of the wider Fitness to Practise Committee who has not been involved in the raising of the concern and does not have a significant relationship with you.

Unless already specified in your correspondence from the Fitness to Practise Committee you must continue to attend University and/or your practice placement. The investigation will be carried out as quickly as possible and aims to minimise disruption to your programme of study, however this may not be always possible.

The purpose of an Investigation is to:

- Identify the exact nature of the concern(s)/issue(s)
- Identify, collate and analyse all relevant information exploring the concern(s)/issue(s)
- Identify whether the information gathered points to a potential risk to public safety, breach of professional standards or impacts upon the reputation of the profession.

As part of the investigation, you and other relevant people will be interviewed. You may also be asked to provide documentation or evidence to help support your case. It is vitally important that you act honestly at all times when being interviewed by the Investigating Officer. Acting honestly means more than simply answering questions truthfully. It would be dishonest of you to allow the Investigating Officer to gain a false impression of a situation even if you do not actually lie to do so.

Acting honestly throughout the investigation process demonstrates appropriate professional values and is likely to positively influence the decisions made by the Committee.

What happens once an investigation is complete?

The Investigating Officer will compile a report detailing their findings and this will be shared with you. This report and any supporting evidence will be reviewed by the Chair or Deputy Chair of Fitness to Practise along with two other members of the wider Fitness to Practise Committee. A decision will be made about the most appropriate course of action and this will be communicated to you.

What are the possible outcomes of an investigation?

We will write to you about the outcome of an investigation and sometimes ask you to attend a meeting with the Chair or Deputy Chair to discuss this. This gives an opportunity to explore suggestions for future learning with you, as well as identify any support and/or guidance that you may require. Sometimes we may recommend that there is additional monitoring of your progress and we will liaise with your personal supervisor in order to do this and will agree a plan with you.

If the Committee feel that concerns about your conduct or character have not been fully addressed during the investigation process, they may progress your case to a formal hearing (stage 3 - see flowchart at the end of this booklet). The reasons for this decision will be explained to you and we will fully explain what this involves.

What help and support is available?

Remember that help and support is always available. It is important that you are supported with any involvement that you may have with the Fitness to Practise Committee. We recommend that you arrange for someone to help you prepare for and accompany you to any meetings, including the interview with the Investigating Officer.

Under University regulations you are entitled to be accompanied by a representative to support and guide you through the process. This may be a member of University Staff or a member of the [York SU advice and support](#) team.

The [York SU advice and support](#) team is based in the Student Centre in James College. It gives professional, independent and confidential advice, guidance and information on student/learner academic and welfare issues, assists and supports students/learners at all stages of the Fitness to Practise processes and signposts to University Student Support Services.

- The service is open Monday to Friday, 10am to 4pm.
- You can contact the team by email to arrange an appointment or seek advice - advice@yorksu.org
- Please download and complete a [Confidential Advice Record](#) and email it to advice@yorksu.org. Once you have sent your completed Confidential Advice Record, an adviser will respond to your query.
- You can ring the York SU Helpdesk on 01904 323724

For broader issues relating to student/learner support, the Student Hub can also provide advice and guidance on practical issues including finance, housing and Leave of Absence and refer you to further student support services. The student support hub can be contacted on: (01904) 324140, student-hub@york.ac.uk or visit in person between 09.00am - 5.00pm (term time) and 10.00am and 4.00pm (outside term time) in Market Square.

If you make contact with any of the services included above they are likely to want to meet you beforehand, and discuss the issues with you. It is vital that they have as much notice as possible.

Stage 3: Formal Hearing

It is very rare that cases progress to a formal hearing but, should this happen, it is important that you are supported through this process. We recommend that you seek help and advice as outlined previously (page 4).

What will happen in the run up to the Fitness to Practise Hearing?

Unless already specified in your correspondence from the Fitness to Practise Committee you must continue to attend University and/or your practice placement. One week before the Fitness to Practise Committee Hearing you will receive all of the written evidence which will be considered on the day. You will also receive a copy of the Department of Health Sciences Fitness to Practise Policy. It is extremely important that you take time to read these documents carefully.

The Fitness to Practise Committee may ask you for additional documents, information or evidence relating to your case. You will be given a deadline by which these must be received. Any information received after the given deadline will not be taken into account by the Committee unless in exceptional circumstances and with agreement of the Chair/Deputy and with your full consent.

If significant new information is submitted too late to be circulated to everyone involved, the Fitness to Practise Committee Hearing may need to be adjourned so that the new information can be considered.

If you have a disability and need special arrangements, please let the Fitness to Practise Committee know well in advance of the meeting.

Who will be at the hearing?

The hearing will be led by the Chair/Deputy Chair of Fitness to Practise. Members of the wider Fitness to Practise Committee will also make up the panel considering your case. Usually, a panel is made up of three members of academic staff from the Department and there will also be a senior nurse or midwife from one of our Practice Partner organisations. You are entitled to be accompanied by a representative and we encourage you to contact [York SU advice and support](#).

Do I have to attend the hearing?

Attendance at a Fitness to Practise Committee Hearing is obligatory. If you are ill and not able to attend, you will need to supply a medical certificate to the Fitness to Practise Committee. If you do not attend without a reasonable explanation, the committee can consider your case in your absence.

What will happen at the Fitness to Practise Committee Hearing?

The panel will usually convene about 30 minutes prior to commencement to decide on the format and the exact nature of the questions to ask you. These questions will be based upon the information included in the Investigating Officers report. The panel will be guided and led by the Chair/Deputy Chair of the Fitness to Practise Committee.

In the meantime, you and your representative will report to the Department of Health Sciences reception and will be shown to a waiting area. A member of the Fitness to Practise Committee will collect you and your representative and take you both into the hearing room, where you will be shown to your seats.

The Chair/Deputy of the Fitness to Practise Committee will then introduce the panel members present. You will be asked if you have received all of the necessary paperwork before the hearing can formally begin.

Initially the Investigating Officer will present a summary of their findings outlining any interviews which have taken place and any evidence which has been collected so far. You will

then be asked questions by the panel members in turn. Each panel member will focus on a slightly different area of your case.

You will then be able to make some concluding remarks, giving you an opportunity to tell the panel anything you think is important to the hearing.

Whoever accompanies you will also be asked if they wish to say anything on your behalf or clarify any points of order. Once the questions are complete you will be asked to leave the room to enable the panel to consider your case.

When the panel has finally reached a decision a member of the Committee will collect you and ask you to return to the room to hear the outcome.

The Chair/Deputy Chair of the Committee will ensure that your welfare is always paramount.

If for any reason you are finding it difficult, please remember that you can ask the Chair/Deputy Chair for a short break. If you should become upset or emotional in anyway, please do not be afraid to ask for some time to compose yourself.

All members of the panel will ensure that the hearing maintains a neutral stance by respecting the difficulty of your position when appearing at the hearing. Questions may seem direct but, remember, panel members are not trying to 'catch you out'; rather they are trying to get a better understanding of the facts that led to the situation. Honesty, trustworthiness, sincerity and candour are all virtues that the panel will be looking for when they are considering your case.

What will be the possible Outcomes and Sanctions following the Committee Hearing?

When considering possible sanctions and outcomes, the panel will take into account the stage of your programme to ensure that sanctions are appropriate to your development. The Fitness to Practise Committee Hearing will also take into account the guidance set by the Nursing and Midwifery Council and the rules, regulations, and ordinances set by the University of York.

If you have raised significant mitigating circumstances during the hearing, then these will be taken into consideration when deciding on the most appropriate course of action.

Possible outcomes or sanctions may include the following:

That you are Fit to Practise and are permitted to continue on your programme without change or with provisos determined by the panel (e.g. additional supervision) or with a formal warning placed on your file.

That you are not Fit to Practise and your studies are suspended (pending the outcome of an occupational health assessment, or until such time any undertakings, recommendations or

conditions imposed by the panel have been fully met) or, a recommendation is made to the Chair of Board of Studies that your programme of study be terminated with or without an opportunity to seek an alternative academic qualification or course of study.

Can I appeal against the outcome of a decision of the Board of Studies?

You have the right to appeal against a recommendation by the Department of Health Sciences Board of Studies to suspend or terminate your programme. Further information about the appeals process can be found within our Fitness to Practise policy.

Further Information

This booklet is only intended as a brief guide. Please visit the [Fitness to Practise webpages](#) where you can find full information about Fitness to Practise processes, as well as our [Fitness to Practise Policy](#).

Confidentiality

You have a right to expect that information about you will be held in confidence. All information shared with the Fitness to Practise Committee is confidential. This means that any correspondence or discussions with members of the Fitness to Practise Committee remains private and is not shared or accessible to any other members of the Department.

If we feel it is important to share information with relevant others, we will always have this discussion with you.

The Core Fitness to Practise Committee

People you may meet or have contact with should you be referred to the Fitness to Practise Committee:



Sarah O' Reilly
Chair of Fitness to Practise



Elaine Whitton
Deputy Chair of Fitness to Practise



The Committee are supported by:

Sarah Thompson
Secretary, Fitness to Practise

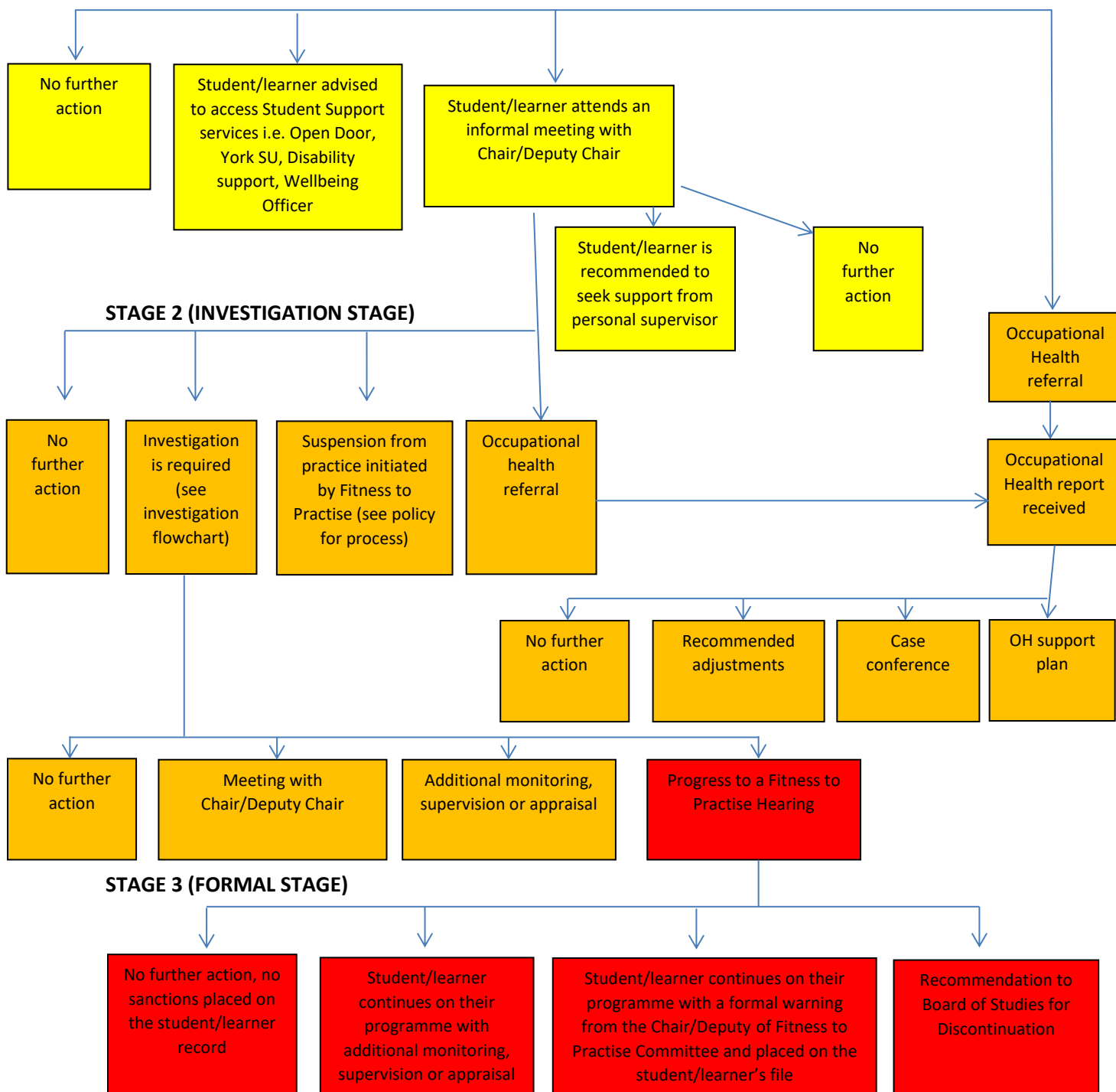
FITNESS TO PRACTISE COMMITTEE PROCESS

Notification of referral/concern to Fitness to Practise secure email account

STAGE 1 (INFORMAL STAGE)

Suspension from practice initiated by the placement provider if appropriate (see policy for process)

Issue of health or conduct considered by the Chair/Deputy Chair



Please note that the above outlines typical processes, however as issues of Fitness to Practise are investigated and dealt with on a case-by-case basis, variations in this process may be applied to accommodate specific issues and requirements.